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# Advance Unedited Version

Distr.: General  
7 April 2010

Original: English

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## Human Rights Council

Thirteenth session

Agenda item 1

Organizational and procedural matters

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

**Vice-President and Rapporteur: Mr. Hisham Badr (Egypt)**

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

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

[To be added in the final report]

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

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

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

1. The Human Rights Council held its thirteenth session at the United Nations Office at Geneva from 1 to 26 March 2010. The President of the Council opened the session.
2. At its 1st meeting, on 1 March 2010, the Council observed one minute of silence for the victims of the natural catastrophes that had recently struck several countries.
3. At the same meeting, the United Nations High Commissioner for Human Rights addressed the plenary.
4. At the 12th meeting, on 8 March 2010, the High Commissioner made a statement for the International Women's Day.
5. At the 33rd meeting, on 19 March 2010, a statement in commemoration of the International Day of Nowruz was made by the representative of the Islamic Republic of Iran.
6. 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 thirteenth session was held on 18 February 2010.
7. The thirteenth session consisted of 45 meetings over 20 days (see paragraph 35 below).

#### **B. Attendance**

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

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

9. At the 1st to the 5th meetings, on 1-3 March 2010, the Council held a high-level segment, at which 60 dignitaries addressed the plenary, including 2 vice-presidents, 5 vice-prime ministers, 35 ministers, 15 vice-ministers, 3 secretaries-general or ministerial level representatives and the President of the General Assembly.
10. The following dignitaries addressed the Council during the high-level segment, in the order that they spoke:
  - (a) At the 1st meeting, on 1 March 2010: Francisco Santos Calderón, Vice-President of Colombia; Teresa Fernández de la Vega, Vice-President of Spain; Steven Vanackere, Vice-Prime Minister and Minister for Foreign Affairs of Belgium; Salomon Nguema Owono, Vice-Prime Minister of Social and Human Rights Affairs of Equatorial Guinea; Ahmed Shaheed, Minister for Foreign Affairs of Maldives; Dipu Moni, Minister for Foreign Affairs of Bangladesh; Bandar bin Mohammed Al-Aiban, Chairperson of the

Human Rights Commission of Saudi Arabia; Kasit Piromya, Minister for Foreign Affairs of Thailand; Mourad Medelci, Minister for Foreign Affairs of Algeria; Manouchehr Mottaki, Minister for Foreign Affairs of the Islamic Republic of Iran; Ivan Šimonović, Minister of Justice of Croatia; Madické Niang, Minister of State and Minister for Foreign Affairs of Senegal; Ana Trišić-Babić, Deputy Minister for Foreign Affairs of Bosnia and Herzegovina; Maria Otero, Under-Secretary of State for Democracy and Global Affairs of the United States of America; Julia D. Joiner, Commissioner for Political Affairs of the African Union;

(b) At the 2nd meeting, on the same day: Sujata Koirala, Deputy Prime Minister and Minister for Foreign Affairs of Nepal; Maite Nkoana-Mashabane, Minister of International Relations and Cooperation of South Africa; Riad Malki, Minister for Foreign Affairs of Palestine; Pedro Lourtie, Secretary of State for European Affairs of Portugal; Kamalesh Sharma, Secretary-General of the Commonwealth Secretariat; Ekmeleddin Ihsanoglu, Secretary-General of the Organization of the Islamic Conference;

(c) At the 3rd meeting, on 2 March 2010: Alberto G. Romulo, Secretary for Foreign Affairs of Philippines; Micheline Calmy-Rey, Minister for Foreign Affairs of Switzerland; Baroness Glenys Kinnock, Minister of State of United Kingdom of Great Britain and Northern Ireland; Pham Binh Minh, First Deputy Minister for Foreign Affairs of Viet Nam; Cho Hyun, Deputy Minister for Multilateral and Global Affairs of Republic of Korea; Vuk Jeremić, Minister of Foreign Affairs of Serbia;

(d) At the 4th meeting, on the same day: Huda Alban, Minister of Human Rights of Yemen; Ndelu Seretse, Minister of Defence, Justice and Security of Botswana; Abdel Basit Saleh Sabdarat, Minister of Justice of Sudan; Paulo de Tarso Vannucchi, Minister for Human Rights of Brazil; Nezar Al-Baharna, Minister of State for Foreign Affairs of Bahrain; Mohamed Naciri, Minister of Justice of Morocco; Dragoljuba Benčina, State Secretary, Deputy Minister for Foreign Affairs of Slovenia; Nicholas Emiliou, Vice Minister for Foreign Affairs of Cyprus; Gry Larsen, Deputy Minister for Foreign Affairs of Norway; Marin Raykov, Deputy Minister for Foreign Affairs of Bulgaria; Grazyna Bernatowicz, Under-Secretary of State of Poland; Selim Belortaja, Deputy Minister for Foreign Affairs of Albania; Fashion Phiri, Deputy Minister for Foreign Affairs of Zambia; Milorad Šćepanović, Deputy Minister for Foreign Affairs of Montenegro;

(e) At the 5th meeting, on 3 March 2010: Jean Asselborn, Vice Prime Minister, Minister for Foreign Affairs of Luxembourg; Urmas Paet, Minister for Foreign Affairs of Estonia; Kanat Saudabayev, Secretary of State, Minister for Foreign Affairs of Kazakhstan; Micheál Martin, Minister for Foreign Affairs of Ireland; Salamata Sawadogo, Minister for the Promotion of Human Rights of Burkina Faso; Akmal Saidov, Chairman of the National Centre for Human Rights of Uzbekistan; Claudia Bandion-Ortner, Federal Minister of Justice of Austria; Maxime Verhagen, Minister of Foreign Affairs of Netherlands; Diana Štrofová, the State Secretary for Foreign Affairs of Slovakia; Frank Belfrage, State Secretary for Foreign Affairs of Sweden; Chinami Nishimura, Parliamentary Vice Minister for Foreign Affairs of Japan; Vladimír Galuška, Deputy Minister of Foreign Affairs for European Affairs of the Czech Republic; Bogdan Aurescu, State Secretary for Strategic Affairs of Romania;

(f) At the 6th meeting, on 3 March 2010: Guido Westerwelle, Vice Chancellor and Minister for Foreign Affairs of Germany; Patrick Chinamasa, Minister of Justice of Zimbabwe; Mutula Kilonzo, Minister of Justice, National Cohesion and Constitutional Affairs of Kenya; Luzolo Bambi Lessa, Minister of Justice of the Democratic Republic of the Congo; Bruno Rodríguez Parrilla, Minister for Foreign Affairs of Cuba; Alberto Hawa Januário Nkuntumula, Vice Minister of Justice of Mozambique.

11. At the 2nd meeting, on 1 March 2010, a statement in exercise of the right of reply was made by the representative of the Democratic People's Republic of Korea.

12. At the 4th meeting, on 2 March 2010, statements in exercise of the right of reply were made by the representatives of the Democratic People's Republic of Korea and Serbia.

13. At the 6th meeting, on 3 March 2010, statements in exercise of the right of reply were made by the representatives of China, the Democratic People's Republic of Korea, Egypt, Iran (Islamic Republic of), Japan, Sri Lanka and Viet Nam.

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

**Panel on the impact of the global economic and financial crises on the universal realization and effective enjoyment of human rights**

15. At the 2nd meeting, on 1 March 2010, pursuant to Council resolution 12/28, the Council held a panel discussion on the impact of the global economic and financial crises on the universal realization and effective enjoyment of human rights. The United Nations High Commissioner for Human Rights made introductory remarks for the panel. At the same meeting, the following panellists made statements: Francisco Santos Calderón, Juan Somavía, Martin Ihoeghian Uhomobhi, Martin Khor, and Irene Khan.

16. 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: Brazil, Colombia<sup>1</sup> (on behalf of the Group of Latin American and Caribbean States), Egypt, India, Indonesia, Pakistan (on behalf of the Organization of the Islamic Conference), Russian Federation, Spain<sup>1</sup> (on behalf of the European Union), Thailand<sup>1</sup> (on behalf of the Foreign Policy and Global Health Initiative (Brazil, France, Indonesia, Norway, Senegal and Thailand));

(b) Representatives of the following observer States: Republic of Moldova, Thailand, Turkey, Uzbekistan.

17. At the same meeting, the panellists Juan Somavía, Martin Ihoeghian Uhomobhi, Martin Khor, and Irene Khan answered questions and made their concluding remarks.

**High-level discussion on the draft United Nations Declaration on Human Rights Education and Training**

18. At the 3rd meeting, on 2 March 2010, pursuant to Council decision 12/118, the Council held a high-level discussion on the draft United Nations Declaration on Human Rights Education and Training. The High Commissioner made introductory remarks for the panel. At the same meeting, the following panellists made statements: Micheline Clamy-Rey, Mohammed Naciri, Madické Niang, Alberto G. Romulo, Dragoljuba Bencina.

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

(a) Representatives of States Members of the Council: Burkina Faso, China, Colombia<sup>1</sup> (on behalf of the Group of Latin American and Caribbean States), Indonesia, Italy, Lithuania<sup>1</sup> (on behalf of the Convening Group of the Community of Democracies (Cape Verde, Chile, Czech Republic, El Salvador, India, Italy, Lithuania, Mali, Mexico, Mongolia, Philippines, Poland, Portugal, Republic of Korea, South Africa and United

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

States of America)), Pakistan (on behalf of the Organization of the Islamic Conference), Russian Federation, Spain<sup>1</sup> (on behalf of the European Union), United States of America, Viet Nam<sup>1</sup> (on behalf of the Association of Southeast Asian Nations (ASEAN));

(b) Representatives of the following observer States: Costa Rica, Republic of the Congo, Thailand, Uzbekistan.

20. At the same meeting, the panellist Mohammed Naciri made his concluding remarks.

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

21. At the 6th meeting, on 3 March 2010, a general segment was held, during which the following addressed the Council:

(a) Representatives of States Members of the Council: Chile, China, Egypt, France, Hungary, India, Indonesia, Italy, Mexico, Pakistan, Qatar, Russian Federation, Ukraine, Uruguay;

(b) Representatives of the following observer States: Australia, Azerbaijan, Belarus, Denmark, Finland, Iceland, Lithuania, Malaysia, Oman, Sri Lanka, Tunisia, Turkey, United Arab Emirates, United Republic of Tanzania;

(c) Observer for the Holy See;

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

(e) Observer for the United Nations entities, specialized agencies and related organizations: United Nations High Commissioner for Refugees (UNHCR);

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

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

22. At its 7th meeting, on 4 March 2010, the Council noted that the report of the Special Rapporteur on the promotion and protection of human rights while countering terrorism, which has not been completed, will be submitted for consideration at the fourteenth session of the Human Rights Council. It further decided that the report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 be considered at the fourteenth session in June 2010; it also decided that the consideration of the joint study on global practices in relation to secret detention be postponed to the fourteenth session. With this understanding, at the same meeting, the agenda and programme of work of the thirteenth session were adopted.

#### **F. Organization of work**

23. At the 2nd meeting, on 1 March 2010, the President outlined the modalities for the interactive debate of panel discussions, which would be 7 minutes for panellists, 3 minutes for States Members of the Council and 2 minutes for observer States and other observers.

24. At the 5th meeting, on 3 March 2010, the President outlined the modalities for the general segment, which would be 3 minutes for statements by States Members of the Council and 2 minutes for statements by observer States of the Council and other observers.

25. At the 7th meeting, on 4 March 2010, the President outlined the modalities for the interactive dialogue for the annual report of the High Commissioner, which would be 3 minutes for States Members of the Council and 2 minutes for observer States and other observers.



26. At the 9th meeting, on 5 March 2010, the President outlined the modalities for the general debate for reports of the Office of the High Commissioner and the Secretary-General, which would be 3 minutes for States Members of the Council and 2 minutes for observer States and other observers.
27. At the same meeting, the President outlined the modalities for the interactive dialogue with special procedures mandate holders under agenda item 3, which would be 10 minutes for the presentation by the mandate holder of the main report, with a further 2 minutes to present each additional report; 5 minutes for concerned countries, if any, and States Members of the Council; 3 minutes for statements by observer States of the Council and other observers, including United Nations entities, specialized agencies and related organizations, intergovernmental organizations and other entities, national human rights institutions and non-governmental organizations; and 5 minutes for concluding remarks by the mandate holder.
28. At the 11th meeting, on 5 March 2010, the President revised the modalities for the annual interactive debate on the rights of persons with disabilities, which would be 2 minutes for States Members of the Council and 2 minutes for observer States, followed by other observers.
29. At the 17th meeting, on 10 March 2010, the President revised the modalities for the second panel of the annual full-day meeting on the rights of the child, which would be 2 minutes for States Members of the Council and 2 minutes for observer States, followed by other observers.
30. At the 19th meeting, on 11 March 2010, the President revised the modalities for the interactive dialogue with special procedures mandate holders under agenda item 3, which would be 3 minutes for States Members of the Council and 2 minutes for observer States, followed by other observers.
31. At the 20th meeting, on 10 March 2010, the President outlined the modalities for the general debate on agenda item 3, which would be 3 minutes for States Members of the Council and 2 minutes for observer States and other observers.
32. At the 22nd meeting, on 15 March 2010, the President outlined the modalities for the interactive dialogue with special procedures mandate holders under agenda item 4, which would be 10 minutes for the presentation by the mandate holder of the report, 5 minutes for concerned countries, 3 minutes for States Members of the Council and 2 minutes for observer States and other observers.
33. At the 24th meeting, on 15 March 2010, 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.
34. At the 24th meeting, on 15 March 2010, the President outlined the modalities for the discussion of the remaining meetings of the thirteenth session, which would be 3 minutes for States Members of the Council and 2 minutes for observer States and other observers.

## **G. Meetings and documentation**

35. The Council held 45 fully serviced meetings during its thirteenth session.
36. The resolutions and decisions adopted by the Council are contained in part one of the present report.
37. Annex I contains the list of attendance.

38. Annex II contains the agenda of the Council as included in part V of the annex to Council resolution 5/1.
39. Annex III contains the estimated administrative and programme budget implications of Council resolutions and decisions.
40. Annex IV contains the list of documents issued for the thirteenth session of the Council.
41. Annex V contains the list of special procedures mandate holders appointed by the Council at its thirteenth session.
42. Annex VI contains the list of members of the Advisory Committee and duration of terms of membership.

## **H. Visits**

43. At the 8th meeting, on 4 March 2010, the Commissioner for Human Rights, Humanitarian Action and Relations with Civil Society of Mauritania, Mohamed Lemine Ould Dadde, delivered a statement to the Council.
44. At the 18th meeting, on 11 March 2010, the President of Timor-Leste, José Ramos-Horta, delivered a statement to the Council.

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

45. At its 45th meeting, on 26 March 2010, the Council appointed special procedures mandate holders in accordance with Council resolutions 5/1 (see annex V).
46. At the same meeting, the representative of India made a statement in relation to the appointment of mandate holders.

## **J. Election of members of the Advisory Committee**

47. At the 45th meeting, on 26 March 2010, the Council elected, pursuant to its resolution 5/1, seven experts to the Human Rights Council Advisory Committee. The Council had before it a note by the Secretary-General (A/HRC/13/67 and Add.1) containing nominations of candidates for election, in accordance with Council decision 6/102, and the biographical data of the candidates.

The candidates were as follows:

### **African States**

Nominating Member State	Expert nominated
Egypt	Mona Zulficar
Uganda	Alfred Ntunduguru Karokora

### **Asian States**

Nominating Member State	Expert nominated
Japan	Shigeki Sakamoto
Republic of Korea	Chinsung Chung

#### **Eastern European States**

Nominating Member State	Expert nominated
Russian Federation	Vladimir Kartashkin

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

Nominating Member State	Expert nominated
Chile	José Antonio Bengoa Cabello

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

Nominating Member State	Expert nominated
Germany	Wolfgang Stefan Heinz

48. The number of candidates for each regional group corresponds to the number of seats to be filled. The practice of holding a secret ballot pursuant to paragraph 70 of Council resolution 5/1 was dispensed with and Mona Zulficar, Alfred Ntunduguru Karokora, Shigeki Sakamoto, Chinsung Chung, Vladimir Kartashkin, José Antonio Bengoa Cabello and Wolfgang Stefan Heinz were elected as members of the Advisory Committee by consensus.

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

49. At the 45th meeting, on 26 March 2010, the Rapporteur and Vice-President of the Council made a statement in connection with the draft report of the Council (A/HRC/13/L.10).

50. At the same meeting, the draft report was adopted ad referendum and the Council decided to entrust the Rapporteur with the finalization of the report.

51. Also at the same meeting, the representatives of Nigeria (on behalf of the Group of African States) and Spain (on behalf of the European Union) and observers for the Human Rights Watch (also on behalf of the Asian Forum for Human Rights and Development, the Baha'i International Community, the Cairo Institute for Human Rights Studies, Canadian HIV/AIDS Legal Network, CIVICUS-World Alliance for Citizen Participation, International Federation of Human Rights Leagues and International Service for Human Rights) and Mouvement contre le Racisme et pour l'Amitié entre les Peuples made general comments in connection with the session.

52. At the same meeting, the President of the Council made a closing statement.

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

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

53. At the 7th meeting, on 4 March 2010, the United Nations High Commissioner for Human Rights made a statement in connection with her annual report (A/HRC/13/26).

54. During the ensuing interactive dialogue, at the 7th, 8th and 9th meetings, on 4 and 5 March 2010, the following made statements and asked the High Commissioner questions:

(a) Representatives of States Members of the Council: Argentina, Bangladesh, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Burkina Faso, Chile, China, Cuba, Djibouti, Egypt (on behalf of the Non-Aligned Movement), France, Hungary, India, Indonesia, Italy, Japan, Jordan, Mexico, Nigeria (on behalf of the Group of African States), Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Philippines, Republic of Korea, Russian Federation, Saudi Arabia, Slovenia, Slovakia, Spain<sup>1</sup> (on behalf of the European Union, Albania, Armenia, Bosnia and Herzegovina, Croatia, Montenegro, Republic of Moldova, Serbia, the former Yugoslav Republic of Macedonia, Turkey and Ukraine), South Africa, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of the following observer States: Algeria, Armenia, Australia, Austria, Azerbaijan, Belarus, Canada, Colombia, Costa Rica, Czech Republic, Ecuador, Germany, Greece, Guatemala, Iran (Islamic Republic of), Ireland, Libyan Arab Jamahiriya, Maldives, Morocco, New Zealand, Peru, Sri Lanka, Switzerland, Thailand, Uzbekistan, Yemen;

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

(d) Observers for national human rights institutions: International Coordinating Committee of National Human Rights Institutions, Network of African National Human Rights Institutions;

(e) Observers for the following non-governmental organizations: Amnesty International, Cairo Institute for Human Rights Studies, Conectas Diretos Humanos, European Region of the International Lesbian and Gay Association (also on behalf of Akina Mama Wa Afrika, Associacao Brasileira de Gays, Lesbicas e Transgeneros, Association for Women's Rights in Development, Canadian HIV/AIDS Legal Network, Danish National Association for Gays and Lesbians, Federatie van Nederlandse Verenigen tot Integratie Van Homoseksualiteit - COC Nederland, Front Line, International Commission of Jurists, The International Foundation for the Protection of Human Rights Defenders, Lesbian and Gay Federation in Germany, Swedish Federation of Lesbian, Gay, Bisexual and Transgender Rights, Unitarian Universalist Association, and the World Organization Against Torture), European Union of Public Relations, Federation of Cuban Women, Indian Council of South America, International Commission of Jurists, International Service for Human Rights, Mouvement Contre le Racisme et pour l'Amitié entre les Peuples, Nord-Sud XXI, United Nations Watch.

55. At the 7th and 8th meetings, on 4 March 2010, the High Commissioner answered questions.

56. At the 9th meeting, on 5 March 2010, the High Commissioner answered questions and made her concluding remarks.

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

57. At the 9th meeting, on 5 March 2010, the Deputy High Commissioner for Human Rights presented thematic reports prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Secretary-General.

58. During the ensuing general debate on thematic reports at the same meeting, statements were made by the following:

(a) Representatives of States Members of the Council: Brazil, Cuba, India, Mexico, Nigeria (on behalf of the Group of African States), Pakistan (on behalf of the Organization of the Islamic Conference), Philippines, Qatar, Russian Federation, Saudi Arabia, Spain<sup>1</sup> (on behalf of the European Union, Albania, Armenia, Bosnia and Herzegovina, Croatia, Montenegro, Republic of Moldova, the former Yugoslav Republic of Macedonia and Ukraine), Sudan<sup>1</sup> (on behalf of the Group of Arab States);

(b) Representatives of the following observer States: Algeria, Malaysia;

(c) Observer for national human rights institutions: International Coordinating Committee of National Human Rights Institutions;

(d) Observers for the following non-governmental organization: European Disability Forum, International Institute for Non-Aligned Studies, International Institute for Peace.

59. At the 40th meeting, on 24 March 2010, the Deputy High Commissioner for Human Rights presented country-specific reports prepared by the High Commissioner, the Office of the High Commissioner and the Secretary-General (see Chapter X below).

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

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

60. At the 41st meeting, on 24 March 2010, the representative of Cuba introduced draft resolution A/HRC/13/L.18, sponsored by Cuba and co-sponsored by Algeria, Bangladesh, Belarus, Bhutan, Bolivia (Plurinational State of), Costa Rica, the Democratic People's Republic of Korea, Ecuador, Egypt, Indonesia, Iran (Islamic Republic of), Nicaragua, Nigeria, Palestine, Pakistan, Panama, the Russian Federation, Singapore, Sri Lanka, the Syrian Arab Republic, Togo, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam and Zimbabwe. Subsequently, Burkina Faso, China, Libyan Arab Jamahiriya, the Philippines, Senegal and Sudan joined the co-sponsors.

61. At the same meeting, statements in explanation of vote before the vote were made by the representatives of France (on behalf of States members of the European Union that are members of the Council) and the United States of America.

62. Also at the same meeting, at the request of the representative of France (on behalf of States members of the European Union that are members of the Council), a recorded vote was taken on the draft resolution. The draft resolution was adopted, by 31 votes to 12, with 3 abstentions. The voting was as follows:

#### *In favour:*

Angola, Argentina, Bahrain, Bangladesh, Bolivia, Brazil, Burkina Faso, Cameroon, China, Cuba, Djibouti, Egypt, Gabon, India, Indonesia, Jordan, Kyrgyzstan, Madagascar, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan,

Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Uruguay, Zambia;<sup>2</sup>

*Against:*

Belgium, France, Hungary, Italy, Japan, Netherlands, Norway, Slovakia, Slovenia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America;

*Abstaining:*

Bosnia and Herzegovina, Chile, Republic of Korea.

63. For the text as adopted, see part one, chapter I, resolution 13/1.

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

64. At the 44th meeting, on 26 March 2010, the representative of Egypt (on behalf of the Non-Aligned Movement) introduced draft resolution A/HRC/13/L.7, sponsored by Egypt (on behalf of the Non-Aligned Movement). Subsequently, Brazil, China and Kyrgyzstan joined the co-sponsors.

65. At the same meeting, the representative of Egypt orally revised the draft resolution.

66. Also at the same meeting, the representative of France (on behalf of States members of the European Union that are members of the Council) made general comments in relation to the draft resolution.

67. At the same meeting, the draft resolution, as orally revised, was adopted without a vote.

68. For the text as adopted, see part one, chapter I, resolution 13/23.

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

#### **A. Panels**

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

69. At the 11th meeting, on 5 March 2010, pursuant to Council resolution 10/7, the Council held its annual interactive debate on the rights of persons with disabilities in the form of a panel discussion. The United Nations High Commissioner for Human Rights made introductory remarks for the panel. At the same meeting, the following panellists made statements: Don MacKay, Mohammed Al-Tarawneh, Shuaib Chalklen, Jennifer Lynch and Regina Atalla.

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

(a) Sponsor States of resolution 10/7: Mexico and New Zealand;

(b) Representatives of States Members of the Council: Belgium, Bosnia and Herzegovina, Brazil, Burkina Faso, China, Colombia<sup>1</sup> (on behalf of the Group of Latin American and Caribbean States), Cuba, Hungary, Indonesia, Jordan, Pakistan (on behalf of the Organization of the Islamic Conference), Philippines, Qatar, Republic of Korea,

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<sup>2</sup> The representative of Ghana subsequently stated that the delegation had intended to vote in favour.

Russian Federation, Slovakia, Slovenia, Spain<sup>1</sup> (on behalf of the European Union), Sudan<sup>1</sup> (on behalf of the Group of Arab States), Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America;

(c) Representatives of the following observer States: Algeria, Australia, Austria, Canada, Costa Rica, Democratic Republic of the Congo, Finland, Iran (Islamic Republic of), Israel, Kenya, Morocco, Peru, Sweden, Thailand, Turkey;

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

(e) Observers for national human rights institutions: Advisory Council on Human Rights of Morocco, Asia Pacific Forum of National Human Rights Institutions, European Group of National Human Rights Institutions;

(f) Observers for the following non-governmental organizations: European Disability Forum, Human Rights Watch, World Federation of the Deaf.

71. At the same meeting, the panellists Don MacKay, Jennifer Lynch and Regina Atalla answered questions.

72. Also at the same meeting, the panellists Mohammed Al-Tarawneh, Shuaib Chalklen, Jennifer Lynch and Regina Atalla made their concluding remarks.

#### **Panel on the right to the truth**

73. At the 15th meeting, on 9 March 2010, pursuant to Council resolution 9/11, the Council held a panel discussion on the right to the truth. The High Commissioner made introductory remarks for the panel. At the same meeting, the following panellists made statements: Olivier de Frouville, Rodolfo Mattarollo, Yasmin Sooka and Dermot Groome.

74. During the ensuing panel discussion, the following made statements and asked the panellists questions:

(a) Representatives of States Members of the Council: Argentina (also on behalf of Bolivia (Plurinational State of), Brazil, Colombia, Chile, Ecuador, Paraguay, Peru, Uruguay and Venezuela (Bolivarian Republic of)), Belgium, Bosnia and Herzegovina, Brazil, Chile, Colombia<sup>1</sup> (also on behalf of the Group of Latin American and Caribbean States), Cuba, Egypt, France, Hungary, Mexico, Spain<sup>1</sup> (on behalf of the European Union), United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay;

(b) Representatives of the following observer States: Armenia, Azerbaijan, Canada, Ecuador, Guatemala, Ireland, Latvia, Morocco, Paraguay, Peru, Switzerland, Turkey;

(c) Observers for national human rights institutions: Advisory Council on Human Rights of Morocco, Network of African National Human Rights Institutions, Procurador de los Derechos Humanos de Guatemala;

(d) Observers for the following non-governmental organizations: Conectas Direitos Humanos, Human Rights Advocates, Permanent Assembly for Human Rights.

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

#### **Full-day meeting on the rights of the child**

76. A full-day meeting on the rights of the child was held on 10 March 2010, in accordance with Council resolutions 7/29 and 10/14. The meeting was divided into two

panel discussions: the first panel discussion was held at the 16th meeting, on 10 March 2010; the second panel discussion was held at the 17th meeting, on the same day.

77. At the 16th meeting, a representative of the OHCHR made introductory remarks on behalf of the High Commissioner for the first panel. At the same meeting, the following panellists of the first panel made statements: Marta Santos Pais, Tim Ekesa, Manfred Nowak, Lena Karlsson and Radhika Coomaraswamy.

78. During the ensuing panel discussion for the first panel at the 16th meeting, on the same day, the following made statements and asked the panellists questions:

(a) Representatives of States Members of the Council: Cameroon, China, Cuba, Indonesia, Italy, Jordan, Mexico, Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Russian Federation, Saudi Arabia, Slovenia, Spain<sup>1</sup> (on behalf of the European Union), Sudan<sup>1</sup> (also on behalf of the Group of Arab States), Ukraine, United States of America, Uruguay (also on behalf of the Group of Latin American and Caribbean States), Zambia;

(b) Representatives of the following observer States: Belarus, Colombia, Kenya, Lithuania, New Zealand (also on behalf of Australia and Canada), Syrian Arab Republic, Togo, Tunisia, Turkey, United Republic of Tanzania;

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

(d) Observer for an intergovernmental organization: Organisation internationale de la Francophonie;

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

(f) Observers for the following non-governmental organizations: International Save the Children Alliance (also on behalf of Defence for Children International, Foundation ECPAT International (End Child Prostitution, Child Pornography and Trafficking in Children for Sexual Purposes), International Catholic Child Bureau, Plan International, SOS Kinderdorf International, Women's World Summit Foundation, World Organization Against Torture and World Vision International), Plan International, Inc. (also on behalf of Foundation ECPAT International (End Child Prostitution, Child Pornography and Trafficking in Children for Sexual Purposes), International Catholic Child Bureau, International Federation Terre des Hommes, SOS Kinderdorf International, Women's World Summit Foundation and World Vision International), World Organization Against Torture (also on behalf of International Catholic Child Bureau, Plan International and SOS Kinderdorf International), World Vision International (also on behalf of Foundation ECPAT International (End Child Prostitution, Child Pornography and Trafficking in Children for Sexual Purposes), International Catholic Child Bureau, International Council of Women, Plan International, SOS Kinderdorf International and Women's World Summit Foundation).

79. At the 16th meeting, the panellists of the first panel answered questions and made comments.

80. Also at the same meeting, the panellists of the first panel made their concluding remarks.

81. At the 17th meeting, on the same day, a representative of the OHCHR made introductory remarks on behalf of the High Commissioner for the second panel. The following panellists of the second panel made statements: Susana Villarán de la Puente, Victor Karunan, Najat M'jid Maalla, Maud de Boer-Buquicchio, Eliana Restrepo.



82. During the ensuing panel discussion for the second panel at the 17th meeting, the following made statements and asked the panellists questions:

(a) Representatives of States Members of the Council: Argentina (also on behalf of Bolivia (Plurinational State of), Brazil, Colombia, Chile, Ecuador, Paraguay, Peru, Uruguay and Venezuela (Bolivarian Republic of)), Bangladesh, Belgium, Brazil, Egypt, India, Indonesia, Japan, Maldives<sup>1</sup> (also on behalf of Mauritius), Netherlands, Norway, Pakistan, Qatar, Republic of Korea, Senegal, Slovakia, Slovenia, South Africa, Spain<sup>1</sup> (on behalf of the European Union);

(b) Representatives of the following observer States: Algeria, Colombia, Costa Rica, Finland, Iran (Islamic Republic of), Israel, Liechtenstein, Lithuania, Morocco, Panama, Paraguay, Peru, Poland, Portugal, Thailand, United Arab Emirates;

(c) Observer for the Holy See;

(d) Observer for a non-governmental organization: Foundation ECPAT International (End Child Prostitution, Child Pornography and Trafficking in Children for Sexual Purposes) (also on behalf of International Catholic Child Bureau, International Federation Terre des Hommes and International Save the Children Alliance).

83. At the 17th meeting, the panellists of the second panel answered questions and made their concluding remarks.

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

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

84. At the 9th meeting, on 5 March 2010, the Special Rapporteur on the right to food, Olivier De Schutter, presented his reports (A/HRC/13/33 and Add.1-6).

85. At the same meeting, the representatives of Benin, Brazil, Guatemala and Nicaragua made statements as concerned countries.

86. During the ensuing interactive dialogue, at the 10th meeting, on the same day, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Council: Argentina (also on behalf of Bolivia (Plurinational State of), Brazil, Colombia, Chile, Ecuador, Paraguay, Peru, Uruguay and Venezuela (Bolivarian Republic of)), Bangladesh, Brazil, China, Cuba, Egypt (on behalf of the Non-Aligned Movement), Indonesia, Mexico, Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Republic of Korea, Senegal, Sudan<sup>1</sup> (on behalf of the Group of Arab States), United States of America;

(b) Representatives of the following observer States: Algeria, Luxembourg, Switzerland, Syrian Arab Republic, Venezuela (Bolivarian Republic of);

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

(d) Observer for a national human rights institution: Procurador de los Derechos Humanos de Guatemala;

(e) Observers for the following non-governmental organizations: Asian Legal Resource Centre, Centre Europe - Tiers Monde (also on behalf of Association Africaine d'Education pour le Développement, Movement contre le Racisme et pour l'Amitié entre les Peuples and World Federation of Trade Unions), Human Rights Advocates Inc., Indian Council of South America, International Club for Peace Research, Women's International League for Peace and Freedom.

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

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

88. At the 9th meeting, on 5 March 2010, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Raquel Rolnik, presented her reports (A/HRC/13/20 and Add.1-4).

89. At the same meeting, the representatives of Maldives and the United States of America made statements as concerned countries.

90. During the ensuing interactive dialogue, at the 10th meeting, on the same day, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Council: Bangladesh, Brazil, China, Cuba, Egypt (on behalf of the Non-Aligned Movement), India, Pakistan (on behalf of the Organization of the Islamic Conference), South Africa, Sudan<sup>1</sup> (on behalf of the Group of Arab States), United Kingdom of Great Britain and Northern Ireland;

(b) Representatives of the following observer States: Algeria, Canada, Finland, Germany;

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

(d) Observer for the International Olympic Committee;

(d) Observers for the following non-governmental organizations: Centre for Housing Rights and Evictions, Indian Council of South America.

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

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

92. At the 12th meeting, on 8 March 2010, the Special Rapporteur on the promotion and protection of human rights while countering terrorism, Martin Scheinin, presented his reports (A/HRC/13/37 and Add.1 and 2).

93. At the same meeting, the representative of Egypt made a statement as a concerned country.

94. During the ensuing interactive dialogue, at the 12th and 13th meetings, on the same day, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Council: Brazil, China, Cuba, Egypt, France, Indonesia, Mexico, Nigeria, Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Philippines, Russian Federation, South Africa, United States of America;

(b) Representatives of the following observer States: Algeria, Australia, Colombia, Denmark, Finland, Iran (Islamic Republic of), Liechtenstein, Malaysia, Sri Lanka, Switzerland, Tunisia;

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

(d) Observers for national human rights institutions: International Coordinating Committee of National Human Rights Institutions (also on behalf of the national human

rights institutions of Afghanistan, Denmark, France, Germany, Greece, Ireland, Luxembourg, Norway, South Africa and United Kingdom of Great Britain and Northern Ireland);

(e) Observers for the following non-governmental organizations: Cairo Institute for Human Rights Studies, Human Rights Advocates, Inc., Human Rights Watch, International Federation for Human Rights Leagues.

95. At the 13th meeting, on 8 March 2010, the Special Rapporteur answered questions and made his concluding remarks.

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

97. Also at the same meeting, a representative of the OHCHR made a statement in relation to the programme of work of the session.

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

98. At the 12th meeting, on 8 March 2010, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, presented his reports (A/HRC/13/39 and Add.1-6).

99. At the same meeting, the representatives of Equatorial Guinea, Kazakhstan and Uruguay made statements as concerned countries.

100. During the ensuing interactive dialogue, at the 12th and 13th meetings, on the same day, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Council: Angola, China, Cuba, Egypt, France, Nigeria, Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Philippines, Republic of Korea, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of the following observer States: Algeria, Australia, Austria, Denmark, Jamaica, Kenya, Liechtenstein, Malaysia, Republic of Moldova, New Zealand, Spain, Sri Lanka, Sweden, Switzerland, Turkey, Uzbekistan, Zimbabwe;

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

(d) Observer for a national human rights institution: Public Defender of Georgia,

(e) Observers for the following non-governmental organizations: Asian Legal Resource Centre, Centrist Democratic International, Human Rights Advocates, Inc., International Federation of ACAT (Action by Christians for the Abolition of Torture) (also on behalf of International Rehabilitation Council for Torture Victims and World Organization Against Torture ), World Organization Against Torture.

101. At the 13th meeting, on 8 March 2010, the Special Rapporteur answered questions and made his concluding remarks.

102. At the same meeting, a statement in exercise of the right of reply was made by the representative of the Islamic Republic of Iran.

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

103. At the 13th meeting, on 8 March 2010, the Chairperson-Rapporteur of the Working Group on Enforced or Involuntary Disappearances, Jeremy Sarkin, presented the reports of the Working Group (A/HRC/13/31, Corr.1 and Add.1).

104. At the same meeting, the representative of Morocco made a statement as a concerned country.

105. During the ensuing interactive dialogue, at the 13th and 14th meetings, on 8 and 9 March 2010, the following made statements and asked the Chairperson-Rapporteur questions:

(a) Representatives of States Members of the Council: Argentina, Bosnia and Herzegovina, Brazil, China, Colombia, Cuba, France, India, Indonesia, Japan, Mexico, Pakistan (also on behalf of the Organization of the Islamic Conference), United States of America;

(b) Representatives of the following observer States: Algeria, Australia, Austria, Azerbaijan, Republic of the Congo, Cyprus, Iraq, Montenegro, Sri Lanka, Yemen;

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

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

(e) Observers for the following non-governmental organizations: Amnesty International, Asian Legal Resource Centre, General Arab Women Federation, International Commission of Jurists, International Human Rights Association of American Minorities, Nord-Sud XXI (also on behalf of Arab Lawyers Union and Union of Arab Jurists), Reporters Without Borders International.

106. At the 14th meeting, on 9 March 2010, the Chairperson-Rapporteur answered questions and made his concluding remarks.

107. At the 15th meeting, on the same day, statements in exercise of the right of reply were made by the representatives of the Democratic People's Republic of Korea and Japan.

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

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

109. At the 13th meeting, on 8 March 2010, the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, El Hadji Malick Sow, presented the reports of the Working Group (A/HRC/13/30 and Add.1-3).

110. At the same meeting, the representatives of Malta and Senegal made statements as concerned countries.

111. During the ensuing interactive dialogue, at the 13th and 14th meetings, on 8 and 9 March 2010, the following made statements and asked the Chairperson-Rapporteur questions:

(a) Representatives of States Members of the Council: China, Cuba, France, Japan, Mexico, Pakistan (on behalf of the Organization of the Islamic Conference), Philippines, United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of the following observer States: Australia, Austria, Ecuador, Ethiopia, Sweden, Venezuela (Bolivarian Republic of), Yemen;

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

(d) Observers for the following non-governmental organizations: Amnesty International, General Arab Women Federation, Human Rights Advocates, International Commission of Jurists, International Human Rights Association of American Minorities,

Nord-Sud XXI (also on behalf of Arab Lawyers Union and Union of Arab Jurists), Reporters Without Borders International.

112. At the 15th meeting, on 9 March 2010, the Chairperson-Rapporteur answered questions and made his concluding remarks.

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

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

115. At the 22nd meeting, on 15 March 2010, a statement in exercise of the right of reply was made by the representative of Uzbekistan.

#### **Representative of the Secretary-General on the human rights of internally displaced persons**

116. At the 13th meeting, on 8 March 2010, the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin, presented his reports (A/HRC/13/21 and Add.1-5).

117. At the same meeting, the representatives of Chad, Georgia and Serbia made statements as concerned countries.

118. During the ensuing interactive dialogue, at the 13th and 14th meetings, on 8 and 9 March 2010, the following made statements and asked the Representative of the Secretary-General questions:

(a) Representatives of States Members of the Council: Angola, Bosnia and Herzegovina, Brazil, China, Egypt, Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Philippines, Republic of Korea, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of the following observer States: Armenia, Australia, Austria, Azerbaijan, Colombia, Cyprus, Democratic Republic of the Congo, Montenegro, Nepal, Sri Lanka, Switzerland, Turkey, Yemen;

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

(d) Observers for national human rights institutions: Network of African national human rights institutions, Public Defender of Georgia;

(e) Observer for a non-governmental organizations: International Educational Development, Inc. (also on behalf of Mouvement contre le Racisme et pour l'Amitié entre les Peuples).

119. At the 14th meeting, on 9 March 2010, the Representative of the Secretary-General answered questions and made his concluding remarks.

120. At the 15th meeting, on the same day, statements in exercise of the right of reply were made by the representatives of Cyprus and Turkey.

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

121. At the 18th meeting, on 11 March 2010, the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, presented her reports (A/HRC/13/22 and Add.1-4).

122. At the same meeting, the representatives of Colombia and the Democratic Republic of the Congo made statements as concerned countries.

123. During the ensuing interactive dialogue at the 18th and 19th meetings, on the same day, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Council: Bangladesh, Belgium, Brazil, Chile, China, Djibouti, Egypt, France, Hungary, Indonesia, Mexico, Netherlands, Nicaragua, Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Russian Federation, Slovenia, United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of the following observer States: Algeria, Australia, Austria, Ireland, Iran (Islamic Republic of), Kenya, Malaysia, Morocco, Sri Lanka, Sweden, Switzerland, Uzbekistan;

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

(d) Observer for a national human rights institution: African Network of National Human Rights Institutions;

(e) Observers for the following non-governmental organizations: Asian Forum for Human Rights and Development (FORUM-ASIA) (also on behalf of Asian Legal Resource Centre and International NGO Forum on Indonesian Development), Colombian Commission of Jurists, Conectas Derechos Humanos, Human Rights First (also on behalf of the Observatory for the Protection of Human Rights Defenders), International Service for Human Rights.

124. At the 19th meeting, on the same day, the Special Rapporteur answered questions and made her concluding remarks.

125. At the same meeting, statements in exercise of the right of reply were made by the representatives of Colombia and the Islamic Republic of Iran.

126. At the 22nd meeting, on 15 March 2010, a statement in exercise of the right of reply was made by the representative of Kyrgyzstan.

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

127. At the 18th meeting, on 11 March 2010, the Special Rapporteur on freedom of religion or belief, Asma Jahangir, presented her reports (A/HRC/13/40 and Add.1-4).

128. At the same meeting, the representatives of Lao People's Democratic Republic, Serbia and the former Yugoslav Republic of Macedonia made statements as concerned countries.

129. During the ensuing interactive dialogue, at the 18th and 19th meetings, on the same day, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Council: Bangladesh, Belgium, Brazil, Chile, China, Egypt, France, Hungary, India, Indonesia, Italy, Netherlands, Nigeria, Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Republic of Korea, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of the following observer States: Algeria, Armenia, Australia, Austria, Azerbaijan, Belarus, Canada, Denmark, Iran (Islamic Republic of), Malaysia, Poland, Sri Lanka, Sweden, Switzerland, Syrian Arab Republic;

(c) Observer for Palestine;

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

(e) Observers for the following non-governmental organizations: Asian Forum for Human Rights and Development (FORUM-ASIA) (also on behalf of Asian Legal Resource Centre and International NGO Forum on Indonesian Development), Centre for Human Rights and Peace Advocacy (also on behalf of European Union for Public Relations and International Institute for Peace), Franciscans International (also on behalf of Dominicans for Justice and Peace - Order of Preachers), Nord-Sud XXI.

130. At the 19th meeting, on the same day, the Special Rapporteur answered questions and made her concluding remarks.

131. At the same meeting, statements in exercise of the right of reply were made by the representatives of Armenia, Azerbaijan, Iraq and the Islamic Republic of Iran.

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

132. At the 25th meeting, on 16 March 2010, the independent expert on minority issues, Gay McDougall, presented her reports (A/HRC/13/23 and Add.1-3).

133. At the same meeting, the representatives of Canada and Kazakhstan made statements as concerned countries.

134. During the ensuing interactive dialogue, at the 26th meetings, on the same day, the following made statements and asked the independent expert questions:

(a) Representatives of States Members of the Council: China, Nigeria, Pakistan (on behalf of the Organization of the Islamic Conference), Russian Federation, Hungary, Sudan<sup>1</sup> (on behalf of the Group of Arab States), United States of America;

(b) Representatives of the following observer States: Armenia, Austria, Belarus, Greece, Haiti, Latvia;

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

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

(e) Observers for the following non-governmental organizations: Minority Rights Group, Syriac Universal Alliances, Commission to Study the Organization of Peace.

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

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

136. At the 19th meeting, on 11 March 2010, the Special Representative of the Secretary-General on violence against children, Marta Santos Pais, presented her report (A/HRC/13/46).

137. During the ensuing interactive dialogue, at the 19th and 20th meetings, on 11 and 12 March 2010, the following made statements and asked the Special Representative of the Secretary-General questions:

(a) Representatives of States Members of the Council: Belgium, Brazil, China, Djibouti, Egypt, Hungary, Indonesia, Mexico, Netherlands, Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Republic of Korea, Russian Federation, Slovakia, Slovenia, Uruguay;

(b) Representatives of the following observer States: Austria, Canada, Colombia, Republic of the Congo, Denmark, Lebanon, Portugal, Switzerland, Thailand, Uzbekistan;

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

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

(e) Observers for the following non-governmental organizations: General Federation of Iraqi Women (also on behalf of General Arab Women Federation, International Educational Development and Union of Arab Jurists), International Save the Children Alliance (also on behalf of International Catholic Child Bureau, International Federation Terre des Hommes, Myochikai (Arigatou Foundation)), Women's World Summit Foundation (also on behalf of American Association of Jurists and World Vision International).

138. At the 20th meeting, on 12 March 2010, the Special Representative of the Secretary-General answered questions and made her concluding remarks.

139. At the same meeting, on the same day, a statement in exercise of the right of reply was made by the representative of Iraq.

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

140. At the 20th meeting, on 12 March 2010, the Chairperson-Rapporteur 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 Štefánek, presented his report (A/HRC/13/43).

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

141. At the 20th and 21st meetings, on 12 March 2010, and at the 22nd meeting, on 15 March 2010, the Council held a general debate on agenda item 3, during which the following made statements:

(a) Representatives of States Members of the Council: Angola, Argentina (also on behalf of Bolivia (Plurinational State of), Brazil, Colombia, Chile, Ecuador, Paraguay, Peru, Uruguay and Venezuela (Bolivarian State of)), China, Finland (also on behalf of Chile, Egypt, France, Kenya, Maldives, Slovakia, Slovenia, Thailand and Uruguay), Netherlands, Nigeria, Norway, Pakistan (also on behalf of the Organization of the Islamic Conference), Russian Federation, Spain<sup>1</sup> (on behalf of the European Union, Albania, Armenia, Bosnia and Herzegovina, Croatia, Georgia, Iceland, Montenegro, Serbia, the former Yugoslav Republic of Macedonia and Ukraine), Slovakia, Ukraine, United States of America;

(b) Representatives of the following observer States: Algeria, Canada, Denmark, Georgia, Iceland, Iran (Islamic Republic of), Kuwait, Thailand;

(c) Observer for the Holy See;

(d) Observer for the International Criminal Court;

(e) Observer for the United Nations entities, specialized agencies and related organizations: University for Peace;



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

(g) Observers for national human rights institutions: Advisory Council on Human Rights of Morocco, National Commission on Human Rights of Korea (also on behalf of Advisory Council on Human Rights of Morocco, Commission on Human Rights of Indonesia (Komnas Ham), Equality and Human Rights Commission of Great Britain, Commission on Human Rights of the Philippines, German Institute for Human Rights, Irish Human Rights Commission, National Commission on Human Rights of Togo, Ombudsman of Namibia and Ukrainian Parliament Commissioner for Human Rights);

(h) Observers for the following non-governmental organizations: Action internationale pour la paix et le développement dans la région des Grands Lacs, Agence Internationale pour le Développement, Al-Hakim Foundation, Amnesty International, Asian Legal Resource Centre, Association for World Education (also on behalf of International Humanist and Ethical Union and World Union for Progressive Judaism), Baha'i International Community, Becket Fund for Religious Liberty, Cairo Institute for Human Rights Studies, Centre for Human Rights and Peace Advocacy, Centre on Housing Rights and Evictions, Centrist Democratic International, Charitable Institute for Protecting Social Victims, Comité International pour le Respect et l'Application de la Charte Africaine des Droits de l'Homme et des Peuples, Commission to Study the Organization of Peace, Co-ordinating Board of Jewish Organizations, European Disability Forum, European Union of Public Relations, Federation of Cuban Women (also on behalf of American Association of Jurists, Centre Europe - Tiers Monde, Indian Council of South America, International Association of Democratic Lawyers, Mouvement contre le Racisme et pour l'Amitié entre les Peuples, Nord-Sud XX, World Federation of Democratic Youth and World Federation of Trade Unions), Foundation of Japanese Honorary Debts, Freedom House, Fundacion Para La Libertad - Askatasun Bidean, General Arab Women Federation (also on behalf of Mouvement contre le Racisme et pour l'Amitié entre les Peuples and Nord-Sud XXI), Human Rights Advocates, Inc., Human Rights First, Human Rights Watch, Indian Council of South America, Institute for Women's Studies and Research, Interfaith International, International Club for Peace Research, International Commission of Catholic Prison Pastoral Care, International Commission of Jurists, International Educational Development, Inc., International Fellowship of Reconciliation, International Human Rights Association of American Minorities, International Humanist and Ethical Union, International Institute for Non-Aligned Studies, International Institute for Peace, International Islamic Federation of Student Organization, International Organization for the Right to Education and Freedom of Education (OIDEF) (also on behalf of Al-Hakim Foundation, Association Points-Coeur, CIVICUS-World Alliance for Citizen Participation, Equitas International Centre for Human Rights Education, Human Rights Education Associates, Institute for Planetary Synthesis, Istituto Internazionale Maria Ausiliatrice delle Salesiane di Don Bosco, International Alliance of Women, International Association for Religious Freedom, International Movement Against All Forms of Discrimination and Racism, International Organization for the Elimination of All Forms of Racial Discrimination, International Volunteerism Organization for Women, New Humanity, Servas International, Soka Gakkai International, Universal Peace Federation, Women's Federation for World Peace International, Women's International League for Peace and Freedom, Women's World Summit Foundation and World Federation for Mental Health, Education and Development – VIDES), International Union of Socialist Youth, Islamic Women's Institute of Iran, Jubilee Campaign, Liberation, Marangopoulos Foundation for Human Rights, Mouvement contre le Racisme et pour l'Amitié entre les Peuples (also on behalf of Centre Europe - Tiers Monde – Europe, France Libertés: Fondation Danielle Mitterrand, General Arab Women Federation, International Educational Development, Inc., Nord-Sud XXI, Women's International League for Peace and Freedom and World Federation of Trade Unions), Nord-Sud XXI, Norwegian Refugee

Council, Organisation pour la Communication en Afrique et de Promotion de la Cooperation Economique Internationale - OCAPROCE Internationale, Organization for Defending Victims of Violence, Society for Threatened Peoples, SOS Kinderdorf International (also on behalf of Defence for Children International, Help for Children in Need, International Federation Terre des Hommes, Kindernothilfe, International Save the Children Alliance, Plan International, World Organization Against Torture and World Vision International and Human Rights Watch), Union de l'action féminine, Union of Arab Jurists, United Nations Association of San Diego, United Nations Watch, World for World Organization, World Muslim Congress, World Union for Progressive Judaism, World Vision International.

142. At the 20th meeting, on 12 March 2010, a statement in exercise of the right of reply was made by the representative of the Russian Federation.

143. At the 22nd meeting, on 15 March 2010, statements in exercise of the right of reply were made by the representatives of Algeria, China, Iraq and Morocco.

144. At the same meeting, statements in exercise of a second right of reply were made by the representatives of Algeria and Morocco.

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

### **Human rights and arbitrary deprivation of nationality**

145. At the 41st meeting, on 24 March 2010, the representative of Russian Federation introduced draft resolution A/HRC/13/L.4, sponsored by Belarus and the Russian Federation and co-sponsored by Bolivia (Plurinational State of), Cuba and Peru. Subsequently, Kazakhstan, Kyrgyzstan, Nicaragua and Serbia joined the co-sponsors.

146. At the same meeting, the representative of Russian Federation orally revised the draft resolution by modifying the fourth and twelfth preambular paragraphs, adding a new fourteenth preambular paragraph and modifying operative paragraphs 4, 7, 10, 13 and 15.

147. Also at the same meeting, the draft resolution, as orally revised, was adopted without a vote.

148. For the text as adopted, see part one, chapter I, resolution 13/2.

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

149. At the 41st meeting, on 24 March 2010, the representative of Thailand (on behalf of main sponsors) introduced draft resolution A/HRC/13/L.5, sponsored by Chile, Egypt, Finland, France, Kenya, Maldives, Slovakia, Slovenia, Thailand and Uruguay and co-sponsored by Austria, Belarus, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Colombia, Costa Rica, Croatia, Cyprus, Dominican Republic, Germany, Honduras, Hungary, Italy, Liechtenstein, Lithuania, Spain, Uganda, Ukraine, United Republic of Tanzania and Zimbabwe. Subsequently, Albania, Andorra, Belgium, Ecuador, Greece, Guatemala, Iceland, Italy, Kazakhstan, Kyrgyzstan, Montenegro, Senegal, Serbia, Timor-Leste and the former Yugoslav Republic of Macedonia joined the co-sponsors.

150. At the same meeting, the representative of Thailand orally revised the draft resolution by modifying operative paragraphs 3 and 4.

151. Also at the same meeting, the draft resolution, as orally revised, was adopted without a vote.

152. For the text as adopted, see part one, chapter I, resolution 13/3.

### **The right to food**

153. At the 41st meeting, on 24 March 2010, the representative of Cuba introduced draft resolution A/HRC/13/L.17, sponsored by Cuba and co-sponsored by Algeria, Austria, Bangladesh, Belarus, Bolivia (Plurinational State of), Bosnia and Herzegovina, China, Costa Rica, Croatia, Democratic People's Republic of Korea, Djibouti, Dominican Republic, Ecuador, Egypt, Guatemala, Haiti, Indonesia, Iran (Islamic Republic of), Lao People's Democratic Republic, Luxembourg, Malaysia, Morocco, Nicaragua, Nigeria, Norway, Palestine, Panama, Pakistan, Peru, Philippines, Portugal, Serbia, Slovenia, Sri Lanka, Switzerland, Togo, Venezuela (Bolivarian Republic of), Viet Nam and Zimbabwe. Subsequently, Belgium, Brazil, Burkina Faso, Cyprus, Finland, Germany, Hungary, Ireland, Japan, Kyrgyzstan, Mauritius, Mexico, the Russian Federation, Senegal, Spain, Sudan, Thailand and Turkey joined the co-sponsors.

154. At the same meeting, the representatives of Argentina and Chile made general comments on the draft resolution.

155. Also at the same meeting, in accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of the draft resolution (see annex III).

156. Also at the same meeting, the representative of the United States of America made a statement in explanation of vote before the vote.

157. Also at the same meeting, the draft resolution was adopted without a vote.

158. For the text as adopted, see part one, chapter I, resolution 13/4.

### **Adequate housing as a component of the right to an adequate standard of living, in the context of mega-events**

159. At the 42nd meeting, on 25 March 2010, the representatives of Germany and Finland introduced draft resolution A/HRC/13/L.6, sponsored by Germany and Finland and co-sponsored by Albania, Austria, Belarus, Bolivia (Plurinational State of), Bosnia and Herzegovina, Canada, Costa Rica, Dominican Republic, Estonia, France, Greece, Hungary, Ireland, Italy, Luxembourg, Mexico, Montenegro, Morocco, Netherlands, Norway, Peru, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Switzerland, United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela (Bolivarian Republic of). Subsequently, Belgium, Brazil, Chile, Ecuador, Guatemala, Iceland, Japan, Kazakhstan, Lithuania, Nicaragua, Poland, Republic of Moldova, the former Yugoslav Republic of Macedonia, Tunisia, Turkey and Ukraine joined the co-sponsors.

160. At the same meeting, the representative of Finland orally revised the draft resolution by modifying the title, the sixth preambular paragraph and operative paragraphs 2, 3 and 4.

161. Also at the same meeting, the representative of Cuba made general comments in relation to the draft resolution.

162. At the same meeting, the representatives of South Africa and the United States of America made statements in explanation of vote before the vote.

163. Also at the same meeting, the draft resolution, as orally revised, was adopted without a vote.

164. For the text as adopted, see part one, chapter I, resolution 13/10.

### **Human rights of persons with disabilities: national implementation and monitoring and introducing as the theme for 2011 the role of international cooperation in support national efforts for the realization of the rights of persons with disability**

165. At the 42nd meeting, on 25 March 2010, the representative of Mexico (also on behalf of New Zealand and all co-sponsors) introduced draft resolution A/HRC/13/L.8, sponsored by Mexico and New Zealand and co-sponsored by Argentina, Armenia, Australia, Austria, Bolivia (Plurinational States of), Brazil, Canada, Chile, Costa Rica, Croatia, Czech Republic, Ecuador, Egypt, Finland, France, Germany, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Morocco, Norway, Panama, Paraguay, Peru, Philippines, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland and Uruguay. Subsequently, Albania, Algeria, Andorra, Belgium, Bosnia and Herzegovina, Burkina Faso, Colombia, Cuba, Denmark, Estonia, Greece, Guatemala, Iceland, Indonesia, Israel, Italy, Japan, Jordan, Kenya, Kyrgyzstan, Maldives, the Netherlands, Nicaragua, Niger, Poland, Qatar, Republic of Korea, Republic of Moldova, Senegal, South Africa, the former Yugoslav Republic of Macedonia, Thailand, Tunisia, United States of America and Venezuela (Bolivarian Republic of) joined the co-sponsors.

166. At the same meeting, the representative of Mexico orally revised the draft resolution by modifying its operative paragraph 1.

167. Also at the same meeting, in accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of the draft resolution (see annex III).

168. At the same meeting, the draft resolution, as orally revised, was adopted without a vote.

169. For the text as adopted, see part one, chapter I, resolution 13/11.

#### **Rights of persons belonging to national or ethnic, religious and linguistic minorities**

170. At the 42nd meeting, on 25 March 2010, the representative of Austria introduced draft resolution A/HRC/13/L.11, sponsored by Austria and co-sponsored by Albania, Argentina, Armenia, Bosnia and Herzegovina, Brazil, Canada, Chile, Colombia, Costa Rica, Croatia, Czech Republic, Denmark, Finland, Germany, Greece, Guatemala, Hungary, Ireland, Italy, Luxembourg, Malta, the Netherlands, Norway, Peru, Poland, Romania, Russian Federation, Serbia, Slovakia, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland and Uruguay. Subsequently, Andorra, Australia, Belarus, Dominican Republic, Haiti, Iceland, Kyrgyzstan, Mexico, Montenegro, Nicaragua, Pakistan, Republic of Korea, Republic of Moldova, the former Yugoslav Republic of Macedonia and the United States of America joined the co-sponsors.

171. At the same meeting, the draft resolution was adopted without a vote.

172. For the text as adopted, see part one, chapter I, resolution 13/12.

#### **Protection of human rights defenders**

173. At the 42nd meeting, on 25 March 2010, the representative of Norway introduced draft resolution A/HRC/13/L.24, sponsored by Norway and co-sponsored by Argentina, Brazil, Mexico, Norway, Paraguay, Peru, Switzerland, United States of America and Uruguay. Subsequently, Albania, Armenia, Australia, Austria, Belgium, Bolivia (Plurinational State of), Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, Estonia, Finland, France, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Japan, Kyrgyzstan, Latvia, Liechtenstein, Luxembourg, the Netherlands, New Zealand, Nicaragua, Poland, Portugal, Romania, Republic of Moldova, Serbia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Timor-Leste, Ukraine, United Kingdom of Great Britain and Northern Ireland joined the co-sponsors.

174. At the same meeting, the representative of Norway orally revised the draft resolution by deleting the fifth and sixth preambular paragraphs and operative paragraph 12, modifying operative paragraphs 1, 3, 4, 6, and adding new operative paragraphs 8, 9 and 11.

175. Also at the same meeting, the representative of the Russian Federation made a statement in explanation of vote before the vote.

176. At the same meeting, the draft resolution, as orally revised, was adopted without a vote.

177. For the text as adopted, see part one, chapter I, resolution 13/13.

178. At the 45th meeting, on 26 March 2010, the representative of Algeria made comments in relation to the resolution.

**Torture and other cruel, inhuman or degrading treatment or punishment: the role and responsibility of judges, prosecutors and lawyers**

179. At the 44th meeting, on 26 March 2010, the representative of Denmark introduced draft resolution A/HRC/13/L.19, sponsored by Denmark and co-sponsored by Argentina, Austria, Belgium, Brazil, Bulgaria, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Malta, Mexico, Monaco, the Netherlands, Norway, Peru, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and Uruguay. Subsequently, Andorra, Armenia, Australia, Burkina Faso, Canada, Colombia, Ecuador, El Salvador, Guatemala, Iceland, Israel, Italy, Japan, Jordan, Liechtenstein, Maldives, Montenegro, New Zealand, Republic of Korea, Republic of Moldova, Serbia, Turkey, Ukraine and the United States of America joined the co-sponsors.

180. At the same meeting, the representative of Denmark orally revised the draft resolution by modifying the second preambular paragraph and operative paragraphs 13.

181. Also at the same meeting, the representative Norway made general comments in relation to the draft resolution.

182. At the same meeting, the draft resolution, as orally revised, was adopted without a vote.

183. For the text as adopted, see part one, chapter I, resolution 13/19.

**Rights of the child: the fight against sexual violence against children**

184. At the 44th meeting, on 26 March 2010, the representative of Uruguay introduced draft resolution A/HRC/13/L.21, sponsored by Spain (on behalf of the European Union) and Uruguay (on behalf of the Group of Latin American and Caribbean States) and co-sponsored by Armenia, Belarus, Canada, Japan, Monaco, Montenegro, Morocco, Norway, Serbia, Sri Lanka, Switzerland and Ukraine. Subsequently, Algeria, Andorra, Australia, Burkina Faso, Croatia, Djibouti, Haiti, Iceland, Jordan, Kenya, Maldives, Lebanon, Liechtenstein, New Zealand, Republic of Korea, Republic of Moldova, the Russian Federation, Senegal, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo and Turkey joined the co-sponsors.

185. At the same meeting, the representative of Uruguay orally revised the draft resolution by deleting the fifteenth preambular paragraph.

186. Also at the same meeting, the representative of the United States of America made a statement in explanation of vote before the vote.

187. At the same meeting, the draft resolution, as orally revised, was adopted without a vote.

188. For the text as adopted, see part one, chapter I, resolution 13/20.

**Protection of journalists in situations of armed conflict**

189. At the 44th meeting, on 26 March 2010, the representative of Egypt (also on behalf of Bangladesh and Mexico) introduced draft resolution A/HRC/13/L.12, sponsored by Bangladesh, Egypt and Mexico. Subsequently, Angola, Australia, Austria, Bosnia and Herzegovina, Burkina Faso, Canada, Colombia, Denmark, Djibouti, Finland, France, Greece, Guatemala, Iceland, Italy, Mauritius, Nigeria, Norway, and Sudan (on behalf of the Group of Arab States) joined the co-sponsors.

190. At the same meeting, the representative of Mexico orally revised the draft resolution by modifying the third preambular paragraph.

191. Also at the same meeting, in accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of the draft resolution (see annex III).

192. At the same meeting, the draft resolution, as orally revised, was adopted without a vote.

193. For the text as adopted, see part one, chapter I, resolution 13/24.

**Protection of human rights and fundamental freedoms while countering terrorism**

194. At the 45th meeting, on 26 March 2010, the representative of Mexico introduced draft resolution A/HRC/13/L.20, sponsored by Mexico and co-sponsored by Argentina, Chile, Costa Rica, Ireland, Norway, Peru, Switzerland and Uruguay. Subsequently, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Canada, Colombia, Croatia, Czech Republic, Denmark, El Salvador, Estonia, Finland, France, Germany, Guatemala, Hungary, Iceland, Israel, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, the Netherlands, New Zealand, Poland, Portugal, Romania, Serbia, Slovenia, Sweden, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America joined the co-sponsors.

195. At the same meeting, the representative of Mexico orally revised the draft resolution by modifying operative paragraphs 13 and 19.

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

197. At the same meeting, the draft resolution, as orally revised, was adopted without a vote.

198. For the text as adopted, see part one, chapter I, resolution 13/26.

199. At the same meeting, a statement in explanation of vote after the vote was made by the representative of Norway.

200. Also at the same meeting, the representative of Algeria made comments in relation to the resolution.

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

201. At the 45th meeting, on 26 March 2010, the representative of Brazil (on behalf of main sponsors) introduced draft decision A/HRC/13/L.25, sponsored by Bosnia and Herzegovina, Brazil, Egypt, Germany, Nigeria and Philippines and co-sponsored by Armenia, Austria, Belarus, Bolivia (Plurinational State of), Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Ecuador, Finland, France, Greece, Hungary, Latvia, Lithuania, Luxembourg, Mexico, Montenegro, the Netherlands, Nicaragua, Norway, Panama, Peru, Portugal, Serbia, Slovakia, Slovenia, Switzerland, Togo, the United

Kingdom of Great Britain and Northern Ireland, Uruguay and Viet Nam. Subsequently, Albania, Angola, Argentina, Australia, Bangladesh, Belgium, Benin, Bulgaria, Burkina Faso, Burundi, China, Republic of the Congo, Democratic Republic of the Congo, Djibouti, Dominican Republic, El Salvador, Estonia, Guatemala, Iceland, India, Ireland, Israel, Italy, Japan, Kenya, Kyrgyzstan, Mali, Morocco, Poland, Republic of Korea, Republic of Moldova, Romania, Rwanda, Senegal, Spain, Thailand, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, the United States of America and Zimbabwe joined the co-sponsors.

202. At the same meeting, in accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of the draft decision (see annex III).

203. At the same meeting, the draft decision was adopted without a vote.

204. For the text as adopted, see part one, chapter II, decision 13/117.

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

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

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

205. At the 22nd meeting, on 15 March 2010, the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, Vitit Muntarbhorn, presented his report (A/HRC/13/47).

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

During the ensuing interactive dialogue at the 23rd meeting, on the same day, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Council: Angola, Belgium, Chile, China, Cuba, Japan, Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Republic of Korea, United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of the following observer States: Australia, Canada, Myanmar, Sudan, Switzerland, Syrian Arab Republic, Thailand;

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

(d) Observer for a non-governmental organization: Human Rights Watch.

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

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

208. At the 23rd meeting, on 15 March 2010, the Special Rapporteur on the situation of human rights in Myanmar, Thomás Ojea Quintana, presented his report (A/HRC/13/48).

209. At the same meeting, the representative of Myanmar made a statement as the concerned country.

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

(a) Representatives of States Members of the Council: Argentina, Bangladesh, Belgium, China, Cuba, Italy, Japan, Norway, Philippines, Republic of Korea, United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of the following observer States: Australia, Canada, Democratic People's Republic of Korea, Lao People's Democratic Republic, Malaysia, Switzerland, Thailand, Viet Nam;

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

(d) Observers for the following non-governmental organizations: Amnesty International, Asian Forum for Human Rights and Development (FORUM-ASIA) (also on behalf of Conectas Direitos Humanos and Worldview International Foundation), Asian Legal Resource Centre, Human Rights Watch, International Federation for Human Rights Leagues, Reporters Without Borders International.

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

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

212. At the 24th meeting, on 15 March 2010, a representative of the OHCHR introduced the report of the High Commissioner on the violations of human rights in Honduras since the coup d'état on 28 June 2009 (A/HRC/13/66), submitted in accordance with Council resolutions 12/14.

213. At the same meeting, the representative of Honduras made a statement as the concerned country.

214. At the 24th and 25th meetings, on 15 and 16 March 2010, the Council held a general debate on agenda item 4, during which the following made statements:

(a) Representatives of States Members of the Council: Belgium, China, Colombia<sup>1</sup> (on behalf of the Group of Latin American and Caribbean States), Cuba, France, Ghana, Japan, Netherlands, Nicaragua, Norway, Slovakia, Spain<sup>1</sup> (on behalf of the European Union, Albania, Bosnia and Herzegovina, Croatia, Iceland, Montenegro and the former Yugoslav Republic of Macedonia), United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of the following observer States: Algeria, Australia, Austria, Canada, Czech Republic, Democratic People's Republic of Korea, Denmark, Germany, Ireland, Iran (Islamic Republic of), Israel, Luxembourg, Morocco, Romania, Sweden, Switzerland, Venezuela (Bolivarian Republic of);

(c) Observers for the following non-governmental organizations: Action internationale pour la paix et développement dans la région des Grands Lacs, Agence Internationale pour le Développement, Agir Ensemble pour les Droits de l'Homme, American Association of Jurists, Amnesty International, Asian Forum for Human Rights and Development, Asian Legal Resource Centre, Association for World Education, Baha'i International Community, Becket Fund for Religious Liberty, Cairo Institute for Human Rights Studies, Centre Europe - Tiers Monde - Europe-Third World Centre (also on behalf of France Libertés: Fondation Danielle Mitterrand and Mouvement contre le Racisme et pour l'Amitié entre les Peuples), Centre on Housing Rights and Evictions, Centrist Democratic International, Charitable Institute for Protecting Social Victims, Charitable Institute for Protecting Social Victims, Comité International pour le Respect et



l'Application de la Charte Africaine des Droits de l'Homme et des Peuples (also on behalf of Institute for Planetary Synthesis), Coordinating Board of Jewish Organizations, France-Libertés: Fondation Danielle Mitterrand, Franciscans International (also on behalf of Dominicans for Justice and Peace - Order of Preachers and Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs and International Movement of Catholic Students)), Freedom House, General Federation of Iraqi Women (also on behalf of Arab Lawyers Union, General Arab Women Federation, International Organization for the Elimination of All Forms of Racial Discrimination, Nord-Sud XXI and Union of Arab Jurists), Helsinki Foundation for Human Rights, Human Rights Watch, Indian Council of South America, International Association of Schools of Social Work, International Commission of Jurists, International Educational Development, Inc., International Federation for Human Rights Leagues, International Human Rights Association of American Minorities, International Humanist and Ethical Union, International Islamic Federation of Student Organization, International Movement Against All Forms of Discrimination and Racism, International Union of Socialist Youth, Latin American Federation of Associations of Relatives of Disappeared Detainees, Liberation, Mbororo Social and Cultural Development Association, Mouvement contre le Racisme et pour l'Amitié entre les Peuples (also on behalf of Women's International League for Peace and Freedom), Nonviolent Radical Party, Transnational and Transparty, Observatoire National des Droits de l'Enfant (ONDE), Organisation pour la Communication en Afrique et de Promotion de la Coopération Economique Internationale - OCAPROCE Internationale, Organization for Defending Victims of Violence, Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs and International Movement of Catholic Students), Society for Threatened Peoples, Union de l'Action Féminine, United Nations Association of San Diego, United Nations Watch, Women's International League for Peace and Freedom, World Muslim Congress, World Organization Against Torture, World Union for Progressive Judaism.

215. At the 24th meeting, on 15 March 2010, statements in exercise of the right of reply were made by the representatives of China, the Democratic People's Republic of Korea, Ethiopia, Honduras, the Islamic Republic of Iran, Iraq, Japan, the Russian Federation and the Sudan.

216. At the 25th meeting, on 16 March 2010, statements in exercise of the right of reply were made by the representatives of Algeria, Burundi, China, Cuba, Morocco, Sri Lanka, Uzbekistan, Venezuela (Bolivarian Republic of) and Yemen.

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

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

217. At the 42nd meeting, on 25 March 2010, the representative of Japan and Spain (on behalf of the European Union) introduced draft resolution A/HRC/13/L.13, sponsored by Japan and Spain (on behalf of the European Union) and co-sponsored by Canada, Croatia, Liechtenstein, Monaco, Montenegro, New Zealand, Norway, Republic of Korea, Switzerland, Turkey and the United States of America. Subsequently, Australia, Iceland, Israel and the former Yugoslav Republic of Macedonia joined the co-sponsors.

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

219. Also at the same meeting, the representative of the Democratic People's Republic of Korea made a statement as the concerned country.

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

221. Also at the same meeting, statements in explanation of vote before the vote were made by the representatives of Cuba, Egypt, India and Indonesia.

222. At the same meeting, at the request of the representative of Cuba, a recorded vote was taken on the draft resolution. The draft resolution was adopted, by 28 votes to 5, with 13 abstentions. The voting was as follows:

*In favour:*

Argentina, Bahrain, Belgium, Bosnia and Herzegovina, Brazil, Burkina Faso, Chile, Djibouti, France, Ghana, Hungary, Italy, Japan, Jordan, Madagascar, Mauritius, Mexico, Netherlands, Norway, Republic of Korea, Saudi Arabia, Slovakia, Slovenia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Zambia;

*Against:*

China, Cuba, Egypt, Indonesia, Russian Federation;

*Abstaining:*

Angola, Bangladesh, Bolivia, Cameroon, India, Kyrgyzstan, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Senegal, South Africa.

223. For the text as adopted, see part one, chapter I, resolution 13/14.

224. At the 44th meeting, on 26 March 2010, statements in explanation of vote after the vote were made by the representatives of Bangladesh and China.

**Situation of human rights in Myanmar**

225. At the 44th meeting, on 26 March 2010, the representative of Spain (on behalf of the European Union and co-sponsors) introduced draft resolution A/HRC/13/L.15, sponsored by Spain (on behalf of the European Union) and co-sponsored by Canada, Croatia, Liechtenstein, Monaco, Montenegro, New Zealand, Norway, Peru, Switzerland, Turkey, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Subsequently, Australia, Bosnia and Herzegovina, Iceland, Israel, Republic of Korea, Republic of Moldova and the former Yugoslav Republic of Macedonia joined the co-sponsors.

226. At the same meeting, the representative of Spain (on behalf of the European Union and co-sponsors) orally revised the draft resolution by deleting the eighth preambular paragraph and modifying its operative paragraphs 1, 2, 3, 12 and 13.

227. Also at the same meeting, the representative of Myanmar made a statement as the concerned country.

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

229. Also at the same meeting, statements in explanation of vote before the vote were made by the representatives of China, Cuba, India, Indonesia, Japan and the Russian Federation.

230. At the same meeting, the draft resolution, as orally revised, was adopted without a vote.

231. For the text as adopted, see part one, chapter I, resolution 13/25.

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

### **A. Complaint procedure**

232. At the 21st meeting, on 10 March 2010, and at the 41st meeting, on 24 March 2010, the Council held two closed meetings of the complaint procedure.

233. At the 41st meeting, on 24 March 2010, the President made a statement on the outcome of the meetings, stating that the Human Rights Council had, in closed meetings, examined the human rights situation in Guinea under the complaint procedure established pursuant to Council resolution 5/1, and had decided to discontinue considering the situation in Guinea.

### **B. Advisory Committee**

234. At the 26th meeting, on 16 March 2010, the Chairperson of the Advisory Committee, Halima Embarek Warzazi, introduced the Advisory Committee's reports on its third and fourth sessions, held from 3 to 7 August 2009 and 26 to 30 January 2010 (A/HRC/13/49 and A/HRC/13/50).

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

235. At the 26th meeting, on 16 March 2010, the independent expert on minority issues, Gay McDougall, introduced the recommendations adopted by the Forum on Minority Issues, held on 12 and 13 November 2009 (A/HRC/13/25).

### **D. Social Forum**

236. At the 26th meeting, on 16 March 2010, the Chairperson-Rapporteur of the Social Forum, Andrej Logar, introduced the report of the Social Forum, held from 31 August to 2 September 2009 (A/HRC/13/51).

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

237. At its 26th and 27th meetings, on 16 March 2010, the Council held a general debate on agenda item 5, during which the following made statements:

(a) Representatives of States Members of the Council: Argentina, Bangladesh, Brazil, Burkina Faso, China, Cuba, Ghana, Indonesia, Japan, Nigeria (on behalf of the Group of African States), Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Russian Federation, Slovenia, Spain<sup>1</sup> (on behalf of the European Union, Armenia, Bosnia and Herzegovina, Croatia, Georgia, Iceland, Montenegro, the Republic of Moldova, Serbia, the former Yugoslav Republic of Macedonia and Ukraine), Sudan<sup>1</sup> (on behalf of the Group of African States), Morocco<sup>1</sup> (also on behalf of Costa Rica, Italy, Philippines, Senegal, Slovenia and Switzerland), Republic of Korea, and United States of America;

(b) Representatives of the following observer States: Armenia, Austria, Canada, Luxembourg, Switzerland, Kuwait, Libyan Arab Jamahiriya, Venezuela (Bolivarian Republic of);

(c) Observers for the following national human rights institutions: International Coordinating Committee of National Human Rights Institutions and National Council on Human Rights of Morocco;

(d) Observers for the following non-governmental organizations: Amnesty International (also on behalf of International Service for Human Rights), Arab Lawyers Union, Association for World Education, Azerbaijan Women and Development Center, Centre de Recherche sur les Droits et Devoirs de la Personne Humaine (CRED) (also on behalf of Indian Council of South America), Cairo Institute for Human Rights Studies, Centre Europe-Tiers Monde, CIVICUS-World Alliance for Citizen Participation, European Union of Public Relations, Federación de Asociaciones para la Promoción y Defensa de los Derechos Humanos, Indian Council of South America, Indian Movement Tupaj Amaru, International Club for Peace Research, International Institute for Non-Aligned Studies, International Movement ATD Fourth World (also on behalf of Associazione Comunita Papa Giovanni XXIII, Caritas Internationalis (International Confederation of Catholic Charities), Center on Housing Rights and Evictions, Dominicans for Justice and Peace-Order of Preachers, Franciscans International, International Council of Women / Conseil International des Femmes and International Federation of Social Workers), International Service for Human Rights, Interfaith International, Liberation, Mbororo Social and Cultural Development Association, Nord-Sud XXI, Soka Gakkai International (also on behalf of Al-Hakim Foundation, Association for World Education, Association of World Citizens, Association Points – Coeur, CIVICUS – World Alliance for Citizen Participation, Equitas International Centre for Human Rights Education, Human Rights Education Associates (HREA), Institute for Planetary Synthesis, International Alliance of Women, International Association for Religious Freedom, International Federation of University Women, International Movement Against All Forms of Discrimination and Racism (IMADR), International Organization for the Elimination of All Forms of Racial Discrimination, International Organization for the Right to Education and Freedom of Education (OIDEL), Servas International, Universal Peace Federation, Women’s Federation for World Peace International, Women's International League for Peace and Freedom, Women’s International Zionist Organization, Women’s World Summit Foundation, World Federation for Mental Health (WFMH) and World Movement of Mothers), Syriac Universal Alliance, Universal Esperanto Association, World Association for the School as an Instrument of Peace, World Union for Progressive Judaism.

238. At the 27th meeting, on 16 March 2010, statements were made by the Chairperson of the Advisory Committee, Halima Embarek Warzazi and the independent expert on minority issues, Gay McDougall.

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

### **Draft United Nation declaration on human rights education and training**

239. At the 42nd meeting, on 25 March 2010, the representative of Morocco (also on behalf of Costa Rica, Italy, Philippines, Senegal, Slovenia and Switzerland) introduced draft resolution A/HRC/13/L.22, sponsored by Costa Rica, Italy, Morocco, Philippines, Senegal, Slovenia and Switzerland and co-sponsored by Angola, Argentina, Austria, Benin, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Central African Republic, Chad, Chile, Colombia, Republic of the Congo, Côte d’Ivoire, Croatia, Cyprus, Democratic Republic of the Congo, Djibouti, Dominican Republic, Egypt, El Salvador, Ethiopia, France, Gabon, Germany, Guinea, Greece, Honduras, Hungary, Indonesia, Ireland, Jordan, Kenya, Kyrgyzstan, Lesotho, Lithuania, Luxembourg, Malta, Mauritania, Mexico, Monaco, Niger,

Nigeria, Norway, Pakistan, Palestine, Panama, Paraguay, Peru, Portugal, Romania, Rwanda, Serbia, Slovakia, Somalia, Spain, Sudan, Togo, Tunisia, Turkey, Uganda, United Republic of Tanzania, Uruguay, Venezuela (Bolivarian Republic of) and Zimbabwe. Subsequently, Andorra, Australia, Bahrain, Belarus, Cambodia, Ecuador, Guatemala, Japan, Kazakhstan, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Mauritius, Montenegro, Poland, Republic of Korea, Republic of Moldova, Sri Lanka, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Ukraine, the United States of America and Viet Nam joined the co-sponsors.

240. At the same meeting, the representative of the United Kingdom of Great Britain and Northern Ireland made general comments in relation to the draft resolution.

241. Also at the same meeting, in accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of the draft resolution (see annex III).

242. At the same meeting, the draft resolution was adopted without a vote.

243. For the text as adopted, see part one, chapter I, resolution 13/15.

244. At the 44th meeting, on 26 March 2010, the representative of Japan made a statement in explanation of vote after the vote.

#### **The Social Forum**

245. At the 43rd meeting, on 25 March 2010, the representative of Cuba introduced draft resolution A/HRC/13/L.16, sponsored by Cuba and co-sponsored by Algeria, Bangladesh, Belarus, Bolivia (Plurinational State of), Democratic People's Republic of Korea, Ecuador, Indonesia, Iran (Islamic Republic of), Nicaragua, Nigeria, Palestine, Peru, Sri Lanka, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam and Zimbabwe. Subsequently, Brazil, China, Kyrgyzstan, Maldives, the Philippines, Senegal, Serbia and Sudan joined the co-sponsors.

246. At the same meeting, the representative of Cuba orally revised the draft resolution by modifying operative paragraphs 2 and 5.

247. Also at the same meeting, the representative of France (on behalf of States members of the European Union that are members of the Council) made general comments in relation to the draft resolution.

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

249. Also at the same meeting, the draft resolution, as orally revised, was adopted without a vote.

250. For the text as adopted, see part one, chapter I, resolution 13/17.

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

251. At the 44th meeting, on 26 March 2010, the President of the Council made a statement in relation to the reports of the Advisory Committee on its third and fourth sessions (for the text of the President's statement, see part one, chapter III, PRST/13/1).

## **VI. Universal periodic review**

252. Pursuant to General Assembly resolution 60/251, Council resolution 5/1 and the President's statements (PRST/8/1 and PRST/9/2) on modalities and practices for the universal periodic review process, the Council considered the outcome of the reviews

conducted during the sixth session of the Working Group on the Universal Periodic Review held from 30 November to 11 December 2009.

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

### **Eritrea**

253. The review of Eritrea was held on 30 November 2009 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

- (a) The national report submitted by Eritrea in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/6/ERI/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.6/6/ERI/2); and
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/6/ERI/3).

254. At its 28th meeting, on 17 March 2010, the Human Rights Council considered and adopted the outcome of the review on Eritrea (see section C below).

255. The outcome of the review on Eritrea comprises the report of the Working Group on the Universal Periodic Review (A/HRC/13/2), together with the views of Eritrea concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/13/2/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**

256. The Eritrean delegation noted that given the time restriction, it would only focus on few elements of its written responses which were distributed to all stakeholders.

257. The delegation recalled that during its review, 137 recommendations were put forward to Eritrea. Eritrea grouped the recommendations in 28 clusters and after careful consideration, it accepted close to 50% of them and around 15% did not enjoy its support.

258. Although around 40% of the recommendations were not labelled accepted or rejected, Eritrea had made clear statements in that regard.

259. Regarding the accession to the Convention against Torture, the delegation noted the recommendations were accepted. The recommendations related to the accession to the Convention on the Rights of Persons with Disabilities were also accepted.

260. Concerning the ratification or accession to the Optional Protocols to ICCPR, ICESR, CEDAW, CAT and the acceptance of the jurisdiction of the Committee on enforced disappearance, the delegation indicated that these recommendations did not enjoy the support of Eritrea.

261. The delegation indicated that recommendations relating to the ratification of the Rome Statute of the International Criminal Court, including the accession to the privileges and immunities did not enjoy the support of Eritrea. It noted that the Rome Statute raised various unanswered questions in terms of contents, scope and practical implementation, especially as it related to Africa.

262. Concerning the abolition of the death penalty, the delegation noted that the death penalty can act as a deterrent in extreme cases. In Eritrea, the death penalty had been applied only in extreme and limited cases. Taking into account the national particularities, historical and cultural background, the abolition of the death penalty was not warranted at present time.

263. The delegation indicated that the recommendations relating to the accession to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, as well as the ratification of the ILO Convention No. 182 on the worst forms of child labour were both accepted.

264. The delegation further indicated accepting the principle of establishing a national institution to promote and protect human rights. It stated that Article 32, Sub-article 11 of the Eritrean Constitution provided for the National Assembly to establish a standing committee in order to promote and protect the rights of Eritrean citizens through, inter alia, the establishment of forums where the complaints and petitions of citizens were heard and addressed.

265. Regarding children's rights, the delegation indicated that recommendations 25, 42, 73-78 were accepted.

266. Turning to the issue of standing invitation to United Nations human rights special procedures and rapporteurs, the delegation indicated that the request for invitation by special procedures was being considered on a case by case basis.

267. The delegation noted that the recommendations on the cooperation with special procedures and United Nations treaty bodies (CERD and CESRC), and follow-up to UPR recommendations were accepted..

268. Regarding the issue of same sex activity between consenting adults, the delegation indicated that these recommendations were in direct conflict with the values and traditions of the Eritrean people and did not, therefore, enjoy the support of the Government.

269. On the right to life, physical integrity and security, on gender equality and female genital mutilation, and domestic and sexual violence, the delegation noted that the recommendations were accepted.

270. Regarding National Service, under-age military conscription and torture, the delegation indicated that these recommendations did not enjoy the support of Eritrea. It noted that members of the Eritrean Defence Forces were highly disciplined and humane. In rare cases of abuse, severe punishment was imposed on offenders. There was no under-age recruitment in Eritrea's Military and no person was tortured or subjected to cruel and degrading or inhuman treatment by the police or the military as a general practice. Nevertheless, the Government spared no effort in prosecuting anyone found guilty of subjecting people to inhuman and degrading treatment, torture, or exacting forced and/or free labor of the youth in the National Service program.

271. Recommendations on National Service did not enjoy the support of Eritrea since the National Service, which is enshrined in the Constitution, was established with the sacred duty and responsibility of defending the country's sovereignty and independence in mind. Eritrea remains under military threat which, as long as it would exist would allow Eritrea to protect its sovereignty and independence the way it deemed appropriate. The inability or unwillingness of the international community in general and the sponsors of the Algiers Peace Agreement in particular to compel respect to the Eritrea-Ethiopia Boundary Commission (EEBC) ruling and international law, has been one of the serious causes for the deterioration of peace and security in the Horn of Africa. The delegation denounced the double standard with which the international community treats Eritrea.

272. The delegation highlighted that Eritrea began its demobilization process in 2002. During the last five years in particular, graduates of the Sawa School have been, depending on their academic performance, provided with basically three career opportunities: joining degree program institutions, joining 1-3 year diploma or certificate schools or joining civil service.

273. Concerning detention centres, torture, involuntary disappearance, and due process of law, the delegation noted that torture is illegal in Eritrea and there were no secret detention centres in the country. Due process was the law of the land. Any transgressor in these areas was accountable before the law. The Special Court was established by law to implement the Government's zero tolerance policy on corruption, theft and embezzlement and it is carrying out its duties in line with those mandates. Nevertheless, the Special Court was currently under review as to procedure and substance.

274. Regarding the rights of returnees, the delegation indicated that recommendation 107 was accepted.

275. Concerning social services, poverty reduction and MDGs, the delegation noted that recommendations 116-125 were accepted.

276. The delegation also indicated that recommendations related to technical assistance were accepted. Eritrea welcomed the building of partnerships that enhance its human, developmental and institutional capacity, enabling it to further and deepen its commitment to promote and protect the rights and dignities of its citizens. Eritrea's efforts in this regard are hampered by the non-respect of EEBC ruling. Eritrea called upon the international community to take steps to ensure that the illegal occupation of its sovereign territory is stopped.

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

277. Cuba viewed positively the fact that Eritrea accepted recommendations it had made, in particular those related to improving the quality and accessibility of health services to all. Cuba noted that in spite of the problems it faced, Eritrea made progress in the areas of health and education. It congratulated Eritrea on policies and programmes adopted, in particular those on increasing the budget for education and the strengthening of efforts to eradicate poverty. Cuba considered that actions taken by Eritrea, a developing country must be supported by the international community. In this context, it called for the intensification of the cooperation and financial assistance extended to Eritrea, as this would contribute to the implementation of programmes to promote the human rights.

278. The United States of America welcomed Eritrea's decision to allow official visits of international human rights organizations. It concurred with concerns expressed by the delegations of the UK, Austria and Australia that Eritrea continued to arbitrarily arrest, detain, abuse, and torture political dissenters, religious adherents, forcibly returned asylum seekers and independent journalists. It requested Eritrea to give due consideration to conducting a national review to examine the need to maintain the national state of emergency that has curbed its citizens' basic human rights.

279. Saudi Arabia thanked Eritrea for its statement which clarified its position on recommendations made in the UPR Working Group. It considered that the report reflects Eritrea's engagement with the Human Rights Council mechanism. It stated that Eritrea was cooperating with all mechanisms and special procedures, which was a clear indication of the interest given to human rights and its keenness to uphold and develop economic social and cultural, civil and political rights. It noted that the review of the situation was an opportunity to learn of efforts made to develop laws and institutions to promote human rights and urged Eritrea to continue such efforts.



280. Italy stated that Eritrea had been open to suggestions and recommendations which had been put forward during the interactive dialogue. It however noted with concern that Eritrea rejected important recommendations for further progress. Italy noted that, although it was needed for a meaningful follow-up, Eritrea did not provide a clear position on all recommendations and thus encouraged Eritrea to provide replies on all recommendations.

281. Algeria stated that Eritrea's participation in the UPR process testified its commitment to human rights despite challenges faced after 30 years of conflict. Algeria congratulated Eritrea for its positive reaction and clear responses to the recommendations including those made by Algeria. The latter related to the establishment of an independent national human rights institution, the improvement of programmes for children, awareness-raising to combat female genital mutilation and the partnership to be built to enhance human development and institutional capacity to realise the full enjoyment of human rights by its citizens.

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

282. The Network of African National Human Rights Institutions expressed its satisfaction regarding the recommendation towards the establishment of a national human rights institution in accordance with Paris Principles. It also referred to the recommendation calling for the development of a wide political dialogue aimed at involving all stakeholders in the national political process, including through the independence of the judiciary and freedom of expression and press freedom. The Network encouraged Eritrea to set up an efficient and inclusive partnership aimed at getting technical assistance and called upon regional and international partners to support Eritrea in areas relating to human rights protection.

283. Reporters Without Borders estimated that some 30 journalists were being held in Eritrean prisons without having been convicted and that sources indicated that they had been submitted to torture and other cruel treatment. It noted that, during the review, Eritrea had stated that no one had been imprisoned for expressing their opinion. However, Eritrea had then declared that freedom of the press "was another issue" adding that after having initially recognized freedom of the press to private enterprises it had been forced to take "corrective measures". Reporters Without Borders noted that four imprisoned journalists had died these last few years and that it had sent a letter to the Special rapporteur on torture to ask him to do everything in his power to improve conditions of detention of imprisoned journalists in Eritrea. It affirmed that witnesses had described the existence of underground isolation cells where prisoners were chained to the walls. Witnesses also reported incidents of detainees being exposed for long periods to the scorching sun and of being held in metal containers.

284. International Fellowship of Reconciliation stated that enforced indefinite national service was an increasingly element of Eritrean human rights crisis. It added the compulsory 18 months national service could be extended until the age of 50 under mobilisation or emergency situation. It highlighted the lack of any rights to conscientious objections, incidences of forced labour and the threat of penalty to the family of those who desert. It stated that, as a consequence, many people fled or attempted to flee the country and mentioned the special situation of Jehovah Witnesses in this regard.

285. Human Rights Watch urged Eritrea to implement the UPR outcome, including by issuing a standing invitation to special procedures. It stated that scores of Eritreans experienced arbitrary detention and ill treatment because they were unwilling to perform indefinite military service or endeavour to declare themselves as conscientious objectors. It urged Eritrea to implement recommendations to establish a right to conscientious objection. It also expressed concern regarding the detention of persons in secret without access to appropriate medical care, lawyers or family. It requested that Eritrea implement

recommendations to permit access to all detention facilities by independent international monitors. It further requested that Eritrea, in the implementation of the UPR outcome, to allow independent voices to establish and pursue their rights to free expression and association. Finally, regarding violations of freedom of opinion and worship, Eritrea could repeal its ban on religions; cease its practice of arresting individuals who meet and practice other faiths; and end discrimination against Jehovah's Witnesses.

286. Interfaith International, in a joint statement with Rencontre africaine pour la défense des droits de l'homme, stated that the presence of Eritrea was a testimony of its willingness to instate dialogue with the international community after the end of the armed conflict. It noted that Eritrea rejected half of the recommendations. It expressed concerns at the increasing numbers of training camps in Eritrea for military groups spreading terror in the sub-region and at the presence of pirates on Eritrean coasts. It urged Eritrea to cooperate with the international community to end the instability in the sub-region, as well as to develop a national action plan for the rehabilitation of the victims of the successive conflicts and to revise the rules applicable to press bodies and human rights organizations.

287. Canadian HIV/AIDS Legal Network considered that the criminalization of consensual same-sex conduct under the Penal Code was an issue of concern. It reminded Eritrea of its primary obligation to respect international law noting that the Treaty Bodies had repeatedly affirmed that laws criminalizing homosexuality violate international rights to privacy and non-discrimination. It urged Eritrea to repeal all legislative provisions which criminalize activity between consenting adults of the same sex, take measures to recognise and protect the rights of sexual and gender minorities, and extend its HIV intervention programs to include same-sex practicing people.

288. Conscience and Peace Tax International (CPTI) stated that Eritrea rejected all recommendations related to military service except those which were included under the heading of domestic and sexual violence and exploitation against female soldiers without addressing their prevention. It added that the current military service system was an important cause of the flood of refugees from Eritrea in recent years. CPTI added that Eritrea should take effective measures to prevent the recruitment of persons under 18 into military forces. It stated that conscientious objectors have been imprisoned and made reference to the specific situation of Jehovah Witnesses in this regard. CPTI called on States to give adequate protection to all Eritreans, who have fled the country, and particularly to conscientious objectors to military services.

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

289. The delegation indicated that Eritrea firmly believed that promoting, establishing and protecting the freedom, liberty and dignity of the human person was a process achieved only through the march of time. No nation has been automatically created as a bastion of human rights. Ensuring human rights in all its forms entails a process, struggle and paying a price. On that score, Eritrea believed it was on the right path and was willing to bet that its record can stack up with that of most nations.

290. The delegation also indicated that in its short history as an independent State, the progress Eritrea had made across the sectors- the rights of children, women and the youth; the justice system; food security; education; health; human welfare; transportation; energy; and water and sanitation, to name a few- was a concrete testimony to its commitment to the promotion and protection of the rights of its citizens.

291. The delegation underscored that Eritrea recognized the challenges it faced in the human rights area. These challenges primarily emanated from two sources: insufficiency of human, financial, and institutional capacity; and interference of certain outside forces that disregard Eritrea's legitimate national and regional interests.

292. Despite these challenges, the delegation assured the Council and other human rights stakeholders that the people and Government of Eritrea were committed to the promotion and protection of human rights and to engage with the international community in this area in the spirit of dialogue and on the basis of mutual respect. It expressed Eritrea's strong conviction that the advancement in human rights critically hinged upon peace and security. In this regard, the delegation stated that Ethiopia's continued illegal occupation of Eritrea's sovereign territory was an impediment to peace and security and, therefore, to the promotion of human rights.

293. Before the adoption of the outcome of the review, and in compliance with paragraph 32 of Council resolution 5/1, the President of the Council invited Eritrea to clarify the status of a number of recommendations for which the country indicated that it had not taken position on. The delegation stated that the recommendations that were given had many parts. For instance, one recommendation stated that a clear order should be given to the security forces in Eritrea not to arrest anybody or to that effect. The country had already laws that regulate the behaviour of the security forces. So it was very difficult to say categorically that Eritrea rejected that or accepted it. The recommendations did not lend themselves to that kind of responses, that's why the delegation chose to provide substantive responses rather than accept or reject. The President then indicated that he would therefore take it that, since Eritrea could not yet support these recommendations, they were noted.

### Cyprus

294. The review of Cyprus was held on 30 November 2009 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

- (a) The national report submitted by Cyprus in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/6/CYP/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.6/6/CYP/2); and
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/6/CYP/3).

295. At its 28th meeting, on 17 March 2010, the Human Rights Council considered and adopted the outcome of the review on Cyprus (see section C below).

296. The outcome of the review on Cyprus comprises the report of the Working Group on the Universal Periodic Review (A/HRC/13/7), together with the views of Cyprus concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/13/7/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**

297. The delegation of Cyprus stated that its presence was due to the seriousness Cyprus gives to its international commitments and responsibilities, particularly in relation to human rights international and intergovernmental mechanisms, among which the UPR is the latest and, potentially, the most promising. However, the acceptance to be subjected to the review by peers is on the understanding that the process is based on clearly defined and universal rules.

298. Cyprus had taken a self-critical look and accepted to discuss the challenges it faces and, where necessary, to take steps to improve its human rights situation, naturally

expecting to be treated in accordance with the principles and objectives of the UPR process. The delegation regretted that was not the case. Despite this, the government took the decision to respond to the recommendations out of respect of those states which adopted a constructive and serious approach. Cyprus's response to the recommendations is without prejudice to its declared position towards the report as was adopted by the UPR Working Group, and cannot be interpreted as endorsing in any way the content of paragraph 38 of the said report.

299. Cyprus accepted the overwhelming majority of a total number of 70 recommendations, as enumerated in Section B of the document submitted as addendum (A/HRC/13/7/Add.1). Cyprus was not in a position to accept the recommendations concerning the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families since this issue required further consideration, bearing in mind the limitations posed by the European Union jurisdiction and competence on the matter.

300. The delegation of Cyprus noted that there were four recommendations referred to in Section E of A/HRC/13/7/Add.1, which could neither be accepted nor rejected. As far as the recommendation regarding the International Convention for the Protection of All Persons from Enforced Disappearance is concerned, Cyprus reiterated the importance the country attaches to it. The competent authorities are currently evaluating the possible ramifications of its ratification on the national legislation. Recommendations No. 25, No. 54 and No. 69 are not confined to the human rights perspective, but are rather linked to the overall political issue of Cyprus, and its comments are included in Section E of the addendum.

301. Cyprus indicated having received all the recommendations with an open spirit and a genuine intention to engage in a meaningful internal evaluation. Through this process it recognised that, despite the substantial progress achieved, additional and continuous effort is required, which is reflected in the number of recommendations accepted.

302. In this context, Cyprus announced that: (i) the instrument of ratification for the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict will be submitted within three months; (ii) the instrument of ratification for the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, as well as, the Convention on the Rights of Persons with Disabilities will be submitted within the next 18 months; (iii) the government undertakes the commitment to submit all reports due to the human rights mechanisms within the next 24 months; and (iv) within the next 24 months, Cyprus undertakes to make its national human rights institution fully compatible with the Paris Principles, including its financial independence, as the relevant bill has to go through parliamentary procedures.

303. Cyprus reiterated that it had already ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, on 29 April 2009.

304. The delegation noted that the rights of children are of prime concern. The relevant monitoring mechanism of the Commissioner for Children's Rights was established in 2007, in full compliance with the Paris Principles and General Comment No. 2 of the Committee on the Rights of the Child. Its recommendations are duly taken into consideration by the government which is committed to constantly reviewing and improving its policies.

305. Cyprus stated that the promotion of women's rights and wider gender equality was a major priority. The first 2007 five-year National Action Plan on Gender Equality, incorporated a holistic approach to gender equality in addressing employment, education, decision-making, social rights, violence and gender stereotypes. This was made possible through close collaboration of all government departments, local authorities, women's organizations, relevant NGOs, academic institutions and human rights mechanisms. A Ministerial Committee on Gender Equality has been set up to monitor its implementation.

306. As regards human rights education and training, Cyprus announced that within the framework of the “Annual work Programme 2012” of the Fundamental Rights Agency, a series of actions under the title “Human Rights assessment of curricula and teaching materials” will be undertaken.

307. In relation to domestic violence, Cyprus noted that the concerted actions of governmental and non-governmental agencies were based on the relevant law, as well as on the manual of interdepartmental procedures, which is currently being revised. A five year national action plan is at a final stage of deliberation. Concerning cases of police misconduct, the government is undertaking measures in order to fully comply with the standards set by the Council of Europe. Several mechanisms are already in place for investigating allegations of police misconduct and/or imposing sanctions where appropriate. These include criminal procedures, the Independent Authority for the Investigation of Allegation against the Police, the appointment of independent investigators by the Attorney-General, the Ombudsman, the Commissioner for Children’s Rights, the Police Audit and Inspection Directorate, and internal police disciplinary procedures. In 2009, the Directorate of Professional Standards was established by the police, as an internal self-monitoring mechanism. The police has recently incorporated specialised courses, lectures and workshops on human rights, racism and diversity at all levels of police training.

308. The Government is determined to prevent and combat trafficking in human beings for the purpose of sexual or labour exploitation. In addition to the legal and other measures that the Government is taking, Cyprus extended an open invitation to countries of origin to cooperate in combating trafficking in human beings.

309. The delegation stated that an unprecedented influx of irregular migrants in the last decade had placed extreme pressure on the financial and human resources of the country. Nevertheless, Cyprus recognises the challenges and will continue to honour its relevant international commitments. Cyprus is fully aware of the human dimension of migration and the need to ensure that individuals, in whatever circumstances, ought to receive respect and enjoy their dignity.

310. The delegation was available to provide further clarifications.

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

311. Turkey considered that the integrity of the UPR must be upheld, the rules must be fully respected, and its politicization must be avoided. It welcomed appeals made and hoped that these will discourage countries under review from attempts to exploit the process by pursuing political goals. Turkey stated that countries should refrain from including accusations against other countries in their national reports as well as in other presentations. It stated that one of the virtues of the UPR has been the equal treatment of all states without according any privilege. It hoped that this practice would endure and no other precedents would be set, but observed with regret the unusual treatment applied. Turkey indicated that it had no intention to repeat the statement made at the Working Group which could constitute a response to the questions raised in the introductory remarks of today, and it shall further elaborate its views under the general debate of agenda item 6. Turkey had noticed incorrect comments made on its Working Group statement in the additional information submitted. In order to save time, it would distribute its views later as a Human Rights Council document. Turkey stated that the report to be adopted includes important recommendations aimed at promoting and protecting human rights and recommended that the concerned authorities focus on their implementation.

312. India considered that without any prejudice to the position taken by the state under review not to be present at the time of the adoption of the report by the Working Group, or the reasons thereof, there was a failure in the collective responsibility to ensure that things did not come to such a pass. India considered that more time should have been allowed for consultations before the adoption of the report. It added that this has set a difficult precedent

with wide ranging implications to the extent that the obligations of the report on the state under review and the validity of the adoption of the report in such circumstances were unclear. India indicated that this general concern held regardless of whether or not the absentee state under review subsequently decides to accept the UPR outcome. It stressed that while respecting and valuing the principle of freedom of expression during the interactive dialogue under the UPR, it was equally important to emphasise that such freedom has to be exercised specifically and only within the ambit and purpose of the UPR and in strict conformity with the principles laid down in the institution-building package of the Human Rights Council.

313. United States of America noted favourably the establishment of the Directory of Professional Standards and stated this was an important step for the training of police on human rights, racism and diversity. It encouraged Cyprus to ensure application of these professional standards as a mechanism for promoting accountability among security forces. It considered that the Independent Authority for the Investigation of Allegations against the Police was a positive step for combating police abuses, and encouraged the dissemination of information on these mechanisms to promote professionalism. It welcomed the steps taken in tackling issues of gender inequality and domestic violence, and applauded the establishment of the Women's Multicultural Centre, as well as the increased support given to the National Machinery for Women's Rights. It looked forward to further dialogue on the issue of domestic violence and curbing the reported increase. It would appreciate Cyprus's continued attention on the recommendations concerning discrimination, particularly against Turkish Cypriots living in government-controlled areas, Roma and other ethnic minorities, as well as violence and intolerance directed at lesbian, gay, bisexual or transgender individuals.

314. Armenia stated that Cyprus deserved sincere appreciation for its participation in the UPR in good faith and sincere desire of discussing its human rights record without politicisation, despite the obstacles. In its view, this reflected a genuine commitment to international cooperation and protection of human rights in Cyprus and elsewhere. It also stressed that the UPR clearly demonstrated the international community's acknowledgement of the accomplishments of Cyprus in the area of human rights. Along with similar recognition at the regional level it may further enable Cyprus to meet its new commitments. Armenia commended Cyprus for accepting an overwhelming number of recommendations. It was particularly pleased to note that the recommendations regarding further promotion of political representation of members of traditional religious groups, as well as promotion of their identity and culture, received the full attention and concurrence of the government.

315. The Russian Federation took note of the constructive approach taken by Cyprus with regard to most recommendations, its expressed readiness to further the protection of human rights without any discrimination and its intention to implement universal human rights standards. This approach proved the position of Cyprus as a responsible member state of the United Nations which is committed to its international human rights obligations. It noted with satisfaction the positive response with regard to strengthening the democratic procedures and institutions and harmonizing legislation and practice with the universal human rights standards. The Russian Federation noted that the UPR process is an inter-governmental mechanism intended to develop cooperation, with the full participation of the state under review, and counted upon continuing constructive interaction with Cyprus within the Human Rights Council. It noted that the settlement of problems, particularly humanitarian problems, should be in conformity with the relevant resolutions of the United Nations, first of all of the Security Council, while bearing in mind the communities of Cyprus.

316. Algeria noted the observations and recommendations it had made in relation to the improvement of the wage between men and women; the promotion of the rights of migrant workers and of migrants in irregular situation, to the situation of refugees and asylum

seekers as well as to children's rights; and to the prevention of discrimination, in particular against minorities and foreigners, and in the area of education. Although Algeria expressed full appreciation to Cyprus for accepting most of the recommendations, it regretted that the recommendations on the accession to the International Convention on the Rights of All Migrant Workers and Members of Their Families and on the continuation of efforts to promote and guarantee freedom of movement were not accepted. It hoped that the intercommunity situation in Cyprus will make it possible for the authorities to respect the principle of freedom of movement in the near future. Algeria stated that the absence of Cyprus during the adoption of its report by the UPR Working Group led to a difficult situation that the Human Rights Council should avoid in the future.

317. Greece congratulated Cyprus for having participated very constructively at all stages of the UPR and for its detailed responses, accepting all recommendations, with one exception. Greece regretted that, during the sixth UPR Working Group session, the very existence of the state under review was questioned along with its sovereignty, independence, territorial integrity and unity. Greece added that this question lied outside Human Rights Council resolution 5/1 stipulating the principles and objectives of the UPR. It firmly considered that the UPR is a very important Human Rights Council mechanism which should focus on human rights issues.

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

318. Interfaith International hoped that the UPR will be the occasion to lay the foundations for unification and reconciliation amongst the various families of the island. Interfaith International was surprised at the absence of Cyprus during the adoption of the report in the Working Group. Nevertheless, it considered that the presence of the delegation during the adoption of the outcome in the Human Rights Council gave rise to hope as to the fresh dynamics to be infused to the social and political dialogue in Cyprus in order to build true rule of law based upon fundamental freedoms. Interfaith International encouraged Cyprus to set up favourable conditions for the removal of restrictive measures that will make it possible for the faithful to exercise their religious freedom and to visit places of pilgrimage annually, and to combat trafficking in women by setting up a mechanism for reintegration of victims in social and economic life.

319. The European Region of the International Lesbian and Gay Association commended Cyprus for accepting the recommendation to reinforce existing non-discrimination legislation and take all necessary measures to prevent discrimination on the ground of sexual orientation, as well as for the law preventing discrimination of all vulnerable groups. It highlighted research demonstrating that many homophobic attitudes prevailed, and that lesbians, gays, bisexual and transsexuals were not only marginalised but treated as outcasts. It asked what steps are planned to give effect to the recommendation relating to education and awareness campaigns for the general public and law enforcement officials. It further stated that whilst recognising that the northern part of the island fell outside the effective control of the government, it reminded the Human Rights Council that homosexual acts are still criminalised there, and called upon the Human Rights Council, the government and all concerned to work together to end this practice.

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

320. Cyprus welcomed the comments made by States and international organisations, which will all be duly taken into consideration. The delegation thanked those states which contributed to the review process with genuine human rights recommendations, and expressed its commitment to work for their implementation. In closing, Cyprus clarified that it took note of the four recommendations referred to in Section E of the addendum for the time being.

#### **Dominican Republic**

321. The review of the Dominican Republic was held on 1 December 2009 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

- (a) The national report submitted by Dominican Republic in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/6/DOM/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.6/6/DOM/2); and
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/6/DOM/3).

322. At its 28th meeting, on 17 March 2010, the Human Rights Council considered and adopted the outcome of the review on SuR (see section C below).

323. The outcome of the review on the Dominican Republic comprises the report of the Working Group on the Universal Periodic Review (A/HRC/13/3), together with the views of the Dominican Republic concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group.

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

324. H.E. Dra. Abreu de Polanco, Ambassador, Human Rights Section at the Minister of Foreign Affairs, made an opening statement, thanking all delegations and civil society organizations for their interest in the Universal Periodic Review of the Dominican Republic. The Dominican Republic was truly committed with the Universal Periodic Review mechanisms.

325. With regard to recommendations regarding the signature and ratification of certain human rights treaties, conventions and protocols,<sup>3</sup> the Dominican Republic confirmed that it will continue to analyze these instruments, with a view to ratifying them as soon as possible.

326. With regard to recommendations made on children and adolescents, the Dominican Republic indicated that with a view to eradicate corporal punishment of children, the law 136-03 had been adopted.

327. With regard to the problem of exploitation of children, including prostitution and pornography, the Dominican Republic referred to Law 137-03 and related structures, such as the National Commission to Combat Trafficking and People Smuggling, the Inter-Agency Commission to Combat Abuse and Sexual Exploitation of Children for Commercial Purposes and others.

328. With regard to recommendations on gender issues, reference was made to the National Plan on Gender Equality and Equity as the framework for the incorporation of a gender perspective in all public policies, and ensuring the coordination with different actors. This plan is in accordance with the international obligations of the Dominican Republic. Reference was also made to law 24-97, the main legislation addressing domestic and gender violence.

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<sup>3</sup> A/HRC/13/3, paragraph 88, recommendations 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 22 (partially).



329. Concerning the recommendations in the area of education, the Dominican Republic indicated that the stimulus to a quality education with equity is fundamental to the educational system of the country, in accordance with the general law 66-97.

330. Regarding recommendations on racial discrimination, the Dominican Republic reiterated that the State does not have a discriminatory policy. It noted that the legislation, at the level of the Constitution, prohibits these acts. It further reiterated that the Dominican Republic is a multicultural and multiracial society.

331. With regard to recommendations on the issue of illegal smuggling and trafficking in persons,<sup>4</sup> the Dominican Republic law 137-03, criminalizes the illegal smuggling and trafficking in persons. The General Directorate of Migration General has also taken measures, in accordance with international standards, to guarantee the human rights of immigrants.

332. On the subject of civil registration, the Dominican Republic noted that the Ministry of Foreign Affairs, the Ministry of Interior and the Central Electoral Board were in the process of elaborating a plan for the identification of foreign nationals that enter or are already in the Dominican Republic, through the collection of biometric data with a view to providing them with an identity number as foreigners.

333. With regard to recommendations on extrajudicial executions, the Dominican Republic noted that, when such cases occurred, they were dealt with by the competent judicial and other bodies and those responsible were sanctioned through judicial means, respecting the norms of due process and in line with the “zero tolerance to impunity” policy.

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

334. The Bolivarian Republic of Venezuela noted the Dominican Republic’s cooperation with the UPR, which reaffirmed its commitment to human rights. It welcomed the participation of the civil society in the elaboration of the national report. Venezuela noted that the new Constitution resulted from the dialogue of the citizens and strengthened fundamental rights. It highlighted the advances of the Dominican Republic in the area of social rights, in particular education. It further encouraged the Dominican Republic to continue its efforts against exclusion and poverty.

335. Cuba noted that the Dominican Republic had accepted many of the recommendations and mentioned the efforts undertaken to implement them. It indicated that as a small country, the Dominican Republic was striving at developing the country in difficult circumstances, aggravated by international crisis and under the threat of natural phenomena such as hurricanes. It highlighted efforts to combat discrimination; measures establishing quotas for women participation in public positions; the National Plan on Gender Equality and measures for victims of discrimination to have preferential access to tribunals. It also highlighted programs to address all forms of exclusion. It also highlighted the important assistance provided by the Dominican Republic to the victims of the earthquake in Haiti..

336. Algeria appreciated the Dominican Republic’s commitment to the UPR and its openness in dealing with recommendations submitted. It commended the national report for acknowledging that inequality was a historical socio-economic characteristic of Dominican

<sup>4</sup> A/HRC/13/3, paragraph 88, recommendation 22.

Republic. It noted with appreciation the acceptance of the Dominican Republic of its recommendation on promoting equality. While noting the efforts of the authorities to eradicate corruption, it encouraged them to accede to the UN Convention against Corruption. It welcomed the announcement that the Dominican Republic was working towards ratifying ICRMW, an example which should be followed by countries claiming leadership in human rights but which were still reluctant to ratify this core human rights instrument. It also encouraged the Government to request the assistance of relevant international institutions.

337. The United States of America encouraged the implementation of the Commission to Combat Human Trafficking and People Smuggling and the Gender Equity and Equality Plan. It welcomed the fact that the Dominican Republic was considering establishing an independent national human rights institution. It commended the assistance provided to Haiti after the earthquake and expressed its support to the recommendations relating to cooperate with Haiti, in view to ensuring that Haitians living in the Dominican Republic have adequate access to civil and birth registration mechanisms to establish their Haitian citizenship. It shared concerns about child labour, migratory reform, and gender-based violence. It noted concerns about the continued occurrence of arbitrary and summary executions and supported recommendations to consider favourably the request for a visit by the Special Rapporteur on extrajudicial, summary, or arbitrary executions. It commended the proclamation of a new Constitution expanding the catalogue of fundamental rights and giving special consideration to vulnerable groups.

338. Haiti thanked the Dominican Republic for accepting the recommendation to relaunch the Joint Haitian-Dominican Commission, an important mechanism of consultation, cooperation and negotiation between the two countries. It indicated that the recent earthquake resulted in the slowing down of the activities of the Commission and expressed its sincere hope that a meeting of the commission will be held in the course of the year. It noted that the Dominican Republic had demonstrated solidarity and fraternity, welcoming several of the injured from the earthquake and in opening a humanitarian corridor facilitating humanitarian aid to Haiti. It also noted that the Dominican police contributed with MINUSTAH in tracking escaped prisoners after the earthquake. Haiti expressed its gratitude and hoped the cooperation put in place after January 12 would continue, and would reinforce relations between the two countries.

339. Morocco noted the determination of the Dominican Republic to reinforce its policies to protect and promote human rights by accepting an important number of the recommendations formulated. It welcomed the acceptance of the Dominican Republic of Morocco's recommendations on education and training in human rights; and the protection of the rights of migrant workers through implementation of the ICRMW. It noted the Dominican Republic was engaged in adhering to this Convention. It noted measures to consolidate the system to address extreme poverty, attenuate the problems of hunger and help the families in precarious situations. It noted the efforts for the protection of vulnerable groups, notably through innovative measures and actions for women and children. It highlighted the need for technical assistance from the international community.

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

340. While appreciating that a number of recommendations were accepted, the Canadian HIV/AIDS Legal Network regretted that the response of the government to more than 30 recommendations was not available before the Plenary meeting, thus limiting the capacity of stakeholders to meaningfully engage at this stage of the process. The general references in the oral statement of the delegation made it difficult to know the position of the country on some key recommendations still under consideration. It thus inquired whether the

Government will distribute an Addendum 1, a document matching its responses to the recommendations that were still pending. In that regard, it asked whether to recommendation 25 of paragraph 88 of the Working Group report made by France was accepted or not. It also commended Dominican Republic for its support to the OAS resolution on sexual orientation, gender identity and human rights.

341. Amnesty International (AI) welcomed the Dominican Republic's commitment to promptly designate the person who will occupy the position of Ombudsman. It also noted the Dominican Republic's support to recommendations relating to the improvement of the legislative and policy framework for the protection of women and girls from violence and urged its early and full implementation. AI welcomed the government's commitment to adopt comprehensive strategies to combat racism, including specific measures to protect the status and protection of persons of Haitian origin, and further action to protect the rights of migrants. AI believed that these commitments would be strengthened by the prompt ratification of the Migrant Workers Convention, as recommended by several states. AI regretted that the Dominican Republic did not support the recommendation to adopt measures to ensure that Dominicans of Haitian descent are not denied citizenship or access to civil and birth registration procedures and not arbitrarily subjected to retroactive cancellation of identity document and urged the Government to reconsider this important recommendation. AI further urged the Dominican Republic to explicitly support recommendations to investigate all reports of human rights violations and to suspend persons suspected of such violation from active duty, to establish an independent body to deal with complaints of abuse by police and to ratify the Convention against Torture and the Convention on Enforced Disappearances.

342. Conectas thanked the authorities for giving impetus for the setting up the Ombudsman office (*Defensor del Pueblo*), as a follow up to the Working Group recommendation 2 from Peru, which partially complies with the Paris Principles on national human rights institutions. However, Conectas expressed concern at the fact that the government did not accept a number of important recommendations, in particular the recommendation made by United Kingdom on impunity and investigation of killings made by the security forces. Reference was made to the lack of confidence in the justice system, caused principally by cases of administrative corruption, sentences that could be called into question by national courts, extrajudicial killings and enforced disappearances. Conectas invited the Government to accept and implement all the recommendations related to the rights of people in vulnerable situation and/or minorities.

343. Action Canada for Population and Development (ACPD), while acknowledging progress made in the area for the last decade, welcomed the Government's acceptance of a large number of recommendations, many of which related to women's rights and the elimination of violence against women. In implementing a number of recommendations, ACPD called on the Government to assign a greater budget to public policies aimed at the promotion of women's rights, through the effective implementation of the National Plan for Gender Equity – PLANEG II – which has not yet been implemented. It underscore the importance of recommendation 26 in paragraph 88 of the Working Group report, and urged the Government to use a wide and dynamic interpretation of article 37 of the new Constitution, dealing with the right to life from conception to death. ACPD also requested that in conformity with its obligations under CEDAW and other human rights treaties the Dominican Republic ensures that the New Penal Code includes exceptions to the criminalization of abortion, at least in cases where the life or health of a woman is in danger or in cases of pregnancy resulting from rape or incest. Such exceptions will contribute to decreasing maternal mortality and to protecting women's rights to health. ACPD called upon the Government to ensure that judicial measures of due process are applied to cases of discrimination against, physical attacks on, and murders of gay, lesbian, transgender and transsexual people.

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

344. The Dominican Republic thanked all delegations that had recognized all efforts of the Dominican Republic. It also recognized and congratulated the human rights organizations for their work.

345. With reference to recommendation 13, in paragraph 88 of the Working Group report, the Dominican Republic informed that it was up to date with all its reporting obligations.

346. With regard to the recommendation to extend a standing invitation to United Nations special procedures, the Dominican Republic noted that it had never rejected the request of any Rapporteur wishing to visit the country. The Dominican Republic considers favourably the visit of the Special Rapporteur on extrajudicial, summary or arbitrary executions which would need to be carefully organized.

347. The Dominican Republic indicated that, in accordance with the Vienna Declaration and Plan of Action, and with the participation of the civil society, it had already established an independent national human rights institution, in accordance with the Paris Principles, though it had a different name.

348. The recent Constitution provides for the equality between men and women. Although, the marriage of persons of the same sex is not prohibited, the Constitution indicates that the family is constituted of a man and a woman, while articles 36 and 37 state that everyone has equal rights. It also noted that the Constitution protects the right to life as from conception, in accordance with international instruments.

349. The Dominican Republic reiterated its commitment to continue cooperating with international organizations with the goal of strengthening the national institutions and comply with human rights requirements as set forth in the Declaration of Human Rights and all international human rights conventions.

350. In concluding, the Dominican Republic wished to clarify that it had accepted 74 of the total of 79 recommendations. It had only rejected 5 recommendations, as noted in paragraph 89 of the report of the Working Group.

#### Cambodia

351. The review of Cambodia was held on 1 December 2009 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

- (a) The national report submitted by Cambodia in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/6/KHM/1 and A/HRC/WG.6/6/KHM/1/Corr.1);
- (b) The compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/6/KHM/2); and
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/6/KHM/3).

352. At its 29th meeting, on 17 March 2010, the Human Rights Council considered and adopted the outcome of the review on Cambodia (see section C below).

353. The outcome of the review on Cambodia comprises the report of the Working Group on the Universal Periodic Review (A/HRC/13/4), together with the views of Cambodia concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group.

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

354. The delegation of Cambodia welcomed the constructive participation of States, international organisations and non-governmental organisations in its review and the adoption of its outcome. The Government had examined the issues raised in Cambodia's review with a view to ensuring smooth and practical implementation of recommendations.

355. The delegation informed the Council that Cambodia had responded positively and accepted all the recommendations made to it, adding however that it had reservations and comments in some areas.

356. Cambodia viewed most of the recommendations, addressing a wide range of challenges it faces, as essential to the promotion of human rights in the country. Some of the recommendations were already partly being implemented, while others reinforced existing policies and actions being taken in relevant national plans for the coming years. A number of recommendations required study, reflection and pragmatic consideration to ensure their successful implementation within the timeframe of the UPR process. The delegation indicated that the Government had shown its political will by accepting all the recommendations for the sake of the improvement of human rights for its people.

357. On recommendations for Cambodia to accede to international treaties, the State would consider accession in a practical manner, despite resource constraints. The Government expressed a desire for more active engagement with United Nations human rights bodies in identifying priority issues that demand attention in the country.

358. With regards to land issues, the Government would continue to address challenges according to the existing reform program and policies, ensuring further success. Its efforts so far should be recognized, the delegation added.

359. The delegation informed the Council of practical steps taken by the Government following the review of Cambodia in the Working Group. It cited the adoption of the draft anti-corruption law in the previous week. The ratification of the law would proceed according to constitutional requirements and promulgation would occur in due course. The law would be an important tool to combat corruption and go hand-in-hand with the penal code.

360. In the spirit of strengthening cooperation between the Government and the OHCHR, the delegation noted that the Government had agreed to extend the term of the Memorandum of Understanding with the Office for two years, until the end of 2011. It cited the important role of the OHCHR in providing relevant technical support to enhance human rights in Cambodia.

361. The delegation also cited the completion of the second visit of the Special Rapporteur for human rights in Cambodia in January 2010, who took note with encouragement of the progress in some areas, namely the strengthening of the legal framework, the completion of the first case in the Khmer Rouge tribunal, the continued effort to reform the prison system, adoption of the Penal Code; and an improved regime for public demonstrations. The delegation also noted that the Special Rapporteur identified a number of areas of concern, including the need to develop binding national guidelines to

address land reform; making the legislative process more transparent by sharing draft legislation which has an impact on human rights issues with the wider community; and creating a Government and civil society forum to foster an environment of cooperation to strengthen democracy and human rights in the country.

362. Regarding the Khmer Rouge Tribunal, the delegation stated that smooth progress was being made. After completion of the first case before the tribunal, the Office of the Co-Investigating Judges had recently announced the closure of the judicial investigation in Case File 002. The delegation stressed that the Extraordinary Chambers in the Courts of Cambodia were established at the request of the Government and were within the Cambodian court system. The Government would work cooperatively with the United Nations to ensure their independence. While obtaining justice for the tragic events of the past, emphasis would be placed on the compelling need for national reconciliation towards building a durable peace, democracy and prosperity for the Cambodian people.

363. With regards to cooperation with treaty bodies, the delegation noted that the Sub-Committee on the Prevention of Torture had recently visited Cambodia and it would enhance its cooperation with the body and comply with the relevant instrument.

364. Cambodia also took upon itself implementation of UPR recommendations addressing socio-economic development issues, such as poverty reduction, education, health, gender, the rights of the child and other economic, social, and cultural rights. Such issues would remain top priorities for the Government.

365. The delegation expressed Cambodia's commitment to the fundamental freedoms guaranteed by its constitution, citing a recommendation made for the Government to pursue its efforts to constantly improve the level of enjoyment and protection of fundamental rights, consistent with the process of democratic development and the national interest of the country.

366. On tackling gender discrimination, it said the Government would strive further for the implementation of important existing legislative and other regulatory measures and action plans. A national strategy for equality and gender equity (Gender Mainstreaming Strategy-phase II) was a top priority. Many other initiatives had been taken to support and improve the situation of women, such as programmes to increase schooling for girls, and the promotion of women in leadership positions, including awareness-raising and human rights education. The delegation stated that Cambodia would intensify efforts to improve human rights for women and children to combat key problems such as human trafficking, sexual violence, domestic violence and exploitation of women and children.

367. Cambodia was also working to address issue affecting the indigenous community. A policy plan of action in this regard was being implemented at national and local levels.

368. Acknowledging that the tasks ahead were challenging, the delegation noted that sustained efforts would be required, with a long-term perspective. The Government would strive for further progress by accelerating the implementation of its current plan and agenda to improve human rights in all relevant areas by its next UPR.

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

369. Algeria thanked Cambodia for the additional information provided and welcomed its acceptance of all recommendations including those made by Algeria. It valued the cooperation between Cambodia and United Nations mechanisms, particularly the Special Rapporteur on human rights in Cambodia. Algeria commended the recent adoption of the Anti-Corruption Law, the reform of the prison system and the Criminal Code as well as the importance attached to implementing recommendations relating to poverty reduction, education, health, children and women. It acknowledged the political will demonstrated by

the Government and called for the international community to support Cambodia in implementing the recommendations.

370. Viet Nam commended Cambodia's acceptance of the recommendations submitted by Viet Nam, namely to improve its legal reforms and pay particular attention to poverty reduction, education, health, the rights of the child, the poor and disadvantaged groups. Viet Nam applauded Cambodia for its efforts to combat corruption and its ongoing active cooperation with United Nations human rights mechanisms. It noted that Cambodia has acted in a responsible manner in responding to the recommendations and encouraged it to continue doing so.

371. Malaysia thanked Cambodia for its update on the latest human rights developments in the country. Malaysia was pleased to note Cambodia's acceptance of a large number of recommendations and that it had started to take steps to implement many of them. Malaysia welcomed the mechanisms established to guarantee the protection of fundamental rights, including economic, social and cultural rights, in particular, promotion of gender equality, employment, economic growth and poverty alleviation. It encouraged the Government to continue taking necessary measures for effective implementation of the recommendations.

372. Thailand recognized Cambodia's unfortunate legacy and expressed admiration for the progress achieved in moving the country forward. It commended the adoption of the draft Anti-Corruption Law and the extension of the Memorandum of Understanding with the OHCHR in Cambodia. It also noted that Cambodia has become party to most core international human rights instruments, particularly the Convention on the Rights of Persons with Disabilities. Thailand expressed support for Cambodia's efforts in tackling poverty and improving the lives of its people and welcomed progress in the clearance of landmines. Thailand noted with pleasure Cambodia's acceptance of all the recommendations made to it in the Working Group. Reiterating the recommendations made by Thailand, it added that it would work with Cambodia towards their implementation.

373. Indonesia commended Cambodia's efforts in strengthening democratic institutions, good governance and the rule of law. It acknowledged the role of the Cambodian Human Rights Committee and the Government's efforts to foster an environment of cooperation, transparency and accountability. It highlighted the recent adoption of the draft anti-corruption law. It hoped that combating domestic violence and trafficking in women and children would continue to be important priorities. Indonesia shared the view that wider socio-economic development, such as poverty reduction and better access to education and healthcare, was necessary. It hoped that Cambodia would further enhance the work of the ASEAN Intergovernmental Human Rights Commission.

374. The Lao People's Democratic Republic commended Cambodia for its acceptance of all the recommendations despite reservations on some of them. It appreciated that after the review, Cambodia had taken all necessary measures to address pending issues on human rights. It recognized that Cambodia had overcome tremendous obstacles and achieved significant progress. It also commended the implementation of its National Strategic Development Plan.

375. Japan welcomed Cambodia's commitment to address all UPR recommendations and hoped it would follow up on them, including through measures to address land issues. Japan appreciated Cambodia's efforts towards democratization and its cooperation with the Special Rapporteur. It commended the efforts to establish a working relationship between the Special Rapporteur and the Government based on mutual trust, which is essential to improve the situation with effective assistance and cooperation from the international community. Japan hoped for the continued efforts of Cambodia and called on the international community for continued support and assistance. Japan pledged its full support thought constructive dialogue with the Government.

376. The Philippines commended Cambodia's commitment in advancing the socio-economic development of its people by addressing issues of poverty reduction, gender equality, education, health, children's rights, and for making these the Government's priority issues. It noted that a national strategy for equality and gender equity was now in place and welcomed Cambodia's commitment to intensify efforts to improve the human rights of women and children, to combat human trafficking, sexual violence, domestic violence, and exploitation of women and children. It applauded the Government's constructive engagement with OHCHR and the Special Rapporteur. The Philippines also called on the international community to increase its development cooperation and support to Cambodia.

377. Nepal commended the Cambodia's engagement with the international community and the United Nations as well as the positive changes in the political and socio-economic fronts, gradually overcoming the bitterness of the past. It noted that Nepal was also making a peaceful transition from armed conflict to sustainable peace and inclusive democracy and engaged in the process of recovery, reconstruction and reconciliation and wished success to Cambodia in its process. Nepal expressed appreciation for Cambodia's commitment to democratic principles and to human rights promotion and protection.

378. Sri Lanka noted that Cambodia was building a strong democracy that promotes and protects civil and political rights and expressed appreciation for its significant efforts towards the eradication of poverty. It noted that this achievement was particularly important in the context of a country on the road to peace-building and national reconciliation. Sri Lanka believed the recommendations made in the UPR would enable Cambodia to further its efforts. It commended the ongoing preparation of laws essential to enhancing the rule of law and democracy and Cambodia's commitment to establish an independent human rights institution.

379. The United States of America expressed appreciation for the establishment of the Extraordinary Chambers as well as of a national torture prevention mechanism. Expressing support for Cambodia's cooperation with the United Nations in establishing a programme to combat trafficking and sexual abuse, it remained concerned about the well-being of children, particularly with respect to the worst forms of child labour. The United States reiterated recommendations made in the Working Group relating to child labour, workers' freedom of association, freedom of expression and the inclusion of women in the political process.

380. China noted that the Cambodian Government had prioritised economic progress and social development, and had achieved important visible progress in protecting economic, social and cultural rights and the right to development. It also cited the establishment of many mechanisms to promote and protect human rights. China noted that Cambodia had accepted virtually all the recommendations and urged the international community to continue to supply financial and technical assistance to the country.

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

381. The International Federation for Human Rights Leagues (FIDH) regretted that several recommendations made to Cambodia were of a general and vague nature. It expressed concern that at least 150,000 Cambodian live under the threat of forced eviction, supporting recommendations for a moratorium on evictions until fair and transparent mechanisms to resolve land disputes and issue land titles are put in place. FIDH noted that human rights defenders continued to face harassment and intimidation and increasing restrictions on the right to freedom of expression and assembly were imposed by the Law on Demonstrations. It highlighted concerns about ongoing political interference and allegations of corruption in the judiciary, noting that the lack of independence further



erodes access to justice and perpetuates a culture of impunity. FIDH urged Cambodia to take concrete measures to implement the UPR recommendations.

382. The World Association for the School as an Instrument of Peace, citing recommendations made, called on Cambodia to strictly abide by international standards of justice, particularly respect for the independence of the Extraordinary Chambers by facilitating its prosecution of perpetrators of crimes of genocide. It urged Cambodia to protect the rights of vulnerable people, notably through equal distribution of wealth, and to reform the immigration law to preserve the fundamental rights of the Khmer people. It underlined the need to protect freedom of expression in conformity with international standards, noting recommendations that urged the Government to respect the 1991 Paris Peace Agreement on Cambodia. It urged the international community, particularly donor countries and signatory countries to the Paris Peace Agreement to hold the Cambodian Government to account for pledges it has made.

383. The Asian Forum for Human Rights and Development (Forum-Asia) sought clarification on Cambodia's reservations to the recommendations. It urged the Government to widely disseminate the UPR report and take genuine steps to engage with civil society organizations in the follow-up. Forum-Asia noted the recent crackdown in Dangkor District, Phnom Penh, on 1 March 2010, against demonstrators who protested against the alleged seizure of their farmland. Legitimate activities of human rights defenders were also obstructed when monitors from human rights groups had their cameras confiscated and all photo evidence deleted. Forum-Asia echoed the recommendations to fully implement the 2001 Land Law and institute a moratorium on evictions until safeguards such as prior consultation, full compensation and access to basic services and infrastructure in relocation areas could be guaranteed.

384. Interfaith International welcomed Cambodia's efforts to update its treaty body reports, encouraging the Government to abide by its commitments to systematically eliminate discrimination against indigenous groups and minorities. It urged Cambodia to ensure adherence to international standards on asylum procedures, urging immediate attention to the forceful repatriation of Khmer Krom, who faced arbitrary arrest and torture. Interfaith noted that the Khmer Krom, upon arrival from a neighbouring country into Cambodia, were treated neither as citizens nor as refugees, rarely granted identity papers, forced to change their names and asked to provide impossible documentation such as Cambodia birth certificates. This was compounded by widespread corruption. Without identity papers, the Khmer Krom were in legal limbo. Interfaith also expressed concern about the December 2009 deportation of 20 Uyghur asylum seekers, identified as persons of concern by the UNHCR. Their location and wellbeing remained unknown.

385. Lawyers' Rights Watch expressed concern about reports of political interference and corruption in courts, and that advocates representing villagers in land rights cases have been targeted with threats, harassment and defamation charges. It called for implementation of recommendations for judicial and legal reform to address impunity and guarantee independence. It underscored the recommendation to ensure protection for human rights defenders and lawyers working on land rights. It urged Cambodia to fully observe the Declaration on Human Rights Defenders, and to take steps to ensure that lawyers are not subject to inappropriate influence or corruption, and the Bar Association is protected from interference. It also urged Cambodia to implement the UN Basic Principles on the Role of Lawyers. It further urged Cambodia to accept requests for visit by the Special Rapporteur on the independence of judges and lawyers.

386. The International Commission of Jurists (ICJ) called for prompt action to implement recommendations. It expressed grave concern at persistent reports of the improper use of legal processes by the executive to arbitrarily restrict freedom of expression and intimidate political opponents, particularly from the Sam Rainsy Party, journalists, human rights

defenders and lawyers. ICJ expressed concern that the Government undermines judicial and legal independence, noting reports of corruption and improper exercise of political influence over the judiciary, including in cases relating to forced evictions without appropriate compensation. It cited similar concerns relating to the Extraordinary Chambers and endorsed recommendations made in this regard. ICJ called upon the Government to respect the rights to freedom of expression, assembly and association of political opponents, journalists, lawyers and human rights defenders and to ensure their safety.

387. Franciscans International appreciated Cambodia's commitment towards persons with disabilities, endorsing the recommendation to ratify the CRPD and to ensure its full implementation in domestic law, and to protect the rights of vulnerable people, including children with disabilities to the same educational opportunities as others. It noted Cambodia's recognition of the importance of education as a major tool for national development of human resources, and its ambitions in this regard, and stressed that children with disabilities must not be left out of these strategies. It recommended giving priority to children with disabilities in such strategies, suggesting initiatives for teacher training, especially in rural and remote areas, and to ensure that all schools provide proper resources that cater for special needs. It further recommended effective human rights education programmes with specific attention to the CRC.

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

388. In its concluding statement, the Cambodian delegation reiterated its gratitude to the intervening States for their constructive comments and critical concerns on to the human rights situation in the country.

389. With regard to issues raised by non-governmental organizations, such as land issues and the freedom of expression in Cambodia, the delegation stated that it had already responded to these on many occasions, both during the UPR process and in various treaty body sessions.

390. It commended the UPR process as one which offered the Government an opportunity to assess and reflect on its achievements and shortcomings in the promotion and protection of human rights. It stated that the process had laid the ground work for further implementation of Government policies and plans of action to enhance human rights in Cambodia. Cambodia had learnt to share the values of tolerance and freedom in society with all the attributes of its own uniqueness, and characteristics of its own to overcome the challenges ahead. These were a source of strength and would lead to progress.

391. The delegation expressed appreciation for the technical assistance and support provided by development partners in its human rights endeavours. It reaffirmed Cambodia's commitment to striving for the strengthening of the rule of law and the promotion of good governance, integrity and accountability, as reflected in relevant laws, policies and plans of actions of the Government. It also reiterated Cambodia's commitment to the success of the UPR process and the development of the Human Rights Council into the true global forum on human rights. Cambodia would thus join other member states in working constructively on the review of the Council for its further improvement.

#### **Norway**

392. The review of Norway was held on 2 December 2009 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

- (a) The national report submitted by Norway in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/6/NOR/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.6/6/NOR/2); and

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/6/NOR/3).

393. At its 13th meeting, on 17 March 2010, the Human Rights Council considered and adopted the outcome of the review on Norway (see section C below).

394. The outcome of the review on Norway comprises the report of the Working Group on the Universal Periodic Review (A/HRC/13/5), together with the views of Norway concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (*see also A/HRC/13/5/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**

395. Norway welcomed the UPR as a unique opportunity to undertake a general, critical review of the human rights situation in the country. In that regard, Norway expressed its strong support to the UPR mechanism, as a vital institution of the new Human Rights Council which will have a real impact on the awareness and development of human rights in Norwegian society. The UPR process has received considerable attention in Norway and the discussions on many of the issues raised will surely continue.

396. Norway highlighted the insightful and constructive comments and recommendations made by States some of which would also rely on the ground work of many civil society organizations. Norway referred to the role of civil society which provides substance to the UPR. The delegation noted that 115 recommendations were put forward to Norway which clustered them into 91 on a number of issues focusing on the rights to equality and non-discrimination, racism and intolerance, human rights of migrants, domestic violence, detention, human rights education and on the legislative framework for human rights. In the working group, Norway accepted 44 recommendations and rejected one. The remaining recommendations were subject to careful consideration at the national level and position are to found in the written addendum to the working group report.

397. The delegation highlighted that Norway accepted, in total, 66 recommendations in full and 5 in part, and two recommendations have been converted into voluntary commitments.

398. The delegation mentioned the efforts undertaken to fight against discrimination, as this issue was raised by several delegations, and remained high in the priorities of the authorities. Almost all the recommendations in this area were accepted, since the fight against discrimination, racism and xenophobia represented a matter of human dignity, respect and tolerance.

399. The delegation recognized the challenges the country faces in relation to domestic violence and violence against women and children and reiterated its clear position that this should not be considered a private matter and should be dealt with by the authorities. Norway mentioned its full commitment to follow-up on related recommendations.

400. The delegation referred to the 18 recommendations it could not support at this stage. For most of these issues, the disagreement does not pertain to substance as this is the case for recommendations where the Government, due to the constitutional separation of powers, does not have any mandate or possibility to exert influence on the process, such as the constitutional human rights revision. Other recommendations asked for the revision of

Action Plans, which Norway considered were in the process of being implemented, and regarding which review could only come at a later stage.

401. Despite the importance of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families noted by many delegations, after careful consideration of its provisions, Norway confirmed that it was not in a position to ratify it. Norway was committed to improving labour standards, also of migrants and foreign nationals residing in the country and had to this effect, ratified all the key human rights instruments and the ILO core conventions on workers' rights.

402. Norway regretted not being in a position to provide a clear answer on the signature and ratification of the Optional Protocol to the Covenant on Economic, Social and Cultural rights since it was still in the process of examining the legal implications, which should be completed within a year.

403. Norway acknowledged that the success of the UPR would require sustained efforts and political will and looked forward to an open and inclusive dialogue on all the issues and recommendations that could not be supported at this stage.

404. Norway pledged to apply the same inclusive approach in the preparation of the national report to the UPR follow-up. Indeed, it will establish a comprehensive, systematic and coordinated process in partnership with all relevant stakeholders. Norway underlined that the UPR process the other international human rights mechanisms, in particular the treaty bodies.

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

405. Algeria congratulated Norway for accepting other recommendations. It expressed appreciation at Norway's sponsorship of the "retreat of Algiers" on the HRC review process. It reiterated its satisfaction with Norway's assistance to developing countries which was raised to 1.09 per cent of its gross national income. It encouraged Norway to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their families. Algeria welcomed the importance given to the Millennium Development Goals in Norway's development policy. It commended Norway's commitment to combat racism and xenophobia, especially through Action Plan 2009-2012, and encouraged it to give further consideration to recommendation 19 put forward by Algeria.

406. Pakistan thanked Norway for its frank and elaborate presentation, including its detailed comments on the recommendations that were pending. As a Troika member for the review of Norway, Pakistan commended the delegation's positive approach to the UPR mechanism and the fact that it accepted most of the recommendations. Pakistan appreciated Norway's strong commitment to the promotion and protection of human rights and acknowledged its contributions in helping to build consensus on controversial and difficult subjects. Norway was encouraged to continue with its constructive engagement on all human rights issues.

407. Iran appreciated Norway's acceptance of recommendations it had made. It requested clarification about implementation of recommendations on ensuring that foreign students are not arbitrarily deprived of their right to education in universities; on the implementation of the United Nations Declaration on the Rights of Indigenous Peoples; as well as regarding recommendations on incorporating the content of the International Convention on the Elimination of all Forms of Racial Discrimination in the Human Rights Act. It remained concerned of the increasing trend of high incidents of domestic violence, violence against women and children, sexual abuse and high number of rapes, and the increasing racist and xenophobic political speech, stereotypes against Muslims. Iran was worried at the broad definition of terrorism in the penal code. Iran was also concerned and requested clarification

on the capacity to address issues such as child pornography on the internet, the rising number of rapes, and measures and legislation that endanger the foundation of family.

408. Nepal noted with appreciation the achievements made by Norway in developing a strong foundation for democracy, pluralism, the rule of law and human rights. Nepal congratulated the country on its top ranking in the United Nations human development index. It also welcomed Norway's commitment to fighting global poverty. It commended its efforts to develop a pragmatic approach to several pressing and difficult issues of our time.

409. The United States appreciated Norway's commitment to promoting human rights and commended it for implementing the Anti-Discrimination and Accessibility Act. It welcomed Norway's commitment to consider ratifying the Convention on the Rights of Persons with Disabilities, and favourably noted programs for migrant juveniles and their focus on secondary education and labour market inclusion. It reiterated the importance of the Ombudsman for Children's cooperation in addressing ethnic youth's distrust of law enforcement officers as part of its ongoing efforts to combat racism and xenophobia. It commended Norway for steps taken to introduce restorative justice programs for juveniles and attention and resources committed to unaccompanied asylum seeking minors.

410. Hungary appreciated Norway's exemplary efforts to protect and promote human rights and highlighted the importance it attaches to the fight against all forms of discrimination. Hungary welcomed Norway's willingness to consider ratifying OP-CAT and signing OP-ICESCR. It also highlighted Norway's pledge to uphold the policy of allocating a minimum of 1% of its GDP for development assistance. Hungary further underscored Norway's pioneering role in the promotion and protection of woman's rights and programs regarding social inclusion, as well as in international efforts aimed at ensuring that States fulfill its obligations regarding the rights of human rights defenders. Hungary underlined that Norway's cooperation with the UPR, its transparency and openness during the preparation and the review process, can serve as a model to other countries and highly esteemed its voluntary commitment to provide information annually on the implementation of the recommendations it accepted.

411. Botswana welcomed Norway's acceptance of the majority of the recommendations and appreciated the additional information provided. It commended Norway's decision to convert some of the recommendations into voluntary commitments, as an action oriented approach. It noted with appreciation Norway's leadership in the fields of promoting human rights and combating racism, as well as its constructive participation in the work of the HRC.

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

412. The Norwegian Centre for Human Rights (NCHR) commended Norway for its self-critical and constructive approach to the UPR. It highlighted two concerns. The first was the lack of response of to requests for a new National plan of action for human rights. It regretted Norway did not have a clear policy: indeed, no specific goals were set; no overall measures were initiated, there was no coordination of ministry initiatives, no plan for competence-building in the state bureaucracy and no overall mechanism for political follow-up of decisions taken. Hence, the Plan of Action was seen as weakening the Government's accountability when it came to its human rights commitments. NCHR was of the view that the current case by case fragmented approach to the use of religious garments, primarily hijab, exemplified the challenges of policy coordination. It recommended that Norway commit to formulate and implement a Plan of Action for Human Rights and establish a high level inter-ministerial coordinating mechanism for its follow-up consultation with the NCHR and civil society. The second concern referred to the ratification of international human rights instruments to which Norway is not yet a State Party. In this regard, NHCR

recommended that Norwegian authorities continue to set a good example internationally by giving priority to ongoing ratification processes, by ratifying the Optional Protocols to the Convention Against Torture, the Convention on Economic, Social and Cultural Rights and the Convention on the Rights of People with Disabilities.

413. Charitable Institute for Protecting Social Victims mentioned a nation-wide survey showing that 9 per cent of women of the age of 15 had been victims of gender-based violence, and a government committee's estimations of early 2008 that there were 8000 to 16000 rape victims. It was concerned about the lack of comprehensive statistics on rape and the lack of prioritisation by the government of gender-based violence perpetrated by present or former partners. It recommended that Norway facilitate women's access to the justice system and emergency centres in police stations, and train law enforcement officials dealing with gender-based violence considering the impact of weakening the economic welfare or societies.

414. In its joint statement the Organization for Defending Victims of Violence and the Iranian Elite Research Center referred to official statistics on domestic violence against women in Norway and asked the government to maintain a strong focus on the issue, including systematic measures to protect victims as well as to prevent rape and domestic violence through effective policies and targeted prevention campaigns, education and awareness-raising efforts, among others. The organization was concerned at the methods used by the government in dealing with minority issues, especially in relation to Muslims and requested the government to take all necessary measures to eliminate discrimination faced by persons belonging to racial, religious or ethnic minorities, as well as persons with an immigrant background, in particular in the context of counter terrorism measures.

415. The Institute for Women's Studies and Research (IWSR) recalled HRC resolution 10/22 on Combating Defamation of Religion which "expresses deep concern at the negative stereotyping and defamation of religions and manifestation of intolerance in matters of religions still evident in Norway, which led to intolerance against the followers of these religions". IWSR was concerned at the increasing spread of Islamophobia in Norway, and that the media, by linking terrorism to Muslims and drawing shocking images of Muslims, was endangering peace and stability. It stated that Norway had a fundamental role to play in preventing the spread of Islamophobia.

416. The European Region of the International Lesbian and Gay Federation commended Norway's engagement in the Durban review process, its leadership on issues of sexual orientation and gender identity and its efforts to enhance the Council's capacity to fulfill its mandate. The organization asked Norway if it would be willing to accept recommendations to provide appropriate health care services for transgender people and to ensure that they have access to official documentation in accordance with their self-defined gender identity. It also asked if the government would be willing to endorse the Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity. Finally, it noted with regret that the Government was not yet ready to ratify OP-ICESCR and inquired about the deliberations planned and whether Norway would be reporting back to the Council on its conclusions in this regard.

417. International Save the Children Alliance noted with interest the scope of recommendations enjoying the support of Norway. Concerning trafficking, it urged the Norwegian Government to act on the recommendations of the Committee on the Rights of the child to set focus on child victims of trafficking and identify and competently treat child victims of trafficking. Concerning asylum seeking children, it recalled the recent recommendations from the Committee on the Rights of the Child calling on the Government to give primary consideration to the best interest of the child whenever decisions about the child's future are under consideration. It expected further action on Juvenile Justice to guarantee justice standards were fully implemented and deprivation of liberty was used as a

last resort. It commended the continued focus from the Norwegian government to combat violence against children and requested that special attention be given to adequate legal provisions and regulations ensuring that children victims and or witness of crime were protected against both physical and psychological violence. This called for a stronger holistic approach and amendments to the penal code.

418. Amnesty International (AI) welcomed Norway's support for recommendations to prevent gender-based violence and to strengthen efforts to combat domestic violence and violence against women. AI also welcomed its support for recommendations to ensure conformity of pre-trial detention with international standards and access to appropriate care for all detainees. AI expressed concern of reports in the national media indicating violations of domestic legislations of one in five persons arrested in Oslo in police cells. AI noted with concern that two groups of Iraqi asylum-seekers were forcibly returned to their country of origin on 6 December 2009 and 26 January 2010, contrary to UNHCR recommendations. AI welcomed Norway's support for recommendations to respect the rights of refugees and to guarantee proper analysis of each petition on a case by case base while noted the partial support to show flexibility towards irregular situations which may face expulsion. AI also acknowledged the positive contribution of Norway to the Durban Review Conference and encouraged to pursue efforts to address racism.

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

419. In conclusion, Norway noted that many important issues have been raised and thanked the representatives of the civil society who took the floor. Norway considered that most of the issues raised had been addressed in the UPR report and by the Minister during the review in the Working Group. Norway noted that many interventions addressed crucial issues concerning racism, discrimination, domestic violence and trafficking. Norway respectfully drew attention to the comprehensive addendum circulated for more details. All concerns raised were seen as requiring continuous and systematic efforts which justified the setting up of concrete action plans on various issues, such as equality and discrimination, living standards for the Roma people, domestic violence, integration and social inclusion of immigrant population and social dumping.

420. Norway assured that it is fully committed to continuing the discussion on all these issues in the follow-up to the UPR report. Norway was looking forward to continue the dialogue with everyone and reaffirmed its support to the crucial role of treaty bodies. Norway also reaffirmed its strong commitment to promoting the MDGs and to international solidarity. Norway expressed sincere gratitude to the OHCHR for its invaluable support in the UPR process and to the President for his able leadership. Norway also thanked the Troika for their smooth and effective cooperation with the Norwegian delegation.

##### **Albania**

421. The review of Albania was held on 2 December 2009 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

- (a) The national report submitted by Albania in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/6/ALB/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.6/6/ALB/2); and
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/6/ALB/3).

422. At its 29th meeting, on 17 March 2010, the Human Rights Council considered and adopted the outcome of the review on SuR (see section C below).

423. The outcome of the review on Albania comprises the report of the Working Group on the Universal Periodic Review (A/HRC/13/6), together with the views of Albania concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group.

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

424. The head of the delegation, H.E. Edith Harxhi, deputy Minister of Foreign Affairs, stated that the Human Rights Council enjoys the full-fledged support of the Government of Albania and extended thanks to all delegations that in Universal Periodic Review (UPR) session of December 2009 highlighted Albania's accomplishments in the human rights area, and suggested legal and structural improvements. A special thank went to the Troika of delegations from United States of America, Russia, Mauritius and the Secretariat.

425. Since the UPR December session, the activity of the Albanian Government has been filled with intense activities, a large part of them being a follow-up of the recommendations made by delegations in December.

426. Early January 2010, the Albanian Government announced that it would conduct a population census in 2011, which will also include the question of ethnic and religious affiliation. To this end, the Central Census Commission has held a series of meetings with representatives of the associations of minorities and religious communities. As far as the definition of ethnic and religious affiliation is concerned, the census will comply with Albania's international commitments. In particular, regarding the definition of national affiliation, it will refer to the requirements specified in Article 32 of the European Convention on the Protection of Minorities.

427. The delegation stated that at the end of January 2010, the Albanian Government decided to set up the Institute for the Crimes of Communism. This initiative relates to the necessity of bringing to evidence and punishing the crimes committed in Albania during the 50 years of communist rule. During that period, the bloodiest regime ever of all Eastern European countries internally adopted a repressive policy against all political opponents, and imposed a total isolation of the country from the rest of the world. The terrible toll of those days was ten-thousands persons executed and hundreds interned.

428. Indeed, a great effort has been done during the last 20 years to integrate, in the political, economic and social life, former politically persecuted persons by Communism. Yet, the thorough investigation and punishment of crimes perpetrated by that regime is an absolute necessity. Accordingly, the establishment of the Institute for the Crimes of Communism serves to keep intact the memories, and to inform the new generations, of the sufferance under that regime.

429. The delegation stated that in early February 2010, the Albanian Parliament adopted the "Law on Protection from Discrimination" (Anti-Discrimination Law). In the UPR session of December 2009, several delegations highlighted the absence of an exhaustive legal frame, aimed at the protection of all categories vulnerable to discrimination. Today, in legal terms, Albania has met this commitment. The relevant legislative activity broke new ground in Albania. The elaboration of the Anti-Discrimination Law was a contribution from an Albanian non governmental organization, which worked on it for over three years with the help of the best international expertise in this area. The final version of the project law was elaborated with almost all groups of interest and then referred to the Albanian



Parliament for endorsement. Since under the Constitution a NGO does not enjoy the right of legislative initiative, a group of Members of Parliament from the governing majority supported this initiative. Subsequently, the project was reviewed by various parliamentary commissions and was unanimously adopted on 4 February 2010.

430. The Anti-Discrimination Law governs the implementation and compliance with the principle of equality on the account of gender, race, colour, ethnicity, gender identity, sexual orientation, political, religious, philosophical, economic, education or social status, pregnancy, parental affiliation, health state, domicile and other grounds.

431. This Law is designed to ensure equality before the law and equal legal protection to each individual, equality of chances and opportunities in exercising human rights, protection from discrimination or any other form or behaviour that incites discrimination, and to take an active part in public life. Beneficiaries of this Law are Albanian nationals and foreign physical and juridical persons.

432. For protecting victims of discrimination, an institution, called the “Commissioner for the Protection from Discrimination” shall be set up. This institution will employ the most renowned experts in the field of human rights and will provide effective protection from discrimination and incitation to discrimination.

433. The Commissioner shall be elected by the Parliament and should be an individual with a notable role and expertise in the human rights field; apart from other requirements, he/she should not be engaged in political activity. The Commissioner’s powers range from the administrative verification of violations, recommendations for restoration of rights, court representation of aggrieved parties, to imposing administrative sanctions against persons who infringe the principle of equality among nationals.

434. The Government thinks that the adoption of this Law and particularly its implementation will essentially help produce a climate, where each individual will feel as an equal part of the society. Of course, discrimination would not end with the adoption of this Law. Combating discrimination and respect for human rights as a whole is a long process, whereby the civil society, the Ombudsman, the Commissioner against Discrimination, the Government and all its structures have their own tasks and goals, which are clearly specified in the Constitution and other legal acts.

435. At the UPR December 2009 session, the Albanian delegation officially extended an open invitation to all special procedures rapporteurs to visit the country. In this framework, the Special Rapporteur for extra-judicial, arbitrary and summary executions, Philip Alston, visited Albania from 14 to 23 February 2010. The Albanian Government wished to express its highest appreciation of for the professional competence, commitment and objectivity of Rapporteur Alston and the staff who accompanied him.

436. The delegation highlighted the special significance of transparency towards international institutions. From this perspective, verification of human rights standards by other Rapporteurs should be a normal practice of the activity of the Council.

437. Furthermore, the delegation noted that Albania has also passed a Draft Law on Child Rights and that a child and family protection unit was established within the Ministry of Labour and Social Affairs. In November-December 2009, a national campaign aimed at raising awareness for combating violence against women was carried out. Reports to police on this phenomenon are on the increase and the building of the first shelter for women has been completed.

438. Concerning recommendation 3 included in paragraph 69 of the UPR WG report (A/HRC/13/6), the delegation stated that Albania made changes, relevant to the legal framework of the definition of sale of children and child pornography, in the Criminal Code in 2008. Recommendation 4 of the same paragraph was rejected on the ground that the

institute of the Ombudsman and a national human rights commission had already been established. Action on recommendations 9, 11, 12, 14 and 16 in paragraph 69 will soon be implemented.

439. The delegation reiterated that the conclusions of the UPR of Albania will be part and parcel of the Government agenda for the forthcoming period.

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

440. Algeria welcomed the efforts of Albania to promote and protect human rights as well as to ensure the gradual establishment of legal and institutional mechanisms. Algeria was delighted by the fact that Albania has accepted 85 recommendations, including all recommendations put forward by Algeria. More than half of these recommendations are already in the process of implementation, which was a sign of the Albanian commitment to promotion of human rights norms. Algeria expressed its confidence about the actions being undertaken by Albania to consolidate and strengthen measures to continue the fight against trafficking in human beings, and it would like to see other countries benefiting from the Albanian experience.

441. The delegation of the United States of America welcomed the acceptance of the recommendation No 13, paragraph 69 of the UPR WG report (A/HRC/13/6) regarding the Media Monitoring Board. It further urged Albania to follow up with a robust reform and strengthening of the Board. The United States welcomed that Albania signalled its support for additional measures to eliminate the worst forms of the child labour. While expressing its support to the recommendations made by Belgium and Slovenia (recommendations 25 & 26, paragraph 67, A/HRC/13/6) regarding the improvement in the effectiveness of combating corruption of state officials, the United States welcomed the endorsement of these recommendations by Albania. The United States welcomed the development of an anti-corruption strategy and mentioned that they look forward to hearing about the progress in implementation of this strategy. Finally, they commended Albania for its commitment to UPR process.

442. Senegal noted that Albania's acceptance of a great majority of recommendations was a clear indication of the country's determination to improve human rights situation. It noted particularly the positive responses given by Albania to recommendations in regard to strengthening institutional and legislative framework as well as bringing them in line with international standards. Senegal highlighted the spirit of openness with which Albania addressed issues regarding smuggling of persons and protection of rights of women and children. Senegal wished Albania success in implementation of accepted recommendations.

443. Montenegro congratulated Albania for its constructive cooperation and engagement in the process of universal periodic review. It commended Albania for its responsible attitude towards proposed recommendations. Montenegro noted that Albania and Montenegro maintain fruitful bilateral relations, with particular emphasis on enhancing protection of minorities living in both countries. Montenegro mentioned that the continuity of Albania's activities aimed at affirmation of fundamental rights and freedoms demonstrated the commitment of Albania for promotion and protection of universal values. Montenegro encouraged Albania to continue advancing protection and promotion of human rights and freedoms.

444. The Former Yugoslav Republic of Macedonia saluted the openness of Albania and the country's readiness for cooperation in the UPR process, which demonstrated determination of Albania to continue to fulfil human rights standards and further their implementation. It noted with satisfaction the commitment of Albania to improve human rights situation, in particular with respect to rights of minorities, persons with disabilities

and children, and to undertake steps to address regional disparities, in particular in the field of education, health and environment.

445. Morocco congratulated Albania for the openness displayed throughout the process of the universal periodic review and for its comprehensive presentation. It noted with satisfaction that Albania accepted a large number of recommendations, which reflected the country's commitment to a modern society determined to address challenges of development and realization of human rights, in particular rights of vulnerable persons. It noted with interest the national policy and accompanying measures that have been adopted to ensure rights of children fully, by focusing on the fight of universally recognized phenomena, which can undermine these rights. It noted the interest shown for the protection of the rights of national minorities, in particular the right to preserve and develop ethnic, cultural, linguistic and religious identity of individuals. Albania's determination to continue bringing its legislation in line with international human rights standards was expressed by the acceptance of all recommendations on this subject.

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

446. The European Region of the International Lesbian and Gay Federation commended the Government of Albania for accepting the UPR recommendation to include sexual orientation and gender identity specifically in anti-discrimination legislation. It called for effective implementation of the anti-discrimination law, also with a view to guaranteeing respect for human rights related to sexual orientation and gender identity, and encouraged Albania to establish a commissioner on equality. The Federation further commended Albania for accepting recommendations related to human rights education and awareness-raising, including with regard to sexual orientation and gender identity, and asked about steps taken to fulfill this commitment. Finally, the Federation urged the Government to accept the recommendation to consider applying the Yogyakarta Principles on the application of international human rights law in relation to sexual orientation and gender identity as a guide to assist in policy development.

447. Amnesty International welcomed Albania's support for many recommendations made in the UPR Working Group, including the recommendation to promote the enforcement of the Law on Gender Equality and Domestic Violence and increase public awareness in this regard, to implement the UN Guidelines for the Alternative Care of Children and to adopt further measures to protect the human rights of children leaving care. Amnesty International expressed particular concern about the situation of orphans and other young people after leaving care and called on Albania to increase protection for them, including by ensuring that they have access to adequate housing. Amnesty International regretted Albania's rejection of two recommendations for the prohibition of corporal punishment of children as a disciplinary method, noting that, according to press reports, a free national Child Line opened in 2009 received about 400 calls a day from children reporting ill-treatment. In light of information that physical and psychological violence was still often regarded in Albania as having a positive effect on a child's education and development, Amnesty International urged Albania to review these two recommendations.

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

448. The delegation of Albania noted that recommendation 13 by the United States of America, in paragraph 69 of the UPR WG report, on the Media Monitoring Body was accepted, as well as recommendations 9 by Belgium and 11 by Slovenia on the independence of the judiciary. The delegation also noted that Albanian anti-corruption legislation and policies are among the best ones. Yet, Albania will continue in its efforts on this issue as well as and in the fight against organized crime. Additional information on

minorities, child rights, anti-discrimination policies and legislation on domestic violence was provided.

#### **Democratic Republic of the Congo**

449. The review of the Democratic Republic of the Congo was held on 3 December 2009 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

- (a) The national report submitted by the Democratic Republic of the Congo in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/6/COD/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.6/6/COD/2); and
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/6/COD/3).

450. At its 30th meeting, on 18 March 2010, the Human Rights Council considered and adopted the outcome of the review on the Democratic Republic of the Congo (see section C below).

451. The outcome of the review on the Democratic Republic of the Congo comprises the report of the Working Group on the Universal Periodic Review (A/HRC/13/8), together with the views of Democratic Republic of the Congo concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group.

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

452. The delegation indicated that the Government of the Democratic Republic of the Congo, respectful of its international commitments, submitted a national report in the context of the UPR. Furthermore, it accepted already in the working group, 124 out of 163 recommendations made during the review.

453. With regard to the implementation of the recommendations already accepted, the delegation noted that most of the needed legislative reforms will be considered during the parliamentary session to be held between March and June 2010, or at the latest, the September 2010 session, with a particular attention to the law implementing the Rome Statute on the International Criminal Court, the law on the creation, organisation and functioning of the National Human Rights Institution, in accordance with the Paris principles, the law on parity between men and women, the ongoing reform of the criminal and family codes and the laws allowing ratification of international human rights treaties.

454. Regarding the promotion of peace, the government had put an end to the Kimia II operation and officially launched a new programme called "Amani Leo" for consolidating peace in the East with the Assistance of the MONUC. This joint operation aimed at bringing under control the last resistance to the peace process, with particular attention to the protection of the civilian population. Other operations are underway to bring peace back throughout the territory, such as the Rudia II operation in the eastern province where the Lord Resistance Army continued to violate the fundamental rights of Congolese citizens.

455. The delegation stressed that awareness raising campaigns on the need to combat sexual violence were still underway, through the organisation of workshops. Mention was made of the campaign jointly put in place with MONUC since January 2010. Combating

impunity for crimes of sexual violence was taking place and military courts have convicted a number of soldiers and officers who were guilty of sexual violence. Ordinary courts were also attempting to combat this scourge and the national agency to combat sexual violence against women and girls set up in 2009 was being effectively put in place.

456. The government was stepping up efforts to ensure access to education, health and to an adequate standard of living, including through the building of hospitals, the improvement of the business climate and of the electricity supply and the progressive increase in remuneration. Efforts to bring an end to the initiative for the Highly Indebted Poor Countries were part of this same vision and resources allocated to debt servicing will be reoriented to programmes to fight poverty with a view to eradicating it.

457. With regard to the fight against the recruitment of children in the army and the rehabilitation of former child soldiers, remarkable progress have been achieved through the Unit for implementation of the national programme for disarmament, demobilisation and rehabilitation. As of 31 December 2009, concrete implementation of rehabilitation programmes for 5700 demobilised persons with contributions from the African development Fund, begun to take place. CARITAS and FAO have been identifying 4200 demobilised persons which were referred to them. Also, pilot agricultural farms have been set up in ten selected sites for community rehabilitation.

458. The delegation noted that the aim of the government was to increase the efficiency of the justice. It added that 2000 magistrates will be recruited, 1000 in 2010 and 1000 in 2011. This will allow for an optimal functioning of the judiciary and will strengthen the fight against impunity, including for crimes of sexual violence and corruption. In the meantime, existing courts were ready to deal with different criminal cases, including with regards to sexual violence. In combating the overcrowding of penitentiary institutions, a new central prison in line with international standards was inaugurated on 30 December 2009 and the government was rehabilitating two other prisons. In addition, there will shortly be areas for girls in the Beni and Goma establishments for child custody. Also, the Beni military Court is being set up. These actions were part of the implementation of the overall justice system reform plan, in particular the creation of 145 peace courts all over the territory, by June 2010, in order enable people to be close to the courts and to ensure the effectiveness of the justice system.

459. As to combating impunity within the army and the police, the zero tolerance policy, announced by the Head of State, continue its irrevocable path and any officer found guilty is systematically prosecuted at the disciplinary or court levels, irrespective of the rank.

Regarding the recommendations on which the DRC had reservations, the delegation reaffirmed its full readiness to cooperate with the 7 special thematic rapporteurs and with the other special procedures and to issue them an invitation whenever such request was made. It recalled the invitation launched by the government for a visit by the Independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of human rights, particularly economic, social and cultural rights.

460. The delegation assured the Council of the full readiness of its government to cooperate in view of the implementation of the recommendations by the special rapporteur on extrajudicial, summary or arbitrary executions following his visit to the DRC. With regards to the recommendation on the creation of a joint commission including international staff, to combat arbitrary detentions, the delegation considered that this structure already existed in the framework of the joint justice committee. As to recommendations relating to internal functioning of the FARDC, the delegation noted that these issues were part of the national policy. The government waited for the results of the

mapping carried out by the United Nations for the period 1993-2003, before expressing itself on the recommendations on transitional justice.

461. As to recommendations on elaborating laws specifically protecting human rights defenders, the delegation reaffirmed its commitment to continue discussions to set up a specific legal framework for these persons.

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

462. Algeria commended the commitment of the government to improve human rights, particularly of vulnerable groups such as women and children, with the support of Human Rights mechanisms. Algeria noted with satisfaction that the DRC supported the recommendations made by its delegation and had accepted 124 recommendations in the working group. Algeria encouraged the authorities to pursue the consolidation of the peace process in the context of a crisis exit strategy adapted to its particular circumstances, within the framework of existing mechanisms and noted that a country mandate would have little practical effect if not established at the request of the concerned country.

463. Cuba expressed appreciation at DRC's self acknowledgements of the problems it faced and its resolve to continue its efforts to overcome them. Cuba noted that the country's colonial past and the structural poverty were the root causes of the existing conflict and instability. Cuba was of the view that punitive actions would not constitute the solution and that priority should be given to development strategy and long term cooperation, in particular from developed countries, to overcome structural poverty and improve living conditions in the country.

464. United States of America commended the Democratic Republic of the Congo for accepting several recommendations. It noted DRC's will to cooperate with the International Criminal Court and expected the DRC to reconsider its refusal to support the recommendation to deliver General Bosco Ntaganda to the ICC. It expressed concerns about impunity and justice and supported a number of recommendations in this regard. It expressed regrets that the DRC rejected several recommendations relating to access to detention facilities and to serious cases of impunity, and encouraged it to reconsider its position in this regard..

465. China noted the importance the DRC attached to the UPR process. It stated that many measures had been adopted to enhance human rights including the rights to education, health and housing and to incorporate human rights education in the curricula and spread human rights. China understood the special difficulties faced by the country due to protracted wars and poverty and believed that, with the support of the international community, the DRC will improve its human rights and humanitarian situation.

466. Senegal noted that the large amount of recommendations made to the DRC revealed the importance the HRC attached to the improvement of the human rights situation and to the challenges faced by the DRC. Senegal encouraged the International Community to support DRC through technical assistance, in accordance with the needs it would express, and taking into consideration the fact that the government had accepted recommendations on violence against women and children and prosecution of the perpetrators of these acts.

467. Italy noted that numerous forms of discrimination and violations of the rights of the child persisted and that many children, in particular street children were exposed to exploitation and abuse. Children accused of witchcraft were maybe those who suffered the worst treatments. Italy appealed to the authorities to take more efficient measures to fight this phenomenon, in particular by adopting legislation to criminalize accusations of witchcraft against children; raising awareness on this issue and implementing a rehabilitation and reintegration programme with the help of the international community.

468. Belgium noted that the acceptance of 124 out of 163 recommendations in the working group, including three made by Belgium on the fight against sexual violence, the protection of the so-called “witch” children, and human rights defenders’ protection, showed the authorities’ commitment to enhance human rights protection. Belgium noted with appreciation the acceptance of a number of recommendations which were under consideration and expressed the hope that the possible adoption of a law to protect human rights defenders will allow for positive response to the recommendations made on the subject. Belgium encouraged the authorities to rapidly implement all the recommendations and reiterated its full support in this respect.

469. Cameroon welcomed the additional information provided and praised efforts made by the DRC for the promotion and protection of human rights. It welcomed the acceptance of 124 recommendations, noting that many of these were already being implemented. It made an appeal to the Human Rights Council and the international community to strengthen its technical assistance to the DRC.

470. Morocco highlighted the commitment displayed by the DRC to promote and protect human rights particularly illustrated by the open and frank debate on the human rights situation in the country and the acceptance of the great majority of recommendations. Morocco welcomed the willingness of the DRC to cooperate with the international community to promote the human rights situation and called for technical and financial assistance to the DRC, at its request and with its consent. Morocco thanked the delegation for having accepted its two recommendations, related to the national human rights institution and to education, particularly, human rights education and training.

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

471. The International Federation for Human Rights Leagues welcomed the commitments taken by the DRC in the UPR, but expressed surprise that recommendations made for the protection of human rights defenders were considered as implemented. They deplored the rejection of recommendations to arrest Bosco Ntaganda and transfer him to The Hague and to create a mechanism to exclude from the army and security forces persons responsible for serious human rights violations. Finally, they requested the implementation not only of recommendations accepted but also of those made by the Special Procedures and the High Commissioner for Human Rights and the country’s obligations under international law.

472. Franciscans International in a joint statement with Swiss Catholic Lenten Fund, International Federation of ACAT and Lutheran World Federation mentioned that more than sixty national and international NGOs expressed concern on the high number of rejected recommendations, and urged the government to reconsider its position. Regarding recommendations already implemented, they noted the slow pace of the authorities in carrying them through, including in relation to women’s rights, abolition of the death penalty, implementation of the Rome Statute and the establishment of the National Human Rights Commission. They encouraged the DRC to create favourable conditions for the implementation of recommendations, with an effective cooperation with the Special Procedures and periodic follow up evaluation by the Council.

473. Action Internationale pour la Paix et le Développement dan la Région des Grands Lacs indicated that the last two UN reports revealed that violence against the civilian population in the East was continuing with impunity. It stated that the root causes of the Congolese tragedy were the illicit exploitation of natural resources as well as the role of neighboring countries. They took note of the role of multilateral companies, which have transformed the DRC into a lawless place. It recommended that criminal prosecution be initiated against individuals and multinational companies involved in the illegal looting of resources and in crimes against humanity and war crimes.

474. International Commission of Jurists (ICJ) requested the government of the DRC to take prompt measures to implement all UPR recommendations. Member of the armed forces, Intelligence services and armed groups have been implicated in gross and systematic human rights abuses. ICJ regretted that the government rejected recommendations of arresting and transferring Bosco Ntaganda to the ICC. ICJ stressed the prevalent grave Human Rights concerns, particularly related to the culture of impunity and deficiencies of the judicial system. ICJ reiterated its call to the Council to re-establish a comprehensive country mandate, a group of independent experts, to help the government to address gross Human Rights violations and violations of the International Humanitarian Law.

475. Comité International pour le Respect et l'Application de la Charte Africaine des Droits de L'homme et des Peuples (CIRAC) recalled the existence of numerous serious abuses and violations including massacres, corruption, sexual violence against women and children, recruitment of child soldiers, murders of members of civil society, looting of minerals by multinationals and neighboring countries, and the persistence of extrajudicial executions with impunity. It stated that the different military operations had contributed to the occupation of the East of the country. The complacency of the government revealed the lack of political will to put an end to the suffering of the population.

476. Interfaith International, in a joint statement with Rencontre Africaine pour le Défense des droits de l'Homme and Al-Hakim Foundation encouraged the DRC to combat the culture of impunity, discrimination against Bambeto pigmies, rape of women, stigmatisation of witch children and to take appropriate measures to build transparency and good management of mining resources to achieve the MDGs. It congratulated DRC for its openness to the Human Rights Council mechanisms.

477. International Voluntarism Organization for Women, Education, Development (VIDES) and International Institute of Mary our help of the Salesians of Don Bosco (IIMO) welcomed achievements in human rights in the DRC. It noted that measures taken by the government in relation to combating grave economic and sexual exploitation of children, as well as putting an end to impunity of those responsible of sexual crimes against children, are insufficient. It stressed that serious situations of exploitation persisted, in particular in the Katanga region. Mines were still places of economic and sexual exploitation of children, including young girls under the age of 12. VIDES expressed the hope that more adequate and effective measures be adopted in this regard.

478. International Institute of Mary our help of the Salesians of Don Bosco (IIMO) and International Voluntarism Organization for Women, Education, Development (VIDES) welcomed efforts to reinforce the national legal framework of the child protection. IIMO stressed the serious violations of the Convention on the rights of the child in the Katanga region, particularly due to extreme poverty. IIMO noted the increase of street children and children accused of witchcraft which are exposed to abuse. It hoped that the DRC would pay a special attention to this vulnerable group. With regards to the right to education, IIMO suggested to the DRC to ensure free education effectively.

479. Canadian HIV/AIDS Legal Network noted the decision of the Human Rights Committee that considered that criminalizing homosexual conduct violates the ICCPR. They urged the Democratic Republic of Congo to: ensure that the penal code is not applied to criminalize homosexual activity between consenting adults; adopt measures and programmes for the prevention of HIV/AIDS; and provide law enforcement and judicial officials with training regarding the protection of human rights of sexual minorities.

480. Amnesty International hoped that the 8 recommendations supported by the DRC and related to human rights defenders would be given high priority. AI noted that the issue of arbitrary and incommunicado detention by security services and the army did not receive sufficient attention. AI regretted that the government did not support the recommendation



to grant access to the Joint UN Human Rights Office, UN Special Rapporteurs and other independent mechanisms to places of detention. AI was concerned that some national army officers suspected of serious human rights and human rights law still serve in operations in the East and hoped that the UPR would give renewed impetus to the government to show political will to implement the national “Zero tolerance” policy .

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

481. With regards to the 28 recommendations contained in Paragraph 96 of the UPR Working Group report on the DRC, the delegation informed that it accepted recommendations N. 1, 4, 5, 8, 9, 13, 14 and 19 and that it noted the remaining ones. The delegation stressed that country mandates can only be set up at the request of the country concerned. The authorities were renewing their invitations to the various thematic procedures. The delegation mentioned that all the particular questions mentioned during the debate were a matter of concern to the DRC, especially sexual violence, exploitation of resources, violence against children and combating impunity.

##### **Côte d’Ivoire**

482. The review of Côte d’Ivoire was held on 3 December 2009 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

- (a) The national report submitted by Côte d’Ivoire in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/6/CIV/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.6/6/CIV/2); and
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/6/CIV/3).

483. At its 30<sup>th</sup> meeting, on 18 March 2010, the Human Rights Council considered and adopted the outcome of the review on Côte d’Ivoire (see section C below).

484. The outcome of the review on Côte d’Ivoire comprises the report of the Working Group on the Universal Periodic Review (A/HRC/13/9), together with the views of Côte d’Ivoire concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/13/9/Add.1/Rev.1).

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

485. Mr. Tia Koné, President of the Supreme Court, recalled that Côte d’Ivoire had left 39 recommendations for further consideration after the working group session.. He stated that the responses were based on the commitment of Côte d’Ivoire to promote and protect human rights. The country attached the greatest importance to the Universal Periodic Review, and would therefore report to the Council on achievements made in implementing these recommendations under item 6 of the agenda, once democratic, inclusive and transparent elections will be completed. Côte d’Ivoire also drew the attention of the Council to the document containing its responses to the recommendations (A/HRC/13/9/Add.1/Rev.1). The delegation provided update on issues addressed by the above-mentioned recommendations.

486. Côte d'Ivoire recalled its commitment to the ongoing crisis exit process aimed at helping the effective implementation of all human rights. Initiatives and commitments already set down in the national report can attest to this resolve.

487. Regarding the 20 recommendations inviting Côte d'Ivoire to ratify various international instruments, the Government regretted that, despite its will in this regard, the current crisis was an impediment for their implementation.. As indicated in the national report (para. 141) and the Working Group report (para. 93), Côte d'Ivoire would proceed to such ratifications as soon as the current crisis would end, as some of them required constitutional revisions to be adopted, what could not be done in the current situation.

488. Concerning the invitation to special procedures mandate holders, Côte d'Ivoire indicated that it was committed to the special procedures and, as indicated in the national report (paras. 152 and 153), was ready to study any request on a case by case basis.

489. Turning to sexual violence, Côte d'Ivoire referred to the Working Group report (paras. 94 and 95) mentioning challenges linked to gender equality. A ministerial directorate was devoted to this issue and Côte d'Ivoire was the first African country that had adopted a national action plan to implement Security Council resolution 1325 (2000), in addition to the establishment of a national committee to combat violence against women and children. Côte d'Ivoire also referred to its national report (para. 110) regarding major strategies aimed at preventing HIV/AIDS. On gender identity and sexual orientation, Côte d'Ivoire stated that it did not criminalise same-sex relations between consenting adults.

490. On judicial matters and impunity, Côte d'Ivoire referred to the Working Group report (paras 10 and 49) and to the national report (paras. 146 ff and 154). It initiated a programme aimed at creating new jurisdictions and undertook various steps to building capacity of the judiciary staff but remained open to any form of technical and financial assistance in this regard.

491. Turning to statelessness, Côte d'Ivoire referred to the Working Group report (para. 45) which specified that the Code of Nationality applied the *jus sanguinis* principle and that statelessness could not exist, as this code regulates the acquisition of nationality, in addition the above-mentioned principle, through naturalisation, marriage or adoption.

492. Côte d'Ivoire mentioned its national report (paras. 15, 86 and 89) relating to the right to education and to economic and social rights more generally, which indicated that it continuously invested in these fields. Priority given to education and training was also illustrated by the establishment of an educational system taking into consideration its available resources. The Constitution set forth the right to education as a priority, a plan to combat illiteracy was established and primary education, in particular of girls, was promoted.

493. Given its constraints and difficulties, Côte d'Ivoire wished to benefit from technical assistance in the following areas: (1) technical capacity building to draft reports to catch up on treaty reporting obligations, (2) support to align domestic legislation with international human rights instruments, (3) organisation of human rights training seminars for the judiciary and security forces staff, (4) support for the establishment of a national human rights plan, (5) support for human rights education and sensitization activities towards the population, including through dissemination of related documents in the major national languages, (6) support for the modernisation and consolidation of the civil registry, (7) operational capacity building for the Ministry for human rights, (8) support for human rights training for locally elected representatives, opinion leaders and parliamentarians, (9) capacity building for the national human rights commission, (10) support for the modernisation, equipping and operational capacities of the military fire brigade unit and civil protection, (11) support for the establishment of a national consumer body.

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

494. Algeria thanked Côte d'Ivoire for the additional information submitted during this session. It supported the Government's efforts for national reconciliation and the restoration of public authority towards the organization of free and credible elections. It welcomed the acceptance of many recommendations, including those put forward by Algeria, in particular the launching of awareness programs on human rights and international humanitarian law for security, legal and judiciary officers. It called for the international community assistance and acknowledged the role of Côte d'Ivoire in the Council, particularly regarding the resolutions on toxic waste and human rights, and the human rights of migrants.

495. Cuba commended Côte d'Ivoire's presentation, which highlighted efforts to implement UPR recommendations. It applauded Côte d'Ivoire for accepting many recommendations, including those made by Cuba in connection to universal access to health and child protection and to child trafficking and exploitation. It highlighted comments made to various recommendations, in particular those related to children rights, sexual orientation and gender identity, education and social and economic rights in general. Despite difficulties, Côte d'Ivoire had implemented programs for human rights promotion and was encouraged to continue to do so.

496. The United States of America stated that widespread sexual violence continues, with women and children often targeted based on their nationality and ethnicity, despite the efforts of Côte d'Ivoire to address this issue. It remained concerned with the prevalence of arbitrary detentions, the conditions of detention facilities, and the detention of innocent civilians. The United States also expressed concern at the persistence of trafficking in persons and exploitation of child labour. While the United States acknowledged Côte d'Ivoire's commitment to continue anti trafficking efforts, it reiterated the importance of eliminating the worst forms of child labour.

497. Burkina Faso congratulated Côte d'Ivoire for its interest in the UPR and stated it felt confident the recommendations that have been accepted will be adequately addressed in order to benefit to all the inhabitants of Côte d'Ivoire. Burkina Faso declared to be ready to share with Côte d'Ivoire positive experiences that are mutually beneficial. It commended the role played by the delegation of Côte d'Ivoire in Geneva in various projects.

498. Senegal was pleased by the number of recommendations accepted by Côte d'Ivoire, in particular the recommendation on the promotion of human rights education and on children and women protection, which confirmed that Côte d'Ivoire's commitment to ensure better enjoyment of human rights and fundamental freedoms for all its citizens. Senegal stated that this attitude constituted an appeal to the international community to provide Côte d'Ivoire with all the support it clearly requested.

499. Cameroon acknowledged the efforts of Côte d'Ivoire for the promotion and protection of human rights, in particular those related to reduce maternal mortality, extend vaccination coverage and combat malaria and HIV/AIDS. It noted the importance granted to the social development of children and fighting trafficking of children, despite a difficult context characterized by a decade of political and military crisis. It highlighted the cooperation between Côte d'Ivoire and UNICEF. It commended Côte d'Ivoire for accepting one hundred and eight recommendations, many of them already being implemented, and called the international community to assist Côte d'Ivoire.

500. Botswana stated that Côte d'Ivoire has demonstrated its commitment to constructive engagement in human rights over the years which was further amplified by its cooperation during the UPR. It commended Côte d'Ivoire for accepting many of the recommendations. Botswana extended its continued support to Côte d'Ivoire, and encouraged the international community to also continue its support and cooperation with Côte d'Ivoire.

501. Morocco commended the full cooperation of Côte d'Ivoire with the UPR, the establishment of a new Government in accordance with the Ouagadougou agreement and the efforts to organize open and transparent elections. It acknowledged Côte d'Ivoire for having accepted Morocco's recommendations regarding the statute of the National Human Rights Institution and the setting-up of human rights education and training programs. It called for financial and technical assistance to accompany Côte d'Ivoire in its UPR follow-up, in consultation with and with the consent of Côte d'Ivoire.

502. Djibouti welcomed the efforts made by Côte d'Ivoire to promote and protect human rights despite the difficult socio-political climate in the country. It also welcomed Côte d'Ivoire's acceptance of most of the recommendations and called upon the international community to support Côte d'Ivoire in the implementation of its recommendations.

503. The Republic of Congo stated that Côte d'Ivoire has shown its readiness and resolve to work with the international community to promote and protect fundamental human rights. It stated that the additional information provided by Côte d'Ivoire showed that substantial action had been taken to improve the human rights situation, and welcomed the efforts made in this regard. The Republic of Congo stated that, given the particular situation in Côte d'Ivoire, it would be most appropriate for the international community to provide support in order to consolidate the progress that had been made.

504. The Central African Republic urged the international community to respond to Côte d'Ivoire's call for technical assistance and cooperation. It acknowledged the government's efforts to end the troubles that have shaken the country. The Central African Republic remained convinced that African wisdom would allow Côte d'Ivoire to get out of the wrath. It called upon all the parties in Côte d'Ivoire to build peace and national reconciliation, without which human rights would remain meaningless.

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

505. The International Federation for Human Rights Leagues (FIDH) commended the Government's acceptance of the recommendation related to toxic waste. Nevertheless, it remained concerned by the way reparations to victims of the spill-over of the Probo Koala ship were being carried-out to date. It also noted the Government's commitment to improve prisons conditions, specially the separation of minors from adults and women from men. It regretted that Côte d'Ivoire did not accept some recommendations, such as the ratification of several human rights instruments. It deplored the decision to postpone, once again, the elections. Fair and free elections will set-off durable peace, national reconciliation, the rule of law and respect for human rights.

506. Franciscans International and Front Line, in a joint statement, regretted that key human rights instruments had not been ratified, and that requests for visits by special procedures will be examined on a case-by-case basis. They stated that the social and political climate in Côte d'Ivoire could adversely affect the implementation of recommendations. They called for the strengthening of legislation in relation to sexual and domestic violence, and for the setting-up of psychological and medical care for victims. Franciscans International and Front Line stated that primary school education should be free, and requested Côte d'Ivoire to increase its support of the World Programme for Human Rights Education.

507. Interfaith International, Rencontre Africaine pour la Défense des Droits de l'Homme and Al-Hakim Foundation, in a joint statement, stated that it had been following with interest the human rights situation of Côte d'Ivoire since the beginning of the political and military crisis, which caused many problems and divided the country in two parts. The syndrome of "Ivoirité" continued despite statements before the Human Rights Council. The organization of free and transparent elections had been postponed six times and the recent

withdrawal of alleged foreign electors from the roles led to violence. They took note of various recommendations put forward by several countries and considered that their effective implementation will improve the human rights situation in Côte d'Ivoire.

508. The Canadian HIV/AIDS Legal Network commended Côte d'Ivoire for its acceptance of the recommendation in relation to non-discrimination on the grounds of sexual orientation or gender identity. It stated that however, Côte d'Ivoire did not accept the recommendation to implement awareness-raising programmes in this regard as this was not viewed as a "current priority". Côte d'Ivoire was encouraged to consider the implementation of such programmes. The Canadian HIV/AIDS Legal Network expressed its willingness to work with Côte d'Ivoire to develop and implement initiatives to ensure non-discrimination on grounds of sexual orientation and gender identity.

509. Rencontre Africaine pour la Défense des Droits de l'Homme has followed closely Côte d'Ivoire's human rights situation and commended Côte d'Ivoire for its political will in signing the peace accords. It expressed concerns regarding widespread human rights violations perpetrated during the crisis by private militias, the police, RDC militants, the military and Liberian mercenaries. It considered the adoption of the recommendations would contribute to elucidate these crimes. It urged Côte d'Ivoire to combat impunity, improve prisons conditions, redress the victims of the spillage of the Probo Koala ship and organize free and transparent elections.

510. Action Canada for Population and Development expressed its appreciation at the recommendations accepted by Côte d'Ivoire, in particular those related to women. Regarding recommendation 83 on sexual violence, it called on Côte d'Ivoire to allocate additional resources for free medical assistance of victims of sexual violence as well as the establishment of a National Plan for sexual and reproductive health. It urged the Government to punish female genital mutilation and to carry-out awareness campaigns on this matter, as stated in recommendations 47, 48, 49 and 50. It requested the Government to reconsider its position on recommendation 28 in order to, at least, criminalize acts against the rights of persons belonging to sexual minorities.

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

511. The head of the delegation recalled that, regarding treaty ratifications, the priority of Côte d'Ivoire was to overcome the current crisis before making the necessary constitutional changes enabling such ratifications.

512. Turning to the "Ivoirité" syndrome, Côte d'Ivoire disagreed with the interpretation made. The latest decisions taken concerning the electoral roles did not concern the withdrawal of persons with Ivorian nationality from the roles but were aimed at extracting those, who were not Ivorian and who were not entitled to vote. This had led to the postponement of the ballots because there was a need to submit a transparent list in order to have truly transparent elections.

513. Concerning rejected recommendations, Côte d'Ivoire referred to recommendation 23 (Belgium) and indicated that its legal order did not give investigative powers to a national committee, as only courts are vested with this competence. Such investigations are carried out daily, whose results were made known and offenders were punished if an offence had been committed.

514. As to gender identity and sexual orientation, Côte d'Ivoire recalled that there was no urgent need to take particular measures since same-sex relationships between consenting adults are not criminalized.

515. Regarding the recommendation relating to toxic wastes, punitive measures had been initiated against those responsible for the spilling of toxic wastes and some people had been

imprisoned and sentenced to stiff penalties. As far as civil damages being awarded to victims are concerned, Côte d'Ivoire initiated proceedings which enabled victims to obtain such financial compensation, which was shared out among the victims. The State used some of that money to undertake protective actions for its population. Victims themselves initiated proceedings with London Courts and were able to obtain a sum, which was distributed among them. Although there have been some difficulties in sharing the money between two groups of victims and this case was heard by the Supreme Court, the victims reached a gentleman agreement to share this money. Therefore the victims have received suitable compensation.

516. Côte d'Ivoire wanted to reassure all member states that human rights were an indicator of its good governance. The delegation thanked the Human Rights Council for all the recommendations and the Troika members for their assistance.

### **Portugal**

517. The review of Portugal was held on 4 December 2009 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

- (a) The national report submitted by Portugal in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/6/PRT/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.6/6/PRT/2); and
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/6/PRT/3).

518. At its 30th meeting, on 18 March 2010, the Human Rights Council considered and adopted the outcome of the review on Portugal (see section C below).

519. The outcome of the review on Portugal comprises the report of the Working Group on the Universal Periodic Review (A/HRC/13/10), together with the views of Portugal concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/13/10/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**

520. Portugal recalled that 71 recommendations were accepted out of the 89 recommendations formulated during the review in the working group, many of which corresponded to areas that Portugal had already identified in the course of the preparation of the national report, as crucial areas of attention. 21 recommendations corresponded to the recommendations that Portugal had already implemented or in the process of implementation. Portugal stated that it would report regularly on the implementation of these recommendations. Portugal also recalled that it had already rejected the recommendation to sign and ratify the International Convention on the Protection of the Rights of All Migrant Workers and their Families.

521. Portugal further updated the Human Rights Council on its voluntary commitment to establish a national human rights commission, which will be an inter-ministerial body with the competence to coordinate the implementation at the national level of all its international

human rights obligations and voluntary commitments. It will ensure not only the follow-up to the UPR exercise, but also the timely and adequate reporting to all international human rights bodies. It will also ensure the translation of all its international commitments into obligations at the national level, thus leading to national legislation and to the set-up of concrete policies and plans. The institutional set-up of this Commission would be approved by the Council of Ministers on 18 March 2010.

522. Portugal noted that its rejection of the recommendation to sign and ratify the International Convention on the Protection of the Rights of All Migrant Workers and their Families did not imply any lack of importance of the rights of migrants. Indeed, all rights of migrants were already protected in its legal system, through other international conventions to which Portugal was a party, and also European instruments and national law, which provided for an extensive protection of all the rights envisaged in the Convention. Portuguese law guaranteed the basic human rights of all migrant workers and members of their families, regardless of their status, such as access to health services and education.

523. Regarding the accepted recommendations to: become a party to the Optional Protocol to the International Covenant on Economic, Social and Cultural, which Portugal signed on the 24<sup>th</sup> September 2009; ratify as soon as possible the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and ratify as soon as possible the International Convention for the Protection of All Persons from Enforced Disappearance, Portugal informed that since December 2009, it had been initiating the procedure or ratification, involving the Government, the Parliament and the President of the Republic, and was hoping that their instruments of ratification will be deposited by the next session of the UN General Assembly.

524. On the Optional Protocol to the Convention against Torture, Portugal informed that an intergovernmental working group had been set up to identify the national preventive mechanism for the monitoring of detention facilities in compliance with the criteria laid down in the OP-CAT. This process was proceeding simultaneously with the ratification procedure.

525. As regards the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and in line with the recommendation to continue to play an important role in multilateral fora in support of the promotion and protection of these rights, Portugal has initiated diplomatic efforts to promote its ratification with the aim of ensuring a swift entry into force.

526. Portugal deposited the instruments of ratification of both the International Convention on the Rights of Persons with Disabilities and its Optional Protocol on 23 September 2009. They came into force on 23 October 2009, and the National Institute for Rehabilitation is the national focal point. It had progressively been adopting legislation in this area in recent years.

527. Regarding the recommendation to establish a national human rights institution, Portugal stated that the Portuguese Ombudsman – the *Provedor de Justiça* - was accredited as a national human rights institution with “A” status by the International Coordinating Committee of National Institutions for the Protection and Promotion of Human Rights, in conformity with the Paris Principles, since 1999. It is an independent organ dedicated to the defense of the legitimate rights and interests of citizens. Citizens may submit complaints about actions or omissions of the public authorities to the Ombudsman, who will investigate them and make recommendations to the competent bodies to prevent or redress injustices.

528. Portugal also recalled that a National Initiative for Childhood and Adolescence, based on the UN Convention of the Rights of the Child, the recommendations of the UN

Committee on the Rights of the Child and the UN Study on Violence against Children was elaborated in 2007. This National Initiative takes into account the transversal nature of issues relating to child rights and the need to define adequate resources, establish priorities and allocate budgets, which are all essential to create favourable conditions to guarantee these rights.

529. Regarding street children phenomenon, Portugal informed that numerous initiatives and efforts had been undertaken and the problem was no longer a significant issue.

530. Portugal set up in 2008 an inter-ministerial working group to review and elaborate all overdue reports to treaty bodies. Portugal expressed hope that with the new impetus that the national human rights commission will bring to the inter-ministerial coordination in the field of human rights, it will be able to deliver all overdue reports by the end of 2010.

531. In 2005, a Victim Unit to Immigrants and Victims of Racial and Ethnic Discrimination was set up in cooperation with a Portuguese NGO. This Unit receives public financing on a yearly basis from the High Commission for Immigration and Intercultural Dialogue, and provides support free of charge to victims of racial discrimination and to immigrant victims in general. It is also possible to file a complaint for acts of racial discrimination that constitute administrative infractions before the Commission for Equality and against Discrimination, and a discriminatory act or practice can also constitute a crime, according to criminal law.

532. The Plan for Integration of Immigrants, adopted in 2007, which sets the guidelines for public policy in the area of integration, covering several areas such as employment, education, health and the prevention and fight against racial discrimination, seeks to stimulate the participation of immigrants in the conception, development and evaluation of immigration policies. The Plan is based on the clear assumption of responsibility by the State towards the integration of immigrant citizens, with a special emphasis on the reinforcement of social cohesion and on the improvement of integration and managing of cultural diversity.

533. Portugal set up national support immigrant centres and local support immigrant offices that provide information and support to immigrants.

534. On the issue of domestic violence, Portugal informed that the legal framework was completed in September 2009 with the adoption of a Law on compensation to victims of domestic violence and another Law on the legal regime applicable to the prevention of domestic violence and to the protection and assistance to its victims. These laws aim to develop awareness, increase the victims' protection and ensure prosecution and conviction of the perpetrators. A national network of domestic violence centres was set up in 2005 to provide an integrated response to cases of domestic violence complementing the existing shelters network. Coverage of the whole country was achieved in January 2010. A growing investment in awareness campaigns and in the training of police and prosecutors in the specific area of domestic violence has been taking place, which resulted in a considerable progress in police and judicial practices.

535. Regarding the action plan to combat human trafficking, Portugal informed that the first national plan included a total of 63 measures, of which more than two thirds had already been accomplished. It has already begun the elaboration of the second National Plan. Portugal has been sharing the model of signalization, identification and integration of victims and the model of the Observatory on Trafficking in Human Beings with other EU member states and Portuguese speaking countries. The OHCHR Recommended Principles and Guidelines on Human Rights and Human Trafficking had been used as a reference in the development of our anti-trafficking policy.



536. Portugal ensured the protection of the rights of children of prisoners in accordance with the principle of the best interest of the child. An amendment to allow children up to 5 years old to stay with their mothers in prison, instead of the current 3 years old limit, is being envisaged.

537. Portugal rejected the recommendation to develop a national human rights plan in accordance with the Vienna Declaration because Portugal considered that it could not prejudge the work that will be carried out by its national human rights commission. Portugal noted that, even though it does not have a global national human rights plan, it has several sector plans. And this will be one of the issues on the top of the agenda of the new human rights commission, and Portugal will later inform the Human Rights Council on the results of its deliberations.

538. Portugal also rejected the recommendation to incorporate representatives of ethnic minorities in the security forces because the Portuguese Constitution establishes the principle of equality as one of the fundamental principles guiding the public administration. This principle is fully applied through a horizontal and legally binding approach, encompassing the recruitment and classification of law enforcement officers. There is no specific program for the selection/recruitment of ethnic minority members for the security forces, just as there are no barriers to their entry. All applicants are submitted to the defined requirements and criteria, equal for all citizens, in accordance with the general principles of Equality and Fairness.

539. Portugal informed that the UPR recommendations would be translated into Portuguese and disseminated within its national institutions, in partnership with Parliament and civil society. Portugal will also strive to inform the Human Rights Council, on an annual basis, on the implementation of the recommendations.

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

540. Algeria applauded that Portugal accepted 71 out of a total of 89 recommendations received. Algeria appreciated the acceptance of one of Algeria's recommendations in favour of taking additional measures in the areas of housing, employment, education, and access to social services for all the segments of society. Algeria was saddened that joining the block position of a group of countries, Portugal had not accepted the recommendation of Algeria and of many other countries to adhere to a core human rights instrument, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, although Portugal had been for a long time a country of origin of migrant workers and was well placed to understand the suffering and indignity to which migrants are exposed. It recommended Portugal exercise leadership in this regard.

541. The Islamic Republic of Iran appreciated Portugal's positive approach in accepting most of its recommendations. It sought more elaboration on the reasons Portugal provided on the recommendation concerning the development of a national human rights plan in accordance with the Vienna Declaration and Programme of Action. It encouraged the Government to continue efforts to eliminate all forms of discrimination and to undertake a comprehensive set of measures to tackle racism and racial discrimination and combat more resolutely all its forms and manifestations. It requested Portugal to further elaborate on its policies and programmes to tackle the problems of ill-treatment and excessive use of force by police against immigrants and the Roma. It also sought an update on the measures to improve the condition of prisons and detention centres, including crowding, inadequate facilities, health problems, and cases of physical and sexual abuse. It encouraged Portugal to update the Human Rights Council with information on Government policies to combat trafficking in persons for the purpose of forced labour and sexual exploitation.

542. The United States of America commended Portugal's continued support for human rights in the country. It expressed satisfaction that all prisoners have access to sanitary installations at all times, and that alternative sentencing programmes have been utilized to avoid imprisonment. It noted that few allegations of prisoner abuse were recognized by the European Committee for the Prevention of Torture. It looked forward to responses to its previous recommendations regarding implementation of the 2004 guidelines and reforms for the prison system and the Ministry of Labour's efforts to prevent child labour.

543. Nepal recognized Portugal's commitments to promote and protect human rights and congratulated Portugal for being recognized by the United Nations as the best country in the area of the provision of support services and immigrant's rights. Nepal noted with appreciation that the existing asylum law had enshrined the fundamental rights of immigrants and protected the interests of asylum seekers. Nepal appreciated the measures adopted to curb violent crimes, domestic violence and trafficking in human beings. Nepal applauded efforts for promoting gender equality and encouraging women's entrepreneurship.

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

544. The Ombudsman of Portugal noted the achievements realized by Portugal towards the effective implementation of human rights, but underlined the importance of furthering the work in some fields. It commended the Government for accepting a significant number of recommendations. Concerning the situation in prisons, while acknowledging the improvements achieved, it encouraged the Government to take further steps, particularly by pursuing ratification of the OP-CAT and establishing the national preventive mechanism. It also encouraged the continuation of efforts to strengthen the protection of vulnerable groups, including children and women, and called for further efforts to provide assistance and to ensure full integration of immigrants. It expressed its commitment to following closely the implementation stage of the UPR.

545. Interfaith International, in a joint statement with Al-Hakim Foundation, noted that the acceptance of most of the recommendations showed the openness of Portugal to all Human Rights Council mechanisms. It noted that Portugal was one of the few countries in the European Union that had provided specific treatment for nationals of its former colonies in terms of their administrative regularization. It urged the Government to combat effectively domestic violence and to take appropriate measures to punish those responsible for such acts. It encouraged Portugal to set up a programme on education to citizenship concerning the rights and duties of citizens for migrants living in the territory.

546. The Charitable Institute for Protecting Social Victims, in a joint statement with the Institute for Women's Research and Studies and the Islamic Women's Institute of Iran, commended the efforts for the promotion and improvement of gender equality and the implementation of the national campaign on combating domestic violence against women and children over the years 2007-2009, but it noted that domestic violence remained an ongoing concern. It called upon the Government to continue its activities to increase awareness of all forms of violence against women and children and to continue its campaign through a prevention policy as one of the priorities of the Government's plans. It condemned the cases of racism and racial discrimination against migrants and ethnic minorities and the unsuitable conditions of prisons and detentions centres. It called upon the Human Rights Council to investigate these issues and the Government to foresee and create mechanism for the elimination of racism and to fight against all its forms. It also stressed the need to strengthen efforts for the integration of the Roma community.

547. The Organization for Defending Victims of Violence, in a joint statement with the Iranian Elite Research Centre, invited the Government, in addition to intensifying its efforts to create a culture of tolerance in society, to improve efforts to strengthen programs, projects and other measures to prevent discrimination against vulnerable groups, including Roma women, asylum-seekers and migrants. It called on the Government to expand and strengthen training of law enforcement officials, and to enhance public awareness in relation to respect for the human rights and fundamental freedoms of immigrants, refugees and ethnic minorities. It also called on the Government to consider strengthening efforts to combat violence against women, including domestic violence and trafficking in persons, especially women and children by, inter alia, ensuring the full implementation of related laws and legislation and also through the continued provision of adequate funding and the creation of a monitoring mechanism.

548. The European Region of the International Lesbian and Gay Federation, in a joint statement with Federatie van Nederlandse Verenigingen tot Integratie Van Homoseksualiteit and COC Nederland, commended Portugal for accepting the recommendation to adopt further measures to provide police, prison and judicial staff with human rights training with specific focus on protection of rights of women, children, ethnic or national minorities, and persons of minority sexual orientation or gender identity, and to strengthen the accountability of such personnel for their conduct, particularly when dealing with cases of hate crimes. It also commended Portugal for accepting the recommendation to continue efforts to raise public awareness on human rights and to effectively combat racism, racial discrimination and intolerance, recommending explicit inclusion of gender identity as a ground in anti-discrimination legislation. It recognized the positive steps taken to counter discrimination on the basis of sexual orientation and gender identity, and encouraged Portugal to share best practices in this field and to consider applying the *Yogyakarta Principles* as a guide to assist in policy development.

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

549. Portugal has embraced the UPR as an opportunity to take stock of the accomplishments, and the challenges that lay ahead. Portugal considered the UPR as a valuable road map to keep improving human rights, nationally and internationally. Its preparation allowed for identification of areas where progress was accomplished and others where improvement can still be achieved, thus representing an added value in identification of current and future priorities in the field of human rights at the national level.

##### **Bhutan**

550. The review of Bhutan was held on 4 December 2009 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

- (a) The national report submitted by Bhutan in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/6/BTN/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.6/6/BTN/2); and
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/6/BTN/3).

551. At its 31<sup>st</sup> meeting, on 18 March 2010, the Human Rights Council considered and adopted the outcome of the review on Bhutan (see section C below).

552. The outcome of the review on Bhutan comprises the report of the Working Group on the Universal Periodic Review (A/HRC/13/11), together with the views of Bhutan concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (*see also A/HRC/13/11/Add.1 and A/HRC/13/11/Add.1/Corr.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**

553. The head of the delegation, Ambassador Yeshey Dorji, Permanent Representative of Bhutan to the United Nations in Geneva, noted that Bhutan, along with other States, recognized the UPR mechanism as an excellent opportunity to undertake a review of the human rights situations on the ground in all countries, in a constructive and cooperative spirit, and guided by the principles of universality and non-selectivity. Thus, Bhutan considered the review a productive and rewarding experience. Bhutan underlined the inclusive approach which it had taken in drafting its national report, noting its intention to pursue the follow up to the review also in a spirit of openness, transparency and partnership.

554. Bhutan expressed gratitude at the high level of interest shown by delegations in the Working Group, and expressed satisfaction at the recognition of its efforts, particularly its holistic approach to development, guided by the philosophy of Gross National Happiness, and its efforts in strengthening civil and political rights through the transformation of its system of governance and the rule of law. In relation to comments and recommendations made during the review, including with regard to the scope of Bhutan's international human rights commitments, the strengthening of support to civil society organizations, measures to combat domestic violence and trafficking, as well as complex humanitarian issues, Bhutan expressed its commitment to addressing these issues.

555. Reaffirming its conviction that human rights must be viewed in a holistic manner, as indivisible, interrelated and mutually reinforcing, Bhutan noted that the UPR process had imbued a sense of growing confidence among many national agencies involved in the protection and promotion of human rights. Bhutan underlined that it had considered all 99 recommendations made during the interactive dialogue in a constructive spirit, that it had responded to each of the recommendations in writing, and that it had accepted the vast majority of them. Bhutan added that many recommendations were already in various stages of implementation, and that some, in its view, were already adequately addressed by existing legal provision. The remaining recommendations were taken note of, with comments reflected in the Addendum to the Working Group report.

556. Bhutan further noted that the UPR had allowed it to take a closer look at some persisting challenges in its efforts to meet its international human rights obligations. It recognized that, as a small, landlocked and least developed country, which was in the process of consolidating its political and institutional transition, great efforts and investments would still be required to fulfill these obligations. However, Bhutan was determined to meet these challenges and strive for further progress, with the support and cooperation of the international community.

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

557. Algeria welcomed the open and transparent manner in which Bhutan had engaged in the UPR process. It noted that Bhutan had endorsed most of the recommendations made, including those made by Algeria. It also noted that Bhutan had achieved encouraging results in resolving problems related to food security, particularly in rural areas. It encouraged Bhutan to formulate, if needed, requests for assistance from relevant UN funds and programmes in order to consolidate its national strategy for food security. Algeria

commended Bhutan on its efforts to ensure equality between men and women. It also reiterated its recommendation on the continuation of efforts to ensure that the right to health can be enjoyed by all, within the context of attaining the Millennium Development Goals. Algeria further encouraged Bhutan to search for a sustainable solution to the issue of refugees.

558. Cuba noted that Bhutan had accepted a significant number of recommendations and undertaken notable efforts to implement them, which showed the will of the Government to promote the human rights of its citizens. Cuba underscored that Bhutan was making positive efforts to promote and protect human rights in spite of being a small developing country, and a victim of an unjust international economic order. It noted that Bhutan had demonstrated its commitment to eliminating all forms of discrimination against women and guaranteeing equal rights for women and men. Cuba appreciated that Bhutan had accepted the recommendation it had made, in a spirit of cooperation and constructive dialogue. Cuba encouraged Bhutan to continue its efforts in the human rights field.

559. India expressed appreciation for the approach taken by Bhutan to the UPR mechanism. It noted that the review had benefited from a wide participation by States, with 53 statements and 99 recommendations made. India was encouraged by the fact that Bhutan had accepted the majority of the recommendations made, and that it had provided detailed responses on each recommendation. India congratulated Bhutan on its successful review and expressed confidence that Bhutan would further intensify its efforts within the next four years so as to implement the recommendations which it had accepted.

560. Pakistan thanked the delegation of Bhutan for the comprehensive presentation, which reaffirmed the country's resolve to work constructively for the realization of all human rights. Pakistan noted that Bhutan had accepted the majority of the recommendations made and welcomed its frank and realistic approach to implementation. Pakistan appreciated Bhutan's intention to establish a multi-sectoral task force to consider the possible ratification of specific human rights treaties, as recommended during the review process. It shared Bhutan's views on the importance of first evaluating domestic feasibility before taking a decision to establish a national human rights institution. Pakistan expressed the hope that the international community would extend all possible assistance to Bhutan to help implement the UPR recommendations.

561. The United States of America commended Bhutan's constructive engagement with the Committees on the Rights of the Child and on the Elimination of Discrimination of Women, as well as with regional human rights bodies, noting that these engagements had contributed to the development of legislative instruments and the principles embodied in the promotion of "Gross National Happiness". The United States supported the recommendations that Bhutan should promote and protect the rights of persons belonging to the ethnic Nepalese minority. It also shared the opinion that Bhutan should enhance efforts to implement a durable solution for the refugees currently residing in seven camps in a neighbouring State, and that it should resume dialogue with that State and enhance cooperation with UNHCR and the Core Group in order to allow some refugees of special humanitarian concern to immediately return to Bhutan. The United States appreciated Bhutan's expressed commitment to women's rights, but shared concerns expressed by several other States regarding the levels of domestic violence in the country.

562. Sri Lanka commended Bhutan's cooperation with the UPR process and noted with satisfaction that the Government had provided its views on recommendations in an addendum to the report of the UPR Working Group. Sri Lanka underlined that Bhutan had made significant efforts in the area of economic, social and cultural rights, consistent with its philosophy of Gross National Happiness, while at the same time building a strong democracy that promotes and protects civil and political rights. Sri Lanka expressed its belief that the

recommendations contained in the report would facilitate the intensification of the Government's efforts to build a harmonious society based on the principle of non-discrimination, which had been central to all government policies and actions. Sri Lanka added that through the UPR process, Bhutan had concretized its commitment to constructive engagement with the international community on human rights issues.

563. China thanked Bhutan for its presentation, which showed its commitment to effective cooperation with the UPR process. It expressed appreciation for the importance which Bhutan attached to the UPR outcome and to seeking active feedback with a view to implementation. China welcomed Bhutan's commitment to promoting economic, social and cultural rights and to achieving the Millennium Development Goals, including in areas such as poverty reduction and primary education. China expressed support for the priority accorded by Bhutan to the promotion of human rights in these fields. China acknowledged the challenges faced by Bhutan but expressed confidence that Bhutan would succeed in its efforts to implement the UPR recommendations, with the support of the international community.

564. Saudi Arabia noted Bhutan's commitment to human rights, as illustrated by its acceptance of most recommendations contained in the UPR report, as well as its cooperation with all mechanisms and procedures of the UN human rights system. Saudi Arabia stated that Bhutan's commitment to human rights was also shown by its willingness to continue international cooperation and a true dialogue on human rights. Saudi Arabia encouraged Bhutan to continue along this path.

565. Botswana welcomed the comprehensive presentation by Bhutan as well as its decision to accept most of the recommendations made. Botswana commended the efforts made by Bhutan, noting in particular its commitment to strengthening its institutional framework. It expressed the hope that Bhutan, a landlocked and developing country like Botswana, would benefit from the support of the international community.

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

566. The Canadian HIV/AIDS Legal Network addressed recommendation 60 of the Working Group report, aimed at repealing provisions in the Penal Code which criminalize sexual activities between consenting adults of the same sex. The organization recalled the view of the UN Human Rights Committee in *Toonen v. Australia* (1994) that laws criminalizing homosexual conduct violate the rights to privacy and non-discrimination, even if not actively enforced, as they stigmatize marginalized populations and undermine human dignity, in addition to compromising HIV/AIDS prevention programmes. The organization welcomed the Government's willingness to review these provisions in the future and urged that necessary steps be taken to bring them into conformity with international laws as soon as possible.

567. The Lutheran World Federation appreciated the concerns expressed and recommendations made by many States regarding the unresolved refugee crisis as well as issues concerning the treatment of minorities in Bhutan. The organization recalled that Bhutan had reiterated its commitment to finding a lasting solution to the refugee problem through a process of bilateral negotiations. It noted Bhutan's participation in a joint verification process in one of the refugee camps, which had resulted in the verification of hundreds of refugees which should have been allowed to return to Bhutan, but had not been able to do so to date. The organization urged Bhutan to demonstrate its true commitment to resolving this issue, and to assume its responsibility for the voluntary repatriation of refugees in conditions of safety and dignity, with full guarantees for their human rights.

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

568. Bhutan thanked the President of the Human Rights Council, all States which had participated in the review as well as the Troika and the Secretariat. Bhutan also thanked the representatives of civil society who had taken the floor. It noted that Bhutan's own civil society was fast growing. In this regard, Bhutan expressed regret that representatives from its own community of non-governmental organizations were unable to attend, due to the lack of resources. In light of the potential value which these organizations could add to the process, Bhutan suggested to the Council to consider means of facilitating the participation of non-governmental organizations from developing and least developed countries in the UPR process, particularly during the plenary phase.

569. In conclusion, Bhutan emphasized that its legal framework, its administrative machinery as well as its growing civil society provided a sound environment for the promotion and protection of human rights. The Government expressed its determination to ensure that the principles of the new Constitution were upheld, that the rule of law was respected and that all Bhutanese could benefit from the democratic transformation. In this spirit, the Government would continue to strive for the realization of all human rights by its people.

#### Dominica

570. The review of Dominica was held on 7 December 2009 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

- (a) The national report submitted by Dominica in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/6/DMA/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.6/6/DMA/2); and
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/6/DMA/3).

571. At its 31st meeting, on 18 March 2010, the Human Rights Council considered and adopted the outcome of the review on Dominica (see section C below).

572. The outcome of the review on Dominica comprises the report of the Working Group on the Universal Periodic Review (A/HRC/13/12), together with the views of Dominica concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group.

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

573. The Permanent Representative of Dominica to the United Nations stated that the issue of the universal human rights has always been and continues to be a matter of great significance to the Government and people of Dominica. Dominican institutions – executive, legislative, and judiciary- continue to hold high the ideals of the rule of law and have been very responsive to international norms, conventions and customs.

574. Over the years Dominica has signed, ratified and acceded to several documents aimed at protecting human rights especially the rights of the most vulnerable of the

population. Despite technical and financial constraints, the above clearly demonstrated the willingness of Dominica to work along with the hemispheric and international institutions.

575. With reference to recommendations put forward during the review in the working group, Dominica provided the following comments:

576. With regard to conventions and protocols, the Government is committed to make every possible effort to complete the following steps in the next three months :

- i. Ratify the Convention on the Rights of Persons with Disabilities;
- ii. Accede to the Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women, and Children supplementing the United Nations Convention against Transnational Organized Crime;
- iii. Ratify the International Convention for the Protection of All Persons from Enforced Disappearance;
- iv. Ratify the International Convention on the Elimination of All Forms of Racial Discrimination;
- v. Accede to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women;
- vi. Ratify the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol;

577. The government was committed to the international principles of human rights and social justice and equity. However, it was constrained by the absence of resources, both technical and financial, to meet its commitments: (a) in giving domestic legal effect to international human rights norms and standards as contained in the United Nations conventions; and (b) submitting reports to the respective bodies in a timely manner.

578. Dominica called on the United Nations, and on the Office of the High Commissioner on Human Rights (OHCHR) to provide technical and financial resources in order to assist it to meet its commitments especially those which are currently outstanding. This will enable the Government to make a plan for the submission of all overdue reports to treaty bodies. In that regard, the permanent representative reported that UNIFEM was currently providing assistance for the reporting under the Convention on the Elimination of Discrimination against Women and efforts were made to meet reporting obligations under the Convention on the Rights of Children.

579. With regard to the recommendation relating to the ratification of the second Optional Protocol to ICCPR, the representative recalled that Dominica, as an English speaking Caribbean country had not abolished the death penalty although there had been a self imposed moratorium on the use of the death penalty since 1986 in the country.

580. It was stated that the current law on the death penalty was based on the 2003 ruling of the Privy Council of England, the final court of appeal for Dominica, which now makes the death penalty the maximum penalty for murder, to be imposed only for the most serious killings, rather than as a mandatory penalty.



581. While the death penalty has not been used in Dominica since 1986, there was a popular sentiment in the country in favour of reinstating executions for persons who have been convicted of murder. The Cabinet of Dominica had indicated that as a democratically elected government, elected by the people, to represent the people, the laws it would submit to the Parliament should, to extent possible, reflect the sentiments and desires of the people. The Government decided to maintain the death penalty in its legislation.

582. As a signatory of the Convention of the Rights of Persons with Disabilities on March 30, 2007, the Government of Dominica remained committed to the full inclusion of persons with disabilities into the mainstream and efforts have been made to ratify the Convention. There has been a series of stakeholder and wider public consultations. Based on the plan of action the ratification process will be completed within the next 3 months, although due to resources constraints Dominica faces difficulties to meet the spirit and the obligations of this Convention

583. On discrimination based on sexual orientation, the Permanent Representative highlighted that the Constitution of Dominica guaranteed the protection of all citizens from discrimination based on their race, place of origin, political opinions, colour, creed, or sex. The Constitution also provided for a legal mechanism to be utilized by persons who felt that they have been discriminated against. The government promoted non-discrimination against all its citizens and called on institutions and individuals to do the same. It also recognized that laws were to be enforced and cannot seem to condone the violation of the law. Through its National HIV/AIDS Programme, Dominica was providing support for persons who have been infected and affected by the disease. This was done without any request for the disclosure on the part of the victim of their sexual orientation.

584. The position of the Government of Dominica remained the same as regards the criminalization of sexual relations between consenting adults of the same sex. The laws of the Dominica which have been on the statute books since colonial times, remained unchanged. The Government of Dominica was not prepared to introduce to the Parliament any legislation to decriminalize sexual relations between consenting adults of the same sex. Thus it was difficult to promote a public awareness campaign which will seek a sensitisation to persons who have been considered to have violated the laws. Although Dominica remains sensitive to people who have been affected and infected by HIV/AIDS and treatment continued to remain available to persons infected regardless of their sexual orientation.

585. On corporal punishment, the Educational Act no. 11, 1997 which sets out the policies for dealing with student behavioural and discipline problems, allows for administering a corporal punishment. The contents of Section 49(2) states that "Corporal punishment may be administered where no other punishment is considered suitable or effective, and only by the principal, deputy principal or any teacher appointed in writing by the principal for the purpose in a manner which is in conformity with the guidelines issued in writing by Chief Education Officer."

586. Thus corporal punishment is not applied arbitrarily and is seen as a measure of last resort for serious offences in the school system. Those who apply corporal punishment are guided by the Code developed by the Ministry of Education. Corporal punishment is also used in the family, while there has been a tremendous effort at assisting parents in the parenting of the children and the use of alternative measures of discipline this has been a traditional form of correction within the society. Fully aware of the risk of abuse, the Welfare department in the Ministry of Social Services has been consistently engaged with parents and children who have complained of abuse. While recognizing the position taken at the UPR Working Group, Dominica is not prepared to remove corporal punishment from its statute books.

587. The Government of Dominica remained committed to the principles of universal human rights established by the United Nations Conventions, Covenants, and Declarations as well as international norms and customs. These rights were also guaranteed by the constitution. Dominica's inability to submit reports to the relevant bodies and organizations of the United Nations was by no means due to a lack of interest in human rights. The reality was that Dominica was constrained by the lack of technical and financial resources. It was extremely difficult to meet the demands of the population especially in the areas of education, healthcare, housing and sanitation and basic infrastructure and services while at the same time providing the resources to meet its obligations. Dominica recognized the need to enhance its institutional capacity to meet its obligations under the several conventions. It therefore called on the United Nations and all its organs to provide assistance in this regard. This must not be limited to technical assistance and training in the areas relevant to the United Nations Conventions but must also be extended to the areas of adaptation and mitigation to climate change as well as recognition of our special and differential position as regards to trade.

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

588. Algeria noted the efforts undertaken by Dominica to ensure the full and effective implementation of economic, social and cultural rights, despite economic and environmental challenges. Algeria reiterated its call to United Nations programmes and institutions to provide Dominica with the technical and financial assistance necessary to overcome these challenges. Algeria commended the sustainable efforts to promote the right to education, including the establishment of special programmes and the allocation of funds, particularly for poor children. Algeria encouraged Dominica to continue promoting and protecting women's rights as part of its action plan for gender equality. Algeria welcomed Dominica's acceptance of its recommendation regarding the establishment for a juvenile justice system.

589. Cuba noted that Dominica, throughout the UPR process, had demonstrated the will of its people and the Government to fully respect human rights for all, despite the difficulties it had had to undergo due to the harm caused by powerful and devastating hurricanes. The presentation of Dominica reflected its Government commitment towards promotion and protection of human rights. Cuba noted the identified priority areas in the field of human rights, the measures taken to protect vulnerable groups, the considerable progress made to empower women and to promote women's rights. Cuba reiterated its appeal to developed countries and relevant United Nations programmes to meet the request for cooperation and assistance contained in the national report of Dominica.

590. Venezuela noted the challenges faced by Dominica due to its exposure to the vicissitudes of the nature, as well as the economic difficulties that have now been aggravated by the world financial crisis. Venezuela acknowledged the Government efforts to prepare the national report with the participation of various sectors of civil society. Venezuela expressed satisfaction at Dominica's reply regarding improvement of living conditions of indigenous populations, particularly the Kalinago people, with considerable investment being made for housing and water supply.

591. The United States of America commended the progress made in the advancement and promotion of women's rights, gender mainstreaming, and the efforts to curb gender-based violence and discrimination in the areas of health, economic development, education and decision-making. It reiterated its strong support for the recommendation regarding the creation of public campaigns to combat social discrimination against those with HIV/AIDS. It urged Dominica to consider promoting legislation to guarantee the protection of citizens who have been discriminated against based on their sexual orientation, gender identity or the fact that they have HIV/AIDS. It appreciated Dominica's commitment to improving prison

and detention conditions, and its acceptance of the recommendations for the separation of prisoners based on the severity of crimes committed and the creation of a separate judicial and detention system for minors.

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

592. Canadian HIV/AIDS Legal Network, in a joint statement with International Lesbian and Gay association – Europe, noted the recommendations to ensure non-discrimination on the grounds of sexual orientation, gender identity and HIV status, to develop awareness programmes on these grounds, urging Dominica to accept these recommendations. It regretted that Dominica did not accept the recommendations to de-criminalize sexual relations between consenting adults of the same sex. It commended Dominica's support for the Organization of American States resolution on sexual orientation, gender identity and human rights, adopted by consensus last year. It urged the Government to fulfil the commitment by bringing its criminal legislation into conformity with international law and ensuring that all Dominicans are protected from discrimination, including on grounds of sexual orientation and gender identity.

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

593. The Permanent Representative of Dominica thanked the member states and the civil society for their comments; he reiterated the constraints faced by Dominica particularly on the issues of trade that have seriously affected the ability of the country to survive economically. He also referred to the impact of climate change and the enormous financial amounts spent on the coastal areas due to the severity of the hurricanes.

594. In response to recommendations 3, 6, 7 and 8, of paragraph 71 of the UPR Working Group report, the Representative reiterated Dominica's position that the Government provided social services to those affected by HIV/Aids irrespective of their sexual orientation and there was no policy of discrimination. However it was extremely difficult to promote sensitivity to persons who had been affected by this disease due to a particular sexual orientation, by the virtue of the fact that same sex relationship was a criminal offence in Dominica. Therefore to date the Government of Dominica was not in a position to support the above mentioned recommendations 3, 6, 7 and 8.

595. In response to the United States, the Permanent Representative informed that efforts were being made vigorously with regard to the issue of separate detention centres and separation of prisoners. But again being constrained by resources it was extremely difficult to provide the kind of facilities which had been called for in order to separate prisoners. Recently an additional prison block had been constructed and that will improve in a significant manner the separation of prisoners.

596. Dominica was also engaged in judicial reform with the other member states of Eastern Caribbean to implement a family court system which will see the prosecution, litigation and correction of juveniles being dealt with in accordance with the Convention on the Rights of Children. A place of safety detention with a detention centre will also be completed for juveniles who faced problems with the law.

#### **Democratic People's Republic of Korea**

597. The review of Democratic People's Republic of Korea was held on 7 December 2009 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

(a) The national report submitted by Democratic People's Republic of Korea in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/6/PRK/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.6/6/ PRK/2); and

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

598. At its 31st meeting, on 18 March 2010, the Human Rights Council considered and adopted the outcome of the review on SuR (see section C below).

599. The outcome of the review on Democratic People's Republic of Korea comprises the report of the Working Group on the Universal Periodic Review (A/HRC/13/13), together with the views of Democratic People's Republic of Korea concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group.

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

600. The head of the delegation of the Democratic People's Republic of Korea (DPRK), H.E. Mr. RI Tcheul, Ambassador and Permanent Representative, expressed sincere thanks to many countries for their constructive recommendations. He also thanked the Troika members, South Africa, Mexico and Norway and the Secretariat.

601. The Universal Periodic Review (UPR) mechanism is the most innovative and cooperative mechanism in the Human Rights Council. DPRK participated in the 6<sup>th</sup> session of the UPR Working Group (WG) in December 2009 and had open and frank dialogue with the international community. Since then, DPRK distributed the WG report to Government agencies and over 20 social and academic institutions who were engaged in the drafting of the UPR national report. A group of officials and experts held a series of consultations on the recommendations received.

602. Several countries recommended to the Government of the DPRK to put emphasis on taking measures for promoting economic and social rights of people by overcoming economic difficulties, while consolidating and developing its political, economic and social system.

603. The Government deemed it essential to bring about early solutions to the difficulties in the people's everyday life, which were caused by consecutive natural disasters in the 1990s, and by the ongoing economic blockade and sanctions by the hostile forces against the DPRK. To this end, for 2010 the Government is working towards a radical turn in improving the living standards of its people.

604. DPRK is actively pushing ahead with measures for a great productive upsurge in all fields of national economy. It is also taking practical steps to give full play to people-oriented policies, including complete and universal medical care and 11-year free and compulsory education.

605. As for the recommendations on rights of women and children, the policy consistently maintained by the DPRK since its foundation, is that children are the future of the country.

606. Women are actively participating in the state and social affairs. Additional measures will be taken to increase the ratio of women in public offices and have them promoted to important positions of the State and public institutions; comprehensive laws aimed at guaranteeing the rights of children and women will be adopted.

607. The livelihood of vulnerable groups including women, children and the elderly is rightly on track of considerable improvement. Their rights and welfare will be further promoted as the overall economy is revitalized and raised onto a high standard.

608. The Government will continue to study the recommendations such as strengthening of human rights education, attaining the MDGs and improving education and public health. Simultaneously, it will actively strive to take necessary legal, judicial and administrative measures to implement them.

609. The DPRK had rejected 50 recommendations at the working group stage, since they were in total conflict with the DPRK's principled stand against politicization of human rights: therefore, they did not enjoy DPRK's support. Regrettably, those recommendations focused on issues, which were extraneous to genuine human rights issues and were purely put forward out of hostility towards DPRK.

610. DPRK wished to emphasize the question of discrimination raised in comments and recommendations by certain countries. Discrimination does not exist in DPRK, where equal rights and freedoms are fully guaranteed to all people in all fields of state and social life. No discrimination is stipulated or allowed in laws or norms.

611. As for the recommendations on cooperation with international human rights mechanisms and special procedures, DPRK rejects politicization and pursues genuine dialogue and cooperation. DPRK does not recognize and therefore categorically rejects the so called "resolutions" against DPRK, and the mandate of the "special rapporteur" imposed by such "resolutions".

612. These so called "resolutions" and the mandate of the "special rapporteur" are confrontational in nature and not conducive to cooperation on human rights, because they are politically motivated. The practice of anachronistic "resolutions" and the "special rapporteur" on DPRK must no longer be tolerated in the Human Rights Council.

613. DPRK attaches importance to the role thematic special rapporteurs are playing and will continue to pay special attention to the pursuit of genuine cooperation with them based on the principle of non-politicization, non-selectivity, impartiality and objectivity.

614. DPRK is in need of technical cooperation in various fields of human rights and seeks its realization to complement sector-specific legislation, draft reports on the implementation of the international human rights instruments to which the DPRK is a party, and prepare human rights education curricula. Regrettably, in the case of the DPRK, the technical cooperation on human rights is being imposed as a means of pressure.

615. DPRK has acceded to several international human rights instruments, and honours its obligations, including the Convention on the Rights of the Child, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Elimination of All Forms of Discrimination against Women.

616. DPRK is implementing core elements of the Convention on the Rights of Persons with Disability and the International Convention on the Elimination of All Forms of Racial Discrimination, to which the DPRK is not a party, by incorporating them in the sector laws. DPRK will further intensify studies on the possibility of accession to instruments to which it is not a party.

617. As for the reunion of separated families and relatives, the root of this question has its origins in the continued division of Korea imposed by outside forces and foreign interference for the last 65 years. Since the first day of the division, the Government has spared no effort to translate reunions into reality. In this new century alone, dozens of investigations on the fates of separated family members were undertaken.

618. The year 2010 marks the 10<sup>th</sup> anniversary of the June 15 North-South Joint Declaration and DPRK will do its best to pave the way for improved inter-Korean relations and to achieve national reconciliation and unity.

619. DPRK's people have embodied themselves with the philosophy of the Juche idea, thereby placing themselves in the position of master of their own destiny. DPRK will further develop its human rights protection system in keeping with the country's reality and people's aspirations, while vigorously pushing ahead with building an economically powerful country.

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

620. Japan acknowledged the participation of DPRK in the UPR, but noted that it was not clear which recommendations have been accepted and requested DPRK to clearly express its position on the recommendations. Japan referred to the statement of DPRK made in the WG asserting that the issue of abduction of Japanese nationals was completely settled. According to Japan, such statement contradicted the facts. Japan reiterated its call to DPRK to change its position on the abduction issue and to establish a committee to commence investigation according to the agreement reached between Japan and DPRK in 2008. Japan urged DPRK to take concrete steps to improve the human rights situation in DPRK.

621. Algeria recalled that it participated in the interactive dialogue on issues such as the harmonization of domestic legislation with international instruments, women, agriculture production and education. It welcomed the readiness of DPRK to benefit from technical cooperation and noted that the country was facing natural disasters, a food crisis and the international financial crisis, which complicated its ability to respond to the needs of its citizens. It expressed the view that the Council should take into account the situation and think of ways to be more helpful instead of showing an attitude of confrontation.

622. The Republic of Korea expressed its disappointment at the statement of the DPRK which demonstrated the absence of specific commitment to improve the human rights situation. The Republic of Korea remained concerned about DPRK's refusal to cooperate with the Special Rapporteur on the situation of human rights in DPRK. It was disappointed that DPRK rejected the recommendation to end public and extrajudicial executions, torture, arbitrary detention, labour camps and punishment of those forced to return from abroad. It was also disappointed at DPRK's negative response regarding the issues of prisoners of war and abductees. The Republic of Korea called upon the international community to respect the principle of non-refoulement, refraining from returning a person to a territory where he/she would be in danger of being subject to torture or punishment.

623. Cuba regretted that some recommendations were politically motivated, thus confirming the counterproductive nature of the confrontational approach. Cuba indicated that there was no justification to the ongoing mandate of the Special Rapporteur on the situation of human rights in DPRK, which is manifestation of politicisation, selectivity and double standard. Through its participation in the UPR WG, DPRK demonstrated its commitment towards the Human Rights Council, respect to human rights, the UN Charter and international human rights instruments.

624. The Bolivarian Republic of Venezuela noted that the participation of DPRK in the UPR demonstrated the Government's readiness to cooperate with human rights mechanisms for the realisation of human rights. The review enabled to register progress in the field of education with 100 % school enrolment rate at the primary level and illiteracy completely eradicated. Venezuela acknowledged efforts made by DPRK on human rights despite economic difficulties as a result of blockade.

625. Pakistan expressed appreciation for the constructive engagement of DPRK in the UPR. Pakistan took note of the willingness to elaborate existing legislation and mechanisms to advance rights of the child and women in line with the recommendations. Pakistan expressed its confidence that DPRK will give due attention to all rights while introducing necessary legislative and administrative reforms. Pakistan was encouraged to note that DPRK was ready to improve quality of life of its citizens by putting special emphasis on economic and agricultural development. Pakistan was confident that DPRK will, inter alia, take steps to improve the human rights situation by involving all stakeholders.

626. Sudan thanked DPRK for its commitment to the UPR process. Sudan noted the achievements of DPRK in guaranteeing free education and access to health care based on figures of enrolment rate and health care coverage. The economic blockade on DPRK had negative impact in the Government's efforts to promote social, economic, civil and political rights, including right to food and education, and the situation was exacerbated by a series of national disasters. Sudan encouraged DPRK to continue to promote human rights.

627. The Islamic Republic of Iran took note of the measures taken by the DPRK particularly in the field of economic, social and cultural rights and the advancement of the rights of women and children. Nevertheless, it noted that DPRK, like all countries, had areas that required further action. It encouraged DPRK to intensify its efforts in making the necessary improvements with a view to achieving the Millennium Development Goals. It supported the international community in its constructive cooperation with DPRK and underscored that countries should always seek to solve their differences in the field of human rights on the basis of equality and mutual respect.

628. United States of America hoped that DPRK's engagement in the UPR process represented an opportunity to begin an in-depth dialogue on human rights issues. The United States remained concerned by reports of human rights abuses, including extrajudicial execution, torture, systematic deprivation of due process, denial of freedom of speech, expression, movement and religion, forced labour and government-led mobilisation campaigns, and about abduction issue. The United States noted the DPRK's willingness to consider establishing an independent human rights mechanism and urged it to accept technical assistance from OHCHR and seek accreditation from the International Coordinating Committee of National Institutions. They urge DPRK to join the ILO, ratify its core conventions and allow related monitoring. The United States also urged DPRK to

expand its efforts to protect women's rights and to invite the Special Rapporteurs on Violence against Women and on Torture to visit the country.

629. Qatar noted the effective participation of DPRK in the UPR. It encouraged DPRK to continue its efforts in promoting and protecting human rights. Qatar expressed hope for a dialogue and strengthened cooperation between DPRK and UN mechanisms in order to protect human rights and preserve dignity for all.

630. China was pleased to note that DPRK attached importance to the UPR outcome and continued to pay a great attention to development of social, economic and cultural rights, building education system, medical system, protect rights of vulnerable groups and implement MDGs. China noted that national disasters, food and financial crises had a negative impact on development. Therefore, it hoped that the international community will objectively assess DPRK human rights situation and will support it in its efforts towards economic development and improvement of the life of its people.

631. France stated that, like other delegations, it failed to understand which of the 117 recommendations were accepted. It recalled that, at this stage of the process, position on recommendations should be clear and transparent and thus put the question to the DPRK delegation expecting an immediate reply to allow the Council to give its views on the adoption of to the UPR WG report. France concluded that, without a clear response, DPRK could not be seen as having cooperated with the Council.

632. Sri Lanka hoped that DPRK continue to exert all efforts to implement the conclusions and recommendations of the report. Sri Lanka noted that the creation of a conducive environment was essential to further the promotion and protection of human rights and hoped that international mechanisms, such as the UPR, would facilitate the achievement of this end.

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

633. Human Rights Watch (HRW) stated that DPRK had demonstrated neither the political commitment nor the requisite understanding of what it means to comply with international human rights standards. The level of repression was so severe that the country lacked any independent civil society organizations. Numerous people who had escaped testified how the Government systematically suppressed the freedom of speech, the press, assembly and other freedoms. HRW expressed concern about the existence of labour camps, public executions and torture and called on the Council to extend the mandate of the Special Rapporteur on DPRK.

634. Interfaith International, in a joint statement with Rencontre africaine pour la défense des droits de l'homme, stated that the rejection of half of the recommendations did not reassure on the political will to implement the accepted recommendations. It urged DPRK to cooperate with the special procedures of the Human Rights Council, and exhorted it to respect International Labour Organization standards and to ensure freedom of the press.

635. Amnesty International (AI) urged DPRK to implement the recommendations on the right to food by facilitating effective distribution of international humanitarian aid to people in need, and cooperating constructively with humanitarian agencies. AI indicated that it had not had access to DPRK since 1995, and requested the Government to extend an invitation, together with other human rights and humanitarian organizations, to visit the country. AI urged DPRK to implement the recommendations on cooperation with the special procedures and to re-consider the recommendations it had rejected, with a view to supporting them in due course.



636. Indian Movement “Tupaj Amaru”, in a joint statement with World Peace Council, stated that the European Union, the United States, Japan and their allies supported a resolution that had yet once again put DPRK in the dock for supposed human rights violations, and imposed a special rapporteur to the detriment of DPRK’s sovereignty. It noted that the European Union, Japan and the United States were maintaining hostility and harassment against DPRK. The North Korean Human Rights Act, promulgated by the United States Senate in 2004, was a clear intention of threatening DPRK’s sovereignty.

637. Organization for Defending Victims of Violence asked DPRK to intensify efforts to promote a human rights culture; ensure that goals of economic development by 2012 contribute to a decisive turn in human rights; intensify efforts on human rights of specific groups; increase cooperation with international humanitarian and human rights bodies and mechanisms; and try to make a balance between the enjoyment of civil and political rights in parallel with economic, social and cultural rights.

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

638. The DPRK delegation stated that recommendations made in good faith will be considered as a sign of encouragement and support. Conversely, some comments were made based on groundless information, which seriously distorted the reality. Should these comments be due to lack of knowledge, DPRK is ready to provide assistance for their proper understanding, but if they are based on a dishonest intent, which has nothing to do with human rights, DPRK will categorically reject them.

639. In its introductory statement, DPRK provided responses to the recommendations in a clustered manner for easier coverage. DPRK took good note of those recommendations for which, in some countries’ views, DPRK did not present a clear position despite its efforts. The delegation reaffirmed DPRK’s compliance with international instruments, and promotion of sincere dialogue and cooperation through international mechanism such as the UPR.

640. Before the adoption of the outcome of the review on DPRK, statements were made.

641. With reference to the recommendations, Norway stated that it failed to understand which recommendations were accepted and which were rejected, thus remaining unclear as to the outcome of the interactive dialogue. Norway sought the advice of the President and proposed a brief suspension of the proceedings.

642. Although, it was not opposed to a brief suspension of the proceedings, Cuba was of the view that the Head of delegation clearly stated the position of his country on the recommendations.

643. The delegation of DPRK stated that, as a sovereign country, DPRK has the right to decide which recommendations could be accepted, further studied or rejected. DPRK reiterated that it took good note of those recommendations that, in some countries’ opinion, were not properly reflected.

644. France stated that it understood that none of the recommendations included in the working group report was accepted by the DPRK.

645. Cuba stated that they agree with DPRK’s interpretation on the implementation of recommendations, which belongs to States. Consequently, it is up to them to decide which recommendations to accept and which to reject.

**Brunei Darussalam**

646. The review of Brunei Darussalam was held on 8 December 2009 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

- (a) The national report submitted by Brunei Darussalam in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/6/BRN/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.6/6/BRN/2); and
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/6/BRN/3).

647. At its 32nd meeting, on 19 March 2010, the Human Rights Council considered and adopted the outcome of the review on SuR (see section C below).

648. The outcome of the review on Brunei Darussalam comprises the report of the Working Group on the Universal Periodic Review (A/HRC/13/14), together with the views of Brunei Darussalam concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/13/14/Add.1).

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

649. The delegation of Brunei Darussalam reiterated its support for the UPR process as an integral part of the work of the Human Rights Council. It welcomed the opportunity to engage in a dialogue with other delegations and members of non-governmental organizations.

650. The delegation informed the Council that following its review, the Government of Brunei Darussalam held several consultations with all relevant agencies to examine the recommendations made. Specific discussions were also held to review Brunei Darussalam's reservations to articles under the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). A detailed study was under way with regard to the reservations to the CRC.

651. On ratification to human rights treaties, the delegation stated that Brunei Darussalam was progressively reviewing the situation and was presently in the process of ratifying or acceding to the following: the Convention on the Rights of Persons with Disabilities; the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery; the International Convention against Apartheid in Sports; and the Optional Protocol to the CRC on the Involvement of Children in Armed Conflict. It would also consider looking into other related human rights instruments.

652. Another significant development cited by the delegation since its review in December 2009 was the entry into force of the Children and Young Persons Order on 1 March 2010, replacing the Children Order 2000. The new Order includes, *inter alia*, the establishment of juvenile courts and action teams on child protection. It further enhances the rights of children and safeguards their welfare, the delegation stated, adding that it also provides for approved homes and approved schools for children in need of protection, and proper remand homes and places of detention for children who are admitted to legal custody. There are also provisions ensuring the recovery and social reintegration of child victims of crimes.

653. In response to questions raised during the interactive dialogue in the course of the review of Brunei Darussalam, the delegation informed the Council that, with regard to articles 37, 39 and 40 of the CRC, those provisions have been included in chapter 22 of the Penal Code, chapter 7 of the Criminal Procedure Code and in the recently enforced Children and Young Persons Order 2006.

654. On human rights training and education in schools and in society, it stated that the Government has undertaken several measures. Training and education are undertaken to raise society's perspective on human rights through electronic and print media, roadshows and ongoing talks.

655. Regarding protection of women's rights, the delegation cited various laws that exist, including the Women and Girls Protection Act (Chapter 120), the Married Women Act (Chapter 190), the Islamic Family Law Order 1999, the Penal Code (Chapter 22), and the Criminal Procedure Code (Chapter 7). To enhance women's active participation in national development, the country's Long-Term Development Plan (Brunei Vision 2035) also encourages equal opportunities for women in the work force and in nation-building, it added. It further noted that the new Employment Order 2009 and Employment (Domestic Workers) Regulations 2009 do not discriminate on the basis of age, gender or race. Citing figures indicating that women constitute 56.9 per cent of the civil service force where they occupy 28 per cent of senior management posts, the delegation added that more women were now employed in male-dominated fields such as the army, police force and fire and rescue services.

656. It stated that Brunei Darussalam fully recognized women's important role in the country's socio-economic development. More than half of the Small and Medium Enterprises in the country were owned by women and this sector is responsible for 92 per cent of the employment opportunities in the private sector. Furthermore, nearly two-thirds of the women are beneficiaries of financial assistance schemes provided by the Government, including the Enterprise Facilitation Scheme, the Micro-Credit Financial Scheme and the Working Capital Credit Fund.

657. With respect to the work of the National Council on Social Issues, the delegation informed the Council that it comprised six special committees looking into poverty, societal mentality, immoral activities, crime prevention, women issues and the family institution, as well as the elderly and persons with special needs. In line with Brunei Darussalam's national vision to achieve zero-poverty by 2035, several tasks were currently under way, including defining poverty within the context of Brunei Darussalam; studying and analyzing the root causes of poverty in the country; making recommendations on how to appropriately address them; and setting up a comprehensive database on the sectors of the population living in poverty, such as the elderly, persons with special needs, single parents and the unemployed.

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

658. Algeria expressed appreciation for Brunei Darussalam's commitment to further consolidating the enjoyment of human rights, and commended its acceptance of the recommendation to ratify the remaining core international human rights instruments. Algeria welcomed the Government's efforts in the areas of health, education, adequate housing, employment, and in promoting women's role and participation in society. In line with measures already undertaken in favour of foreign workers, Algeria encouraged the Government to consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and welcomed Brunei Darussalam's intention to further examine the possibility of doing so.

659. The Lao People's Democratic Republic commended Brunei Darussalam's acceptance of recommendations made during its review. It expressed hope that the Government would take all necessary measures to address pending human rights issues and fulfill its commitment to promoting and protecting human rights in the country in accordance with its tradition, culture and its specific situation, to ensure well-being, stability, peace, development, prosperity and to achieve the national vision of zero-poverty by 2035.

660. The Bolivarian Republic of Venezuela celebrated the openness and constructive attitude of Brunei Darussalam during its review, adding that the delegation gave concrete responses, particularly about achievements in the implementation of health policies. It noted that the Government had spared no effort to provide citizens with an excellent system of integral healthcare, offering basic and free services to all, preventive and curative services, and medical attention for rehabilitation. It encouraged the Government to maintain and increase its support for social policies, particularly in the field of health and in protecting and guaranteeing the well-being of its population.

661. Cambodia appreciated Brunei Darussalam's inclusive and constructive approach in preparing its national report and in the follow-up to recommendations, citing the country as a good example. Cambodia was pleased by the Government's acceptance of most recommendations relating to achieving equitable socio-economic development. It praised steps taken to consider ratification of, inter alia, the CRPD and OP-CRC-AC. Cambodia was confident that Brunei would spare no efforts to ensure that accepted recommendations would be translated into concrete actions, especially regarding the improvement of living standards, social welfare and gender equity as reflected in its national vision to achieve zero-poverty by 2035.

662. Viet Nam commended Brunei Darussalam for its positive engagement with the Human Rights Council and appreciated its response to the recommendations made by Viet Nam. It welcomed steps already taken by the Government in implementing recommendations accepted by Brunei Darussalam, particularly in the areas of child protection, participation of women in national development, protection of elderly, persons with special needs, the unemployed, poverty reduction and active cooperation with the human rights treaties. Viet Nam encouraged Brunei Darussalam in realizing its national plan to implement UPR recommendations.

663. Thailand welcomed Brunei's establishment of a ministerial-level National Council on Social Issues and its efforts to promote free access to services satisfying its citizens' basic needs, particularly in education and health care. Thailand appreciated that its recommendations enjoyed support of Brunei Darussalam, and noted with satisfaction the Government's efforts to become party to the CRPD. Thailand hoped that Brunei Darussalam would consider implementing the other UPR recommendations as well. It pledged close cooperation with Brunei Darussalam to promote and protect human rights, particularly at regional level with the recently established ASEAN Intergovernmental Commission on Human Rights.

664. The Philippines congratulated Brunei Darussalam for its constructive engagement and noted with appreciation its acceptance of a number of recommendations. It welcomed the Government's intention to become party to international human rights instruments such as the CRPD. Acknowledging progress in socio-economic development and the high ranking in the Human Development Index of the United Nations Human Development Report, it also noted the priority the Government placed in fulfilling the Millennium Development Goals which it was close to achieving. It encouraged Brunei to continue its efforts in promoting and protecting the rights of its people, especially vulnerable groups.

665. Cuba commended Brunei Darussalam's commitment to the UPR. It noted the country's commitment to economic and social development, evidenced by the excellent chances it has of achieving the Millennium Development Goals by 2015. It noted that the delegation of Brunei Darussalam had provided detailed information in the course of its review on human rights. It welcomed Brunei Darussalam's decision to accept the recommendations made by Cuba in a spirit of cooperation and constructive dialogue.

666. Indonesia expressed appreciation for Brunei Darussalam's acceptance of recommendations, particularly Indonesia's recommendation for harmonization of national legislation with international norms. Indonesia expressed its full support to recommendations calling for the establishment of a legal and institutional framework to provide better human rights protection in Brunei Darussalam, and encouraged it to consider further accession to international human rights instruments. Indonesia commended the efforts of Brunei Darussalam to fulfil their human rights obligations regarding socio-economic development, and appreciated the Government's voluntary pledges to strengthen cooperation with civil society on human rights issues. It encouraged Brunei Darussalam to further enhance and strengthen the work of the ASEAN Intergovernmental Commission on Human Rights.

667. Pakistan valued the efforts and commitments of the Government of Brunei Darussalam in human rights promotion and protection, particularly in shaping pertinent social policies to enhance the welfare of its citizens. Pakistan was encouraged to note that Brunei Darussalam was considering taking necessary steps to develop technical expertise to gain a better understanding of its obligations to ensure effective implementation of human rights instruments. Pakistan welcomed that the country was in the process of establishing an effective and inclusive mechanism to follow up on UPR recommendations.

668. The United States of America commended Brunei Darussalam's enforcement of labour statutes protecting workers from abusive employers and supported the recommendation to enforce such statutes to protect immigrant and temporary migrant workers. It strongly supported the recommendation to rescind the Sedition Act and the Newspaper Act, and appreciated Brunei Darussalam's attention to the recommendations to allow religious groups to proselytize and practice their beliefs freely. It also expressed appreciation for the Government's acceptance of recommendations to increase protection for women, children and vulnerable groups and underlined the importance of recommendations to criminalize all acts of rape and sexual violence against women and children. It supported recommendations for the further strengthening of human rights infrastructure and training for officials.

669. Nepal applauded Brunei Darussalam's candid expression of its commitment to human rights and fundamental freedoms. It appreciated the emphasis placed on inter-religious and inter-ethnic harmony, and traditional family values as fundamentals of social fabric. It noted Brunei Darussalam's policy of providing a healthy environment, quality education, adequate housing, food and job security. It was pleased to see developments in the economic, social, cultural and political fronts in the country contributing to the realization of human rights and congratulated Brunei Darussalam for ranking high in the United Nations Human Development Index.

670. China noted Brunei Darussalam's careful response to the UPR recommendations and measures taken to follow up on them. It expressed support for the Government's vision to further develop economic, social and cultural rights to eliminate poverty and improve the living standards of its people. China appreciated the attention given to the rights of vulnerable groups such as children, women, elderly. It expressed conviction that Brunei Darussalam would continue to work on the basis of the realities of the country and make further progress in human rights.

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

671. Federatie Van Nederlandse Verenigingen Tot Integratie Van Homoseksualiteit COC Nederland addressed the recommendation made by a number of states calling for a repeal or amendment of the Penal Code section providing for criminal sanctions against “carnal intercourse against the order of nature”. It noted that such ambiguous language was often used to criminalize sexual activity between same-sex consenting adults and urged Brunei Darussalam to bring its legislation into conformity with international human rights standards by repealing such provisions. It noted that legislation criminalizing same-sex activities also creates a dangerous impediment to effective prevention and treatment of HIV/AIDS, citing figures that HIV transmission can be up to 10 times greater in countries with repressive laws against homosexuality as they make it less likely for gays and lesbians to seek treatment.

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

672. The delegation of Brunei Darussalam expressed its sincere gratitude to all States members and observers of the Human Rights Council and to the non-governmental organizations which participated in its review. It thanked also the delegations that recognized Brunei’s achievements in the promotion and protection of human rights.

673. The delegation reiterated that the UPR had been very useful for Brunei and stated that Brunei has learned a lot on the importance of this mechanism in promoting and protecting human rights and fundamental freedom through the interactive dialogue. It further stated that the constructive comments and recommendations will help Brunei further in its efforts to promote and protect the human rights of its people. Brunei assured that it will continue to work and cooperate with the related UN bodies including on matters related to the rights of women and children.

#### Costa Rica

674. The review of Costa Rica was held on 8 December 2009 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

- (a) The national report submitted by Costa Rica in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/6/CRI/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.6/6/CRI/2); and
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/6/CRI/3).

675. At its 32<sup>nd</sup> meeting, on 19 March 2010, the Human Rights Council considered and adopted the outcome of the review on Costa Rica (see section C below).

676. The outcome of the review on Costa Rica comprises the report of the Working Group on the Universal Periodic Review (A/HRC/13/15), together with the views of Costa Rica concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (*see also A/HRC/13/15/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**

677. The delegation of Costa Rica thanked Member and Observer States for their active participation and interest in the UPR of Costa Rica. It wished to provide additional information and responses on issues raised during the dialogue, as well as to share its views on the functioning of the universal periodic review, hoping to contribute in this regard to the analysis of the Human Rights Council as a whole

678. As a country with a long standing democracy and recognized respect of the human rights of its people, Costa Rica indicated that the universal periodic review process allowed it to undertake an assessment of its reality *vis a vis* the external perception.

679. The delegation reiterated Costa Rica's firm conviction about the value and potential of the UPR, noting in particular the usefulness of the mechanism with regard to enriching the debate between countries, the sharing of good practices and the contribution to the improvement of the human rights situations. Costa Rica supported the view that the UPR mechanism should evolve in order to become a more meaningful and useful tool for States being reviewed, in terms of focus, pertinence and realities of each situation.

680. In the internal process of analysis, review and dissemination of the recommendations, it became clear to Costa Rica that a good number of recommendations referred to situations already or in the way of being addressed, others were of general nature and/or were aimed at encouraging Costa Rica to continue in the same direction in the promotion and protection of human rights. Costa Rica considers that recommendations should focus more on areas where countries might have problems and/or to address gaps in public policies. Costa Rica shared the concern expressed by many States and stakeholders and wished to make some suggestions for the UPR to be a more balanced, just and effective exercise for all.

681. The delegation reported that from the 101 recommendations contained in the Working Group report,<sup>5</sup> three have already been fully implemented. These are those referred to the ratification of the Convention on the Rights of Persons with Disabilities<sup>6</sup>, submission of the fifth and sixth reports to the Committee on the Elimination of Discrimination against Women<sup>7</sup> and the strengthening of criminal legislation with regard to trafficking of children and women.<sup>8</sup> 77 other recommendations coincided with decisions and State policies already adopted and were under implementation already before the review took place. These include for example some that refer to the ratification of international instruments, such as the International Convention for the Protection of All Persons from Enforced Disappearance, which was signed by Costa Rica in 2007, and for which the legislative approval process was underway since September 2009.<sup>9</sup> The same applied to the ratification process of the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions, being considered by the Legislative Assembly already.<sup>10</sup>

682. With regard to gender issues, Costa Rica provided information on the objectives of the inter-institutional/sectoral Committee known as Women's Legislative Agenda

<sup>5</sup> A/HRC/13/15, paragraph 89, recommendations 1 to 86; paragraph 91, recommendations 1 to 12; paragraph 92, recommendations 1 to 3.

<sup>6</sup> A/HRC/13/15, paragraph 89, recommendation 1.

<sup>7</sup> A/HRC/13/15, paragraph 89, recommendation 11.

<sup>8</sup> A/HRC/13/15, paragraph 89, recommendation 40.

<sup>9</sup> A/HRC/13/15, paragraph 89, recommendation 2.

<sup>10</sup> A/HRC/13/15, paragraph 89, recommendation 4.

established in 2006, the work of the Women's National Institute and the national strategy and system to prevent and address violence against women and domestic violence (PLANOVI 2010-2015).

683. The delegation also provided information on the national policy for children and adolescents 2009-2021, as well as related legislation to prohibit corporal punishment against children approved in 2008, and amendments to the penal legislation through the law to strengthen the fight against sexual exploitation of children.

684. On the issue of trafficking in persons, the delegation referred to important measures taken to address the issue, in particular the law for the protection of victims and witnesses, as well as a new law on migration, which contemplates the regularization of victims of trafficking migration.

685. Costa Rica has been a great advocate of the eradication of torture and other cruel and inhumane treatment, according high priority to its prevention. In this regard, the National Preventive Mechanism conducts periodic visits to detention centres, including administrative detention centres for irregular migrants.

686. Regarding the issue of migrant workers, the delegation referred to the newly adopted law on migration, which included a Human Rights perspective, and guaranteed a closer supervision of enterprises and employers for the effective respect of labour rights, also setting a limit of 24 hours for the detention of foreigners in irregular situation.

687. Costa Rica did not accept 2 recommendations.<sup>11</sup> The delegation explained that it had not, nor will it in the near future consider the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, as this instrument did not reflect a common interest between countries of origin with important migration movements and recipient countries. Costa Rica had legislation and jurisprudence which reflected the principles of the Convention, guaranteeing the full enjoyment of their rights to migrant workers and their families. Costa Rica did not accept a recommendation which would refer to a provision within the Central American regional integration system, as it considered it not to be applicable to the sphere of human rights, but more to the regional political framework.

688. The delegation referred to the recommendation to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights<sup>12</sup>, which it had initially not accepted, and announced that it now enjoys its support.

689. Costa Rica took note of 4 recommendations that remained pending.<sup>13</sup> The delegation mentioned that since the country had recently elected a new President, a series of decisions were pending the definition of new policies and actions by the new administration. Three of these recommendations related to the rights of homosexuals and transgender persons. The fourth recommendation refers to granting the same status to all religious marriages, which needs to be evaluated by the Legislative Assembly, which will have a new composition as of May of 2010.

690. Costa Rica stressed that it remained committed to its development model and the social rule of law.

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<sup>11</sup> A/HRC/13/15, paragraph 92, recommendations 1 and 5.

<sup>12</sup> A/HRC/13/15, paragraph 92, recommendation 3.

<sup>13</sup> See position of State under review as reflected in A/HRC/13/15/Add.1, which makes reference to recommendations 89.3 and 89.16 from France which had been initially accepted, as well as recommendations 91.5 from Austria and 91.10 from Congo, as contained in A/HRC/13/15.



691. In conclusion,, the delegation highlighted Costa Rica's commitment to the universal periodic review noting that it was important, within the framework of the Human Rights Council review, to develop the necessary modalities for the recommendations to be more useful and of better quality. In line with provisions contained in resolution 5/1, Costa Rica suggested that the Troika, with the assistance of the Office of the High Commissioner for Human Rights, should filter and better group the recommendations. It suggested the elimination of recommendations on issues already implemented, those that refer to issues on the normal functioning of a government, those that do not have any human rights relevance, as well as all congratulatory statements. It also considered of importance not to duplicate or replicate recommendations from the treaty bodies and special procedures mechanisms. Costa Rica supported the idea, put forward by the High Commissioner, to establish a follow up mechanism to the UPR outcomes, and encouraged more support in this regard be provided, including to systematize the recommendations and to establish follow-up mechanisms.

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

692. Algeria thanked Costa Rica for providing additional information and for replying to recommendations, including those formulated by Algeria. It noted Costa Rica positive approach to UPR, which demonstrated its commitment to human rights. It also noted with appreciation the adoption of measures by Costa Rica regarding the reduction of poverty, the improvement of the status of disadvantaged groups, the promotion of the status of women and gender equality, as well as the implementation of the right to education of all to achieve the Millennium Development Goals, and the extension of that right to cover the children of irregular migrant.

693. United States of America welcomed Costa Rica's decision to support recommendations related to combating trafficking in persons, and the amendment of its Penal Code which defines trafficking as a crime and increases penalties. United States of America supported Austria's recommendations that Costa Rica continue its efforts to reduce all forms of violence against women, by providing sufficient resources to the police and the judiciary, and training to law enforcement officials. It commended Costa Rica for having supported recommendations on the strengthening of measures to protect children against prostitution and other forms of sexual exploitation, the prevention of child labour, and the prosecution and punishment of perpetrators. Lastly, it commended Costa Rica constant engagement with the promotion of human rights and the UPR.

694. Nepal commended Costa Rica for its active cooperation with the UPR process and for further explaining its position regarding several recommendations. It noted with appreciation that in the Costa Rican Constitution human rights take precedence over other regulations. It praised Costa Rica for its recognized human rights record as well as for public investment in social sectors. Free education, health care and programmes focused on disabled persons are also noteworthy. Nepal praised Costa Rica for its experience in fighting poverty.

695. Morocco welcomed the exemplary cooperation of Costa Rica in accepting almost all recommendations. Morocco noted with satisfaction that two of its recommendations related to human rights education and to development are among those whose implementation already started. It congratulated Costa Rica for its success in this review and encouraged it to continue its cooperation with international human rights bodies. Morocco shared Costa Rica's view regarding the lack of clarity of some recommendations, an issue which should be addressed during the UPR review process.

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

696. The European Region of the International Lesbian and Gay Federation congratulated Costa Rica for having accepted recommendations to join the 2008 UN General Assembly statement on human rights, sexual orientation and gender identity and to pursue efforts to favour LGBT people. It was encouraged by Costa Rica's decision to allocate sufficient resources to its preventive mechanism within the framework of the Optional Protocol to the Convention against Torture. It encouraged Costa Rica to accept recommendations to intensify measures towards the protection of sexual orientation and identity and to facilitate the issuance of identification documents for transsexuals. It also encouraged Costa Rica to accept the recommendation to address discriminations against homosexuals and transgender persons. It commended Costa Rica for its support to OAS resolution on sexual orientation, gender identity and human rights.

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

697. In conclusion, Costa Rica thanked States and other stakeholders participating in the process. The delegation reiterated its commitment with the work of the Human Rights Council, as well as to find ways to make the UPR an effective and useful tool, with a view to implementing the human rights agenda in individual countries. Costa Rica remained committed to continue working with the Human Rights Council in this regard.

#### **Equatorial Guinea**

698. The review of Equatorial Guinea was held on 9 December 2009 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

- (a) The national report submitted by Equatorial Guinea in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/6/GNQ/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.6/6/GNQ/2); and
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/6/GNQ/3).

699. At its 32nd meeting, on 19 March 2010, the Human Rights Council considered and adopted the outcome of the review on Equatorial Guinea (see section C below).

700. The outcome of the review on Equatorial Guinea comprises the report of the Working Group on the Universal Periodic Review (A/HRC/13/16), together with the views of Equatorial Guinea concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group.

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

701. The delegation recalled that during its review by the UPR Working Group in December 2009, the Government of Equatorial Guinea made a detailed report to the Council on the human rights situation in the country and endeavored to show its unequivocal commitment to the ideals and values of the promotion and protection of the rights inherent to human dignity.

702. The delegation added that during the interactive dialogue, delegations expressed their recognition of the achievements regarding the promotion and protection of human rights and formulated recommendations. Equatorial Guinea committed itself to carefully study each and every recommendation, with the will to implement them.

703. The delegation noted that 86 recommendations (which constitute 75 per cent of the total number of recommendations), were already included in the Government's Plan of Action on this matter. This Plan is an incentive which will, undoubtedly, encourage the Government to redouble its efforts to implement the recommendations.

704. The delegation reported that the legal process needed for the possible incorporation into national law, of the majority of human rights international treaties not yet ratified by Equatorial Guinea has been triggered. It mentioned in particular, the International Convention for the Protection of All Persons from Enforced Disappearance, the Convention on the Rights of Persons with Disabilities, the Optional Protocol to the Covenant on Economic, Social and Cultural Rights and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

705. The authorities redoubled their efforts to effectively enforce the law against torture, bringing to justice the alleged perpetrators of acts of torture. In some cases, trials are still ongoing and in others, sentences have been passed, some of which have been made available to the Council. The delegation emphasized that the effective implementation of the law against torture is a political priority for the Government of Equatorial Guinea.

706. The delegation stressed that a number of political and legal measures aimed at combating discrimination against women was in an advanced stage of preparation and will be approved once finalized. Particularly, the delegation mentioned the bill against gender violence recently drafted and presented by the Ministry of Social Affairs and Promotion of Women.

707. The process to approve a criminal code in line with modern standards has been initiated. It will replace the current code inherited from Colonial times.

708. The delegation added that the institutional mechanism to protect and shelter minors in need has been reinforced, within the framework of the general policy of the promotion of the rights of the child. Access to public subsidies by the relevant specialized associations has been made flexible.

709. Many other measures are being developed, adopted and implemented in line with the recommendations received. As an example, the delegation mentioned the areas of the freedom of expression, freedom of the press, freedom of association, detention conditions, the judiciary, juvenile delinquency and eradication of poverty.

710. With regards to the remaining recommendations, the delegation informed that their possible incorporation in the Plan of Action of the Government will continue to be carefully studied, considering the concrete circumstances of the country. The delegation stated that the Government has accepted all the UPR recommendations which have been received, except three of them, namely, one on the ratification of the statute of International Criminal Court, one on the ratification of the Optional Protocol to the Covenant on Civil and Political Rights on the abolition of the death penalty and one on granting access to the Special Rapporteur on Torture to military facilities. The Government had serious difficulties on a legal as well as on a social conscience basis vis à vis these three recommendations and therefore the delegation considered that it was not able to accept them.

711. In concluding, the delegation renewed its readiness to continue working, with the technical assistance and cooperation of the Council and of the Office of the United Nations High Commissioner for Human Rights, for the elimination of the legal, institutional,

political, economic, social and cultural obstacles that, to date, continue to prevent or limit the full enjoyment of internationally and nationally recognized human rights in Equatorial Guinea.

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

712. Algeria noted with satisfaction the endorsement by Equatorial Guinea of many recommendations, including all those made by Algeria, which reflects the commitment to promote and protect human rights. It appreciated measures to reduce poverty and achieve the MDGs and referred in particular to the free education system ensuring compulsory primary education. Algeria appreciated efforts to promote women and their participation in the decision making process as well as measures taken to facilitate access to justice.

713. Cuba commended Equatorial Guinea for accepting the majority of the recommendations. Despite being a developing country, victim of the unjust international economic order, Equatorial Guinea has made advances in areas such as education, health, promotion of gender equality and protection of children. Cuba stressed also the efforts made in the areas of infrastructure building, social accommodation, drinking water, energy, telecommunications and access to information. These efforts should be supported through cooperation and financial assistance, especially from developed countries.

714. The United States recognized steps taken to strengthen the judiciary. However, Equatoguineans are denied their human rights by the judiciary. It encouraged the Government to develop independent judiciary, end arbitrary detention and provide detainees with immediate access to a judicial authority. It also encouraged the Government to follow through and seek assistance, on the implementation of recommendations related to ending the use of torture, eliminating impunity and reforming the penal, law enforcement and judicial systems. It urged the Government to accept the recommendation calling to stop the requirement for NGOs to seek approval from and report to the Ministry of Interior and to reconsider the recommendation to allow political parties and media to operate freely.

715. China took note of the Government's positive attitude to present the efforts and difficulties faced in ensuring human rights, and of Equatorial Guinea's political will to further protect human rights. It also took note of the acceptance of most of the recommendations. China appreciated the commitment of the Government to the UPR follow up and expressed its support to Equatorial Guinea's continued efforts to combat poverty, raise living standards, improve the quality of education and provide better health care. China expressed its hope that the international community would help the Government to address its challenges and achieve progress in human rights.

716. Senegal welcomed the acceptance of the recommendations regarding the realisation of economic and social rights, in particular access to education and combating maternal mortality and poverty. It congratulated the government on its efforts to improve the condition of women and children as well as its relations with civil society. It appealed to the relevant institutions to provide technical support to Equatorial Guinea in its initiatives to promote and protect human rights.

717. Morocco appreciated Equatorial Guinea's sincere commitment to the UPR as well as the acceptance of its recommendation regarding the strengthening of synergy and coordination among the various national human rights institutions. Morocco added that Equatorial Guinea's resolve to respect its international human rights commitments should be supported by the international community, which should work with this country to identify ways and means to ensure sustainable development for the Equatoguinean people. Morocco reiterated its full support to Equatorial Guinea's efforts to promote and protect human rights.

718. Cameroon welcomed the efforts by Equatorial Guinea to promote and protect human rights, in particular economic, social and cultural rights, namely the establishment of free primary education and the progress regarding women and children's rights. Cameroon encouraged Equatorial Guinea to implement all the accepted recommendations. It called on the Council and the community of the United Nations to provide Equatorial Guinea with strengthened technical assistance to ensure better human rights protection in the country.

719. Congo appreciated the acceptance of the majority of recommendations and welcomed the support to the question of the promotion and protection of the rights of women and children and the fight against cultural stereotypes and customs that hinder the full enjoyment of women's rights. By renewing its commitment to work closely with human rights mechanisms, Equatorial Guinea showed its keenness to promote and protect human rights. Congo called on the international community to provide the necessary technical assistance to the government for the implementation of the UPR recommendations.

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

720. International Commission of Jurists (ICJ) expressed its support to the recommendations calling on the Government of Equatorial Guinea to guarantee the independence of the judiciary through institutional and legal reforms to put an end to the culture of impunity. It was of the view that the protection of human rights would not be possible if lawyers were attacked in representing their clients. ICJ noted that the Government's acceptance of the recommendations to address the lack of judicial independence was a first positive step. It highlighted that the fulfilment of the Government's human rights obligations would require guaranteeing the rule of law.

721. Open Society Institute (OSI) noted Equatorial Guinea's support for recommendations to combat corruption and improve accountability and transparency. The Government must be encouraged to fully carry out these recommendations. OSI urged the Government to monitor and report, in consultation with civil society, on progress made in relation to the implementation of UPR recommendations, in particular, extension of the *Iniciativa de Transparencia en la Industria Extractiva* transparency principles to budgetary process, publication of the national budget, clear identification of foreign bank accounts, verifiable declaration of assets by government representatives and accession to the United Nations Convention against corruption.

722. The Centre for Economic and Social Rights noted that the Government must implement recommendations calling for distribution of national resources to eradicate poverty and guarantee economic and social rights to the entire population. This implementation should be accompanied with the establishment of international and national monitoring system with the participation of civil society. It regretted the rejection of recommendations regarding the implementation on the UN Declaration on Human Rights Defenders, and the elimination of the requirements for legalising NGOs. It encouraged the Government to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and issue standing invitation to the special procedures' mandate holders.

723. Human Rights Watch noted that the UPR has served to highlight the conditions of repression and deprivation in Equatorial Guinea. The Government failed to engage with civil society in the UPR process and used, inter alia, burdensome NGO registration and reporting requirement to hinder the capacity of civil society to engage on human rights. There was no legally registered human rights group in the country. It acknowledged that the Government accepted many of the recommendations, but noted with concern that promises made in the past failed to affect the Government's behavior. It highlighted the need for

follow up mechanisms with civil society participation and international monitoring to translate the recommendations into actions.

724. Rencontre Africaine pour la Promotion des Droits de l'Homme welcomed the acceptance of most of the recommendations, but regretted that the authorities did not authorize the special rapporteur on torture to visit detention centres to investigate the real detention conditions and the inhumane treatments inflicted to some politicians and opponents to the authorities. Several human rights defenders and press organs have paid a heavy price for their commitment to open the country to democratic process. It called on Equatorial Guinea to guarantee the independence of the justice and of the national human rights commission, authorize without unjustified restriction the registration of human rights organizations and commit to human rights awareness raising and education.

725. Canadian HIV/AIDS Legal Network commended Equatorial Guinea for accepting the majority of the recommendations. It welcomed the acceptance of the recommendation in support of human rights education and training, which will help ensure that authorities would be able to respond more effectively to the needs of all members of society, including women, children and those who have been marginalized because of their sexual orientation or gender identity. It encouraged Equatorial Guinea to take steps to ensure that there is no legal and social discrimination on these grounds.

726. Amnesty International welcomed the support of the Government for a number of recommendations, including on ending the practice of abducting Equatorial Guineans exiled in neighbouring countries, which are relevant in light of reports of the abduction in late January 2010 of four Equatorial Guineans from a neighbouring country. It acknowledged the reduction in reported instances of torture, but noted that the practice has persisted. Amnesty International urged the Government to allow access to places of detention for lawyers and national and international human rights monitors, including the Special Rapporteur on torture. It called on reconsidering the rejection of the recommendation to allow political parties and media to operate freely.

727. Human Rights First noted that violence against women remained a common practice and that the Government did not make significant progress to end gender gap. Ethnic minorities were underrepresented and excluded from meaningful participation in political and economic affairs. It acknowledged the Government's support of recommendations to remedy these ongoing abuses and hoped these were not, like in the past, empty promises. It urged members of the HRC to ensure that the Government works with civil society, takes steps to end ethnic and gender-based discrimination and promotes freedom of expression, opinion, and the press.

728. Conectas Direitos Humanos noted that the government did not involve any independent NGO in the UPR process. While there are fewer restrictions than in the past, many civil society organizations cannot get their legal status granted. They called for the implementation of recommendations on creating an environment conducive for the establishment and functioning of NGO's; promoting dialogue with civil society and participation of all civil society groups in the implementation of the Iniciativa de Transparencia en la Industria Extractiva. They also called on the Council to promote and monitor the implementation of the recommendations.

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

729. The delegation stated that it had listened in good faith to every statement and will make every effort to implement the suggestions thereon. For this purpose, the delegation called for technical assistance and was committed to regularly inform the Council on new human rights developments. The delegation concluded by reiterating the sincere political will of Equatorial Guinea to promote and protect human rights.

## Ethiopia

730. The review of Ethiopia was held on 9 December 2009 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

- (a) The national report submitted by Ethiopia in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/6/ETH/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.6/6/ETH/2); and
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/6/ETH/3).

731. At its 33rd meeting, on 19 March 2010, the Human Rights Council considered and adopted the outcome of the review on SuR (see section C below).

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

733. The delegation stated that by actively participating in the review, the government had demonstrated its readiness to cooperate with United Nations human rights mechanisms. It appreciated the questions, comments and recommendations. Some recommendations had required further consideration and deliberation among relevant authorities.

734. Ethiopia was encouraged that many delegations had appreciated, inter alia, the federal arrangement which allowed for greater protection of the diverse nations, nationalities and peoples, the strengthening of democratic and human rights institutions, the human rights education policy and the generous refugee policy. Delegations had also highlighted Ethiopia's efforts to broaden freedom of expression by issuing licenses to a number of press outlets, encouraged a continuation of expanding social services, welcomed efforts to reduce child and maternal mortality and supported the food security policy.

735. The delegation informed that on 7 March 2010 the Council of Ministers recommended that the House of Peoples Representatives consider ratifying the Convention on the Rights of Persons with Disabilities. Ethiopia therefore accepted this recommendation, and also the ratification of one of the Optional protocols to the Convention on the Rights of the Child was considered favourably. Furthermore, Ethiopia pledged to consider the ratification of additional instruments to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment. Ethiopia was also committed to signing the International Convention for the Protection of All Persons from Enforced Disappearance and was considering its ratification in due course.

736. The delegation was of the view that Ethiopia has one of the most progressive constitutions, particularly in ensuring cultural diversity and accommodation. It noted that, occasionally, resource competition, particularly in the low-lands of the country, triggered

communal tension and conflicts. Measures at federal and local levels have been taken to give effective resolutions to these conflicts, including by the House of Federation and the Ministry of Federal Affairs. Ethiopia therefore considered favourably the recommendation which requested the government to “strengthen efforts made to address the causes of ethnic conflicts”.

737. Regarding a recommendation to raise the minimum age for criminal responsibility, the delegation indicated that the revised federal criminal code stipulated that different categories, i.e. 9-15 and 15-18 years old, may assume certain responsibility. Reforming criminal law would require deliberate consideration, which Ethiopia will continue to undertake.

738. The delegation stated that contrary to some unfounded allegations, Ethiopia has a well-disciplined national army. Legislation provides for the minimum age for recruitment, and the armed forces do not recruit children below the age of 18 years. Regular trainings have been held, often in cooperation with ICRC, to train the national defense force in human rights and humanitarian law. Necessary constitutional and legal frameworks ensure civilian control of the military. In a few cases where credible cases indicated a possible involvement of individual members of the military in human rights violations, the government has taken unequivocal steps including the creation of an independent inquiry. As in the case of the conflict in Gambella in 2003, the outcome of such inquiry resulted in the criminal prosecution of some members of the defense forces. While these exceptional situations are swiftly handled, the government found it difficult to accept recommendations implying that members of the defense forces often violate human rights with impunity.

739. The delegation considered that the government had taken measures to ensure that the upcoming elections are free and fair. Both the ruling party and majority of opposition parties have signed a code of conduct. Free and unrestricted political campaign, based on a mutually agreed framework on a fair and equitable use of publicly owned media, had already commenced. An independent and well-funded national electoral board had been established. A vibrant private media was engaged in the process and the government has invited international observers to observe the elections.

740. Ethiopia referred to questions raised on legislations on media, NGOs and charities, and combating terrorism. While willing to engage in dialogue, the government found no merit in recommendations to overturn legislations for which enormous resources had been spent to articulate and were considered vital. Sufficient time should be given to the implementation of these laws to identify possible gaps, if any, and consider how these gaps can be filled. The delegation stated that some of the criticisms expressed with respect to the Proclamation on Charities and Societies were quite unfounded. All existing NGOs have been registered without any restrictions in line with the procedures of the Proclamation. The government considered that the civil society law, helped to further implement international norms and principles governing the role of human rights defenders including the Declaration on human rights defenders.

741. The delegation addressed questions raised regarding so-called “detention and arrest of prisoners”, including the case of Ms. Birtukan Midekssa, who was among a number of opposition leaders arrested in 2005 and released after being granted a conditional pardon in line with Proclamation 395/2004. While Ms. Midekssa had chosen to publicly proclaim that she never requested pardon, relevant government officials, consistent with the procedure for revocation of pardon as stipulated in the Proclamation, had given sufficient warning and opportunity for Ms. Midekssa to rectify her statement.

742. As regards recommendations to abolish the death penalty, Ethiopia informed that pursuant to the revised federal criminal code, death penalty was only applied for



exceptionally grave crimes, and that actual executions rarely occur, amounting to a *de facto* moratorium.

743. The delegation indicated that the federal constitution explicitly guaranteed the rights of the child to be free from corporal punishment. The Criminal Code provided for measures and penalties applicable to young persons, and these enumerations did not include corporal punishment.

744. The delegation recalled that Ethiopia could not accept only a small number of recommendations. It underlined that not being able to accept for the time being some recommendations were not necessarily reservations or policy pronouncements cast in stone. The government's position was to continue to study and seriously consider all recommendations, and had taken note of the recommendations in question.

745. While highlighting that many shortcomings stem from underdevelopment and poverty, the delegation stated that the government, nevertheless, continued to further improving its capacity. It accepted all recommendations which called for greater collaboration with OHCHR. In this regard, a national consultative workshop on "Devising a Road Map for the Development of a National Action Plan for the Promotion and Protection of Human Rights in Ethiopia" was held in Addis Ababa on 15 March 2010, organized by the Ethiopian Human Rights Commission in collaboration with the OHCHR Regional Office for East Africa. Specific measures will be taken as a follow-up to the recommendations of this workshop, which enjoyed the participation of all levels of government, national human rights institutions, members of the civil society and other stakeholders.

746. The delegation considered that the review process had proven an important venue of evaluation of human rights performance, and hoped that all who were engaged would continue to support endeavors to implement the outcome.

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

747. Algeria thanked Ethiopia for the additional information provided and welcomed Ethiopia's acceptance of a number of recommendations. Algeria encouraged the government to continue poverty reduction efforts, while acknowledging that this represented a major challenge for many developing countries. Algeria welcomed the continuous progress made in the realization of economic, social and cultural rights, and the government's determination to persevere in protecting and promoting human rights.

748. Cuba congratulated Ethiopia for having accepted many recommendations. It highlighted Ethiopia's advancements in health, education, culture, and as regards persons with disabilities, children and women, areas of which had been affected by the world's financial and economic crisis. It stated that one way of implementing human rights programmes is through support, cooperation and financial assistance from countries of the developed world. Cuba congratulated Ethiopia for the results thus far and urged a continuation of its efforts.

749. Pakistan was encouraged that Ethiopia accepted most recommendations and was willing to implement these with the involvement of all stakeholders. Pakistan appreciated the efforts in improving the quality of life by introducing relevant social and economic policies which will ensure sustainable development. It stated that the international community should extend support in this regard. Pakistan commended Ethiopia's readiness to consider ratifying a number of human rights instruments which will improve its national human rights infrastructure.

750. Canada appreciated Ethiopia's acceptance to formulate a national plan of action on human rights and to strengthen the Ethiopian Human Rights Commission, but was deeply

concerned by the rejection to amend the 2009 Charities and Societies Proclamation. It expressed disappointment of Ethiopia's rejection of releasing imprisoned opposition party members and allowing their participation in the May 2010 election. It welcomed the continued efforts in addressing female genital mutilation. Canada urged Ethiopia to consider becoming a party to the Rome Statute of the International Criminal Court and the optional protocols of the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, and the Convention on the Elimination of All Forms of Discrimination against Women.

751. China stated that Ethiopia adopted a positive approach in presenting its achievements and challenges, and had conducted a constructive dialogue. It was pleased that Ethiopia had accepted most recommendations and was preparing for the follow-up. China hoped that Ethiopia will make greater progress in the areas of poverty reduction, health, and education, and realise at an early date the Millennium Development Goals. China was convinced that Ethiopia will implement in real earnest the UPR outcome and make real headway in the human rights field.

752. Djibouti welcomed the willingness demonstrated by Ethiopia to promote and protect human rights. It further welcomed that most recommendations had been accepted. Djibouti looked forward to continuing its cooperation with Ethiopia, with a view to protecting and promoting human rights, as well as the rights to peace, international solidarity and regional security in the Horn of Africa.

753. Congo congratulated Ethiopia on the commitment to implementing the recommendations concerning the signing and ratification of several international instruments, as well as recommendations related to combating sexual violence committed by members of the armed forces. Congo noted with satisfaction that Ethiopia had accepted to increase efforts in the area of women's rights and had accepted most other recommendations. Congo encouraged Ethiopia to continue the dialogue with the Human Rights Council with a view to strengthening respect for human rights.

754. Morocco welcomed Ethiopia's openness throughout the process, and the acceptance of a large number of recommendations, including with regard to the signing and ratification of a number of international human rights treaties. It expressed satisfaction at Ethiopia's long-standing positive approach to promoting the principles of tolerance, coexistence and respect for religious freedom and cultural diversity. Morocco welcomed Ethiopia's intention to elaborate a national action plan for the promotion and realization of human rights, including through implementation of the UPR outcome.

755. Italy welcomed Ethiopia's acceptance of the majority of recommendations and noted the explanations given. It recalled that it was in the interest of states under review to provide a clear status of recommendations accepted and not accepted since this was also necessary for a meaningful follow-up. Italy hoped that Ethiopia will reconsider its position on the death penalty and encouraged applying a legal moratorium with a view to its abolishment. Italy also looked forward to a more positive working environment for civil society and NGOs.

756. Saudi Arabia noted that Ethiopia had demonstrated its commitment to human rights by accepting most recommendations, and by cooperating with all mechanisms and procedures of the United Nations human rights system. Saudi Arabia stated that Ethiopia's commitment was also shown by its willingness to continue international cooperation and constructive dialogue.

757. Botswana stated that Ethiopia's commitment to meeting its human rights obligations was evident from the constructive engagement during the review, the information provided and the many accepted recommendations. Ethiopia had clearly acknowledged the

challenges and accepted all recommendations relating to collaboration with relevant institutions to continue endeavours in the promotion and protection of human rights.

758. Cameroon welcomed Ethiopia's efforts particularly in combating all forms of discrimination through legislative amendments aimed at reducing gender inequality, including amendments to the family law enabling women to enjoy the same rights as men in marriage and child custody matters. Cameroon welcomed Ethiopia's acceptance of recommendations, many of which were already being implemented. Cameroon called on the Human Rights Council and the international community to work towards increasing technical assistance to strengthen human rights protection in Ethiopia.

759. The Russian Federation expressed satisfaction at the comprehensive presentation as well as the detailed comments on the recommendations. It welcomed the constructive approach of the delegation during the consideration of the report by the Working Group and at the present session. It highlighted the high quality of the national report submitted, in which Ethiopia had approached all issues covered by the review with great sincerity.

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

760. Human Rights Watch expressed disappointment at Ethiopia's rejection of important recommendations. The environment for independent voices such as those of human rights defenders had dramatically worsened and reversing this trend should be top priority throughout the implementation of the UPR outcome. It urged Ethiopia to amend the Charities and Societies Proclamation, which violates the constitution and has resulted in a broader governmental hostility towards independent civil society. It called for the immediate and unconditional release of political opposition members. Human Rights Watch stated that the security forces continued to commit serious abuses and called for an investigation by the United Nations special procedures and other independent investigators.

761. The Cairo Institute for Human Rights Studies stated that the government was failing to protect the rights of human rights defenders, and that the intimidation of defenders was widespread. The Proclamation on Charities and Societies was restrictive and already having a significant impact on the ground, and the Anti-Terrorism Proclamation contained a very broad definition of what constituted encouragement of terrorism and terrorist acts. It called on the government to respect and promote the rights of human rights defenders, notably by significantly amending these legislations. It asked whether the government would be willing to extend an invitation to the Special Rapporteurs on the situation of human rights defenders and on the right to freedom of opinion and expression.

762. Amnesty International urged Ethiopia to review the rejection of recommendations to amend the Charities and Societies Proclamation, as well as the rejection of amending the Anti-Terrorism Proclamation to make it consistent with international human rights standards. Amnesty International welcomed the acceptance of the recommendations to upgrade land and water resources and to request technical assistance in relation to education, health, housing and food security. It encouraged Ethiopia to facilitate the visits of the Special Rapporteur on torture and the Special Rapporteur on extra-judicial, summary or arbitrary executions, requested in 2005 and 2008 respectively.

763. Canadian HIV/Aids Legal Network stated that the criminal prohibitions on sexual activity between consenting adults of the same sex under article 629 of the Penal Code are a violation of established international human rights law. It urged Ethiopia to repeal legislative provisions which criminalise sexual activity between consenting adults of the same sex. It also urged Ethiopia to take measures to recognise and protect the rights of sexual and gender minorities, and to extend HIV intervention programmes in this regard.

764. Interfaith International congratulated Ethiopia on institutional reforms undertaken in recent years and encouraged Ethiopia to engage in a sincere dialogue to consider

possibilities of implementing recommendations that they had not accepted. It recalled that, after the parliamentary elections in 2005, many cases of violence, torture and arrests of protesters had taken place. Interfaith International called upon Ethiopia to shed light on the grave violation of human rights committed against demonstrators and encouraged an investigation with a view to prosecuting all those responsible for crimes and grave violations of human rights during a prior administration.

765. World Alliance for Citizen Participation (CIVICUS) regretted that Ethiopia was unwilling to repeal or amend the recently enacted civil society law and urged Ethiopia to reconsider its rejection of recommendations 23-27. It stated that this law violates Ethiopia's obligations under international human rights law. CIVICUS indicated that the impact of this law is that many human rights organisations have abandoned their work or have ceased to exist. It referred to the code of conduct for political parties and stated that one of the leading opposition parties had been left out of the negotiation of this code, but had raised issues of fairness of the electoral platform.

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

766. The delegation appreciated the positive comments and observations, which will encourage Ethiopia to persevere in the promotion and protection of human rights. Regarding NGOs that spoke, the delegation stated it could not reply because they were outside the rules of procedure of the Human Rights Council on the UPR. The issues should have been raised under other agenda items, so the delegation would not respond to them. The delegation considered some of the NGOs as well-known detractors. It had asked them to be fair, objective and constructive, but this had repeatedly failed. The delegation thanked the NGOs that had given some constructive comments.

767. In closing, the delegation stressed that, in general, it will take all recommendations into consideration. It took note of all recommendations including those which for the time being had been rejected, and which will be further studied. As regards recommendations on the two Optional Protocols to the Convention on the Rights of the Child, the government has taken note of both and is favourably inclined towards ratifying one.

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

768. At its 33rd meeting, on 19 March 2010, the Council held a general debate on agenda item 6, during which the following made statements:

(a) Representatives of States Members of the Council: Bolivia (Plurinational State of), China, Cuba, Ghana, India, Japan, Nigeria (on behalf of the Group of African States), Norway, Russian Federation, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of the following observer States: Algeria, Azerbaijan, Canada, Colombia, Czech Republic, Ecuador, Israel, Morocco, Turkey, United Arab Emirates;

(c) Observers for the following non-governmental organizations: Amnesty International, Cairo Institute for Human Rights Studies, Canadian HIV/AIDS Legal Network, Colombia Commission of Jurists, Indian Movement Tupaj Amaru, International Federation of Action by Christians for the Abolition of Torture, International Humanist and Ethical Union, International Service for Human Rights.

769. At the same meeting, statements in exercise of the right of reply were made by the representatives of Benin, the Democratic People's Republic of Korea and the United States of America.

770. Also at the same meeting, statements in exercise of a second right of reply were made by the representatives of the Democratic People's Republic of Korea and the United States of America.

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

### **Eritrea**

771. At the 28th meeting, on 17 March 2010, the Council adopted draft decision 13/101 without a vote (for the text as adopted, see part one, chapter II).

### **Cyprus**

772. At the 28th meeting, on 17 March 2010, the Council adopted draft decision 13/102 without a vote (for the text as adopted, see part one, chapter II).

### **Dominican Republic**

773. At the 28th meeting, on 17 March 2010, the Council adopted draft decision 13/103 without a vote (for the text as adopted, see part one, chapter II).

### **Cambodia**

774. At the 29th meeting, on 17 March 2010, the Council adopted draft decision 13/104 without a vote (for the text as adopted, see part one, chapter II).

### **Norway**

775. At the 29th meeting, on 17 March 2010, the Council adopted draft decision 13/105 without a vote (for the text as adopted, see part one, chapter II).

### **Albania**

776. At the 29th meeting, on 17 March 2010, the Council adopted draft decision 13/106 without a vote (for the text as adopted, see part one, chapter II).

### **Democratic Republic of the Congo**

777. At the 30th meeting, on 18 March 2010, the Council adopted draft decision 13/107 without a vote (for the text as adopted, see part one, chapter II).

### **Côte d'Ivoire**

778. At the 30th meeting, on 18 March 2010, the Council adopted draft decision 13/108 without a vote (for the text as adopted, see part one, chapter II).

### **Portugal**

779. At the 30th meeting, on 18 March 2010, the Council adopted draft decision 13/109 without a vote (for the text as adopted, see part one, chapter II).

### **Bhutan**

780. At the 31st meeting, on 18 March 2010, the Council adopted draft decision 13/110 without a vote (for the text as adopted, see part one, chapter II).

### **Dominica**

781. At the 31st meeting, on 18 March 2010, the Council adopted draft decision 13/111 without a vote (for the text as adopted, see part one, chapter II).

### **Democratic People's Republic of Korea**

782. At the 31st meeting, on 18 March 2010, the Council adopted draft decision 13/112 without a vote (for the text as adopted, see part one, chapter II).

**Brunei Darussalam**

783. At the 32nd meeting, on 19 March 2010, the Council adopted draft decision 13/113 without a vote (for the text as adopted, see part one, chapter II).

**Costa Rica**

784. At the 32nd meeting, on 19 March 2010, the Council adopted draft decision 13/114 without a vote (for the text as adopted, see part one, chapter II).

**Equatorial Guinea**

785. At the 32nd meeting, on 19 March 2010, the Council adopted draft decision 13/115 without a vote (for the text as adopted, see part one, chapter II).

**Ethiopia**

786. At the 33rd meeting, on 19 March 2010, the Council adopted draft decision 13/116 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**

787. At the 34th meeting, on 22 March 2010, the High Commissioner for Human Rights introduced her report on the follow-up to the 9th and 12th special sessions (A/HRC/13/54), report of the Secretary-General on the implementation of Council resolution S-12/1 (A/HRC/13/55), and other reports under agenda item 7.

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

789. During the ensuing general debate on the follow-up to special sessions, at the same meeting, the following made statements:

(a) Representatives of States Members of the Council: Bahrain, Bangladesh, Brazil, Chile, China, Cuba, Djibouti, Egypt (also on behalf of the Non-Aligned Movement), Japan, Jordan, Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Saudi Arabia, Senegal, South Africa, Spain<sup>1</sup> (on behalf of the European Union), Sudan<sup>1</sup> (on behalf of the Group of Arab States);

(b) Observers for the following States: Algeria, Iran (Islamic Republic of), Iraq, Libyan Arab Jamahiriya, Malaysia, Sudan, Switzerland, Syrian Arab Republic, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of), Yemen;

(c) Observer for the following intergovernmental organizations: African Union, League of Arab States, Organization of the Islamic Conference;

(d) Observers for the following non-governmental organizations: Al-Haq, Law in the Service of Man, Amnesty International, BADIL Resource Center for Palestinian Residency and Refugee Rights, Cairo Institute for Human Rights Studies, General Arab Women Federation, Human Rights Watch, International Association of Jewish Lawyers and Jurists, International Commission of Jurists, Mouvement contre le Racisme et pour l'Amitié entre les Peuples (MRAP), Nord-Sud XXI, Palestinian Centre for Human Rights, Union of Arab Jurists, United Nations Watch, Women's International League for Peace and

Freedom, Women's International Zionist Organization, World Union for Progressive Judaism.

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

790. At its 35th and 36th meetings, on 22 and 23 March 2010, the Council held a general debate on agenda item 7, during which the following made statements:

(a) The representatives of Israel, Palestine, and the Syrian Arab Republic made statements as concerned parties;

(b) Representatives of States Members of the Council: Bahrain, Bangladesh, Cuba, Egypt (also on behalf of the Non-Aligned Movement), Indonesia, Nigeria (on behalf of the Group of African States), Pakistan (on behalf of the Organization of the Islamic Conference), Qatar, Russian Federation, Saudi Arabia, Spain<sup>1</sup> (on behalf of the European Union, Albania, Armenia, Croatia, Iceland, Montenegro, Serbia, the former Yugoslav Republic of Macedonia, Turkey), Sudan<sup>1</sup> (on behalf of the Group of Arab States), United States of America;

(c) Representatives of the following observer States: Algeria, Democratic People's Republic of Korea, Iceland, Iran (Islamic Republic of), Kuwait, Lebanon, Libyan Arab Jamahiriya, Malaysia, Morocco, Oman, Sri Lanka, Sudan, Switzerland, Tunisia, Turkey, United Arab Emirates, Yemen;

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

(e) Observers for the following non-governmental organizations: Al-Haq, Law in the Service of Man, BADIL Resource Center for Palestinian Residency and Refugee Rights (also on behalf of the Palestine Centre for Human Rights and Women's Centre for Legal Aid and Counselling), Cairo Institute for Human Rights Studies, Charitable Institute for Protecting Social Victims, Commission of the Churches on International Affairs of the World Council of Churches, European Union of Jewish Students, General Arab Women Federation, Hadassah, the Women's Zionist Organization of America, Institute for Women's Studies and Research, Nord-Sud XXI, Organization for Defending Victims of Violence, Palestinian Centre for Human Rights, Union de l'action feminine, Union of Arab Jurists, World Union for Progressive Judaism.

791. At the 35th meeting, on 22 March 2010, statements in exercise of the right of reply were made by the representatives of Algeria, Iran (Islamic Republic of), Israel, Lebanon and Palestine.

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

### **Human rights situation in the occupied Syrian Golan**

792. At the 41st meeting, on 24 March 2010, the representative of Pakistan (on behalf of the Group of Arab States and the Organization of the Islamic Conference) introduced draft resolution A/HRC/13/L.2, sponsored by the Syrian Arab Republic and co-sponsored by Cuba, Democratic People's Republic of Korea, Pakistan (on behalf of the Organization of the Islamic Conference), Sudan (on behalf of the Group of Arab States), Venezuela (Bolivarian Republic of) and Zimbabwe. Subsequently, Belarus, Bolivia (Plurinational State of), Egypt and Nicaragua joined the co-sponsors.

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

794. At the same meeting, statements in explanation of vote before the vote were made by the representatives of France (on behalf of States members of the European Union that are members of the Council).

795. Also at the same meeting, at the request of the representative of France (on behalf of States members of the European Union that are members of the Council), a recorded vote was taken on the draft resolution. The draft resolution was adopted, by 31 votes to 1, with 15 abstentions. The voting was as follows:

*In favour:*

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

*Against:*

United States of America;

*Abstaining:*

Belgium, Bosnia and Herzegovina, Cameroon, France, Gabon, Hungary, Italy, Japan, Netherlands, Norway, Republic of Korea, Slovakia, Slovenia, Ukraine, United Kingdom of Great Britain and Northern Ireland.

796. For the text as adopted, see part one, chapter I, resolution 13/5.

**The right of the Palestinian people to self-determination**

797. At the 41st meeting, on 24 March 2010, the representative of Pakistan (on behalf of the Group of Arab States and the Organization of the Islamic Conference) introduced draft resolution A/HRC/13/L.27, sponsored by Pakistan (on behalf of the Organization of the Islamic Conference), Palestine and Sudan (on behalf of the Group of Arab States) and co-sponsored by Austria, Bolivia (Plurinational State of), Cuba, El Salvador, Ireland, Malta, Morocco, Portugal, Slovenia, Spain, Sri Lanka and Venezuela (Bolivarian Republic of). Subsequently, Algeria, Bahrain, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Egypt, Djibouti, Finland, France, Greece, Iceland, Luxembourg, Nicaragua, Niger, Nigeria, Norway, Spain, Switzerland, Turkey and Yemen joined the co-sponsors.

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

799. Also at the same meeting, the representative of the United States of America made a statement in explanation of vote before the vote.

800. At the same meeting, at the request of the representative of the United States of America, a recorded vote was taken on the draft resolution. The draft resolution was adopted, by 45 votes to 1, with no abstentions. The voting was as follows:

*In favour:*

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

*Against:*



United States of America.

801. For the text as adopted, see part one, chapter I, resolution 13/6.

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

802. At the 41st meeting, on 24 March 2010, the representative of Pakistan (on behalf of the Group of Arab States and the Organization of the Islamic Conference) introduced draft resolution A/HRC/13/L.28, sponsored by Pakistan (on behalf of the Organization of the Islamic Conference), Palestine and Sudan (on behalf of the Group of Arab States) and co-sponsored by Austria, Bolivia (Plurinational State of), Cuba, El Salvador, Ireland, Malta, Morocco, Slovenia, Sri Lanka and Venezuela (Bolivarian Republic of). Subsequently, Algeria, Bahrain, Belarus, Belgium, Bosnia and Herzegovina, Djibouti, Egypt, Finland, Greece, Luxembourg, Nicaragua, Niger, Nigeria, Portugal, Switzerland, Turkey and Yemen joined the co-sponsors.

803. At the same meeting, the representatives of Palestine and the Syrian Arab Republic made statements as the concerned parties.

804. Also at the same meeting, statements in explanation of vote before the vote were made by the representatives of France (on behalf of States members of the European Union that are members of the Council) and the United States of America.

805. At the same meeting, at the request of the representative of the United States of America, a recorded vote was taken on the draft resolution. The draft resolution was adopted by 46 votes to 1. The voting was as follows:

*In favour:*

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

*Against:*

United States of America.

806. For the text as adopted, see part one, chapter I, resolution 13/7.

**The grave human rights violations by Israel in the Occupied Palestinian Territory, including East Jerusalem**

807. At the 41st meeting, on 24 March 2010, the representative of Pakistan (on behalf of the Group of Arab States and the Organization of the Islamic Conference) introduced draft resolution A/HRC/13/L.29, sponsored by Pakistan (on behalf of the Organization of the Islamic Conference), Palestine and Sudan (on behalf of the Group of Arab States) and co-sponsored by Bolivia (Plurinational State of), Cuba, Morocco, Sri Lanka and Venezuela (Bolivarian Republic of). Subsequently, Algeria, Bahrain, Belarus, Djibouti, Egypt, Nicaragua, Niger, Nigeria, Turkey and Yemen joined the co-sponsors.

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

809. Also at the same meeting, statements in explanation of vote before the vote were made by the representatives of Argentina, France (on behalf of States members of the European Union that are members of the Council) and the United States of America.

810. At the same meeting, at the request of the representative of the United States of America, a recorded vote was taken on the draft resolution. The draft resolution was adopted, by 31 votes to 9, with 7 abstentions. The voting was as follows:

*In favour:*

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

*Against:*

Belgium, France, Hungary, Italy, Netherlands, Norway, Slovakia, United Kingdom of Great Britain and Northern Ireland, United States of America;

*Abstaining:*

Bosnia and Herzegovina, Burkina Faso, Cameroon, Japan, Republic of Korea, Slovenia, Ukraine.

811. For the text as adopted, see part one, chapter I, resolution 13/8.

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

812. At the 41st meeting, on 24 March 2010, the representative of Pakistan (on behalf of the Group of Arab States, the Non-Aligned Movement with the exception of Chile and Panama and the Organization of the Islamic Conference) introduced draft resolution A/HRC/13/L.30, sponsored by Pakistan (on behalf of the Organization of the Islamic Conference), Palestine and Sudan (on behalf of the Group of Arab States) and co-sponsored by Bolivia (Plurinational State of), El Salvador, Morocco and Venezuela (Bolivarian Republic of). Subsequently, Algeria, Bahrain, Cuba, Djibouti, Egypt (on behalf of the Non-Aligned Movement with exception of Chile and Panama), Niger, Nigeria, the former Yugoslav Republic of Macedonia, Turkey and Yemen joined the co-sponsors.

813. At the same meeting, the representative of Pakistan orally revised the draft resolution by modifying operative paragraphs 9, 11, 12 and adding a new operative paragraph 13.

814. At the 42nd meeting, on 25 March 2010, the representatives of Israel and Palestine made statements as concerned parties.

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

816. Also at the same meeting, statements in explanation of vote before the vote were made by the representatives of Argentina, Chile, Italy, Japan, the Netherlands (also on behalf of Hungary and Slovakia), Mexico, Norway United States of America and Uruguay.

817. At the same meeting, at the request of the representative of the United States of America, a recorded vote was taken on the draft resolution. The draft resolution, as orally revised, was adopted, by 29 votes to 6, with 11 abstentions. The voting was as follows:

*In favour:*

Angola, Argentina, Bahrain, Bangladesh, Bolivia, Bosnia and Herzegovina, Brazil, China, Cuba, Djibouti, Egypt, Ghana, India, Indonesia, Jordan, Kyrgyzstan, Mauritius, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, Slovenia, South Africa, Uruguay, Zambia;

*Against:*

Hungary, Italy, Netherlands, Slovakia, Ukraine, United States of America;

*Abstaining:*

Belgium, Burkina Faso, Cameroon, Chile, France, Japan, Madagascar, Mexico, Norway, Republic of Korea, United Kingdom of Great Britain and Northern Ireland.

818. For the text as adopted, see part one, chapter I, resolution 13/9.

819. At the same meeting, the President announced that draft resolution A/HRC/12/L.12, which was deferred for consideration from the twelfth session of the Council, has been superseded by the adopted resolution 13/9.

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

820. At its 36th meeting, on 23 March 2010, the Council held a general debate on agenda item 8, during which the following made statements:

(a) Representatives of States Members of the Council: Argentina (also on behalf of (Bolivia (Plurinational State of), Brazil, Chile, Colombia, Ecuador, Paraguay, Peru and Uruguay and Venezuela (Bolivarian Republic of)), China, Colombia (on behalf of the Group of Latin American and Caribbean States), Côte d'Ivoire<sup>1</sup> (on behalf of the Group of African States, the Group of Latin American and Caribbean States and Philippines), Indonesia, Italy, Nigeria (on behalf of the Group of African States), Pakistan (on behalf of the Organization of the Islamic Conference), Russian Federation, Spain<sup>1</sup> (on behalf of the European Union, Albania, Bosnia and Herzegovina, Croatia, Liechtenstein, Montenegro, Serbia, the former Yugoslav Republic of Macedonia, Turkey and Ukraine), Sudan<sup>1</sup> (on behalf the Group of Arab States), United States of America, Viet Nam<sup>1</sup> (on behalf of the Association of Southeast Asian Nations);

(b) Representatives of the following observer States: Algeria, Australia (also on behalf of Canada and New Zealand), Morocco, Paraguay;

(c) Observers for the following national human rights institutions: Advisory Council on Human Rights of Morocco, Comisión Nacional de los Derechos Humanos de Honduras, Comisión Nacional de los Derechos Humanos de México, Commission Nationale des Droits de l'Homme du Togo, National Human Rights Committee of Qatar, Network of National Human Rights Institutions of the Americas, New Zealand Human Rights Commission, ;

(d) Observers for the following non-governmental organizations: Action internationale pour la paix et le développement dans la région des Grands Lacs, Amnesty International, Association for World Education (also on behalf of the World Union for Progressive Judaism), Centrist Democratic International, Commission to Study the Organization of Peace, Indian Council of Education, Indian Council of South America, Inter-African Committee on Traditional Practices Affecting the Health of Women and Children (also on behalf of Women's Federation for World Peace International), International Service for Human Rights (also on behalf of Al-Haq, Law in the Service of Man, Amnesty International, Cairo Institute for Human Rights Studies, Canadian HIV/AIDS Legal Network and Human Rights Watch), Latin American Federation of Associations of Relatives of Disappeared Detainees, Nord-Sud XXI, United Nations Watch, World Peace Council, World Union for Progressive Judaism (also on behalf of Association for World Education).

821. At the same meeting, the representative of Iran (Islamic Republic of) made a statement in exercise of the right of reply.

## **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 mandate holders**

822. At the 37th meeting, on 23 March 2010, the Acting Chairperson-Rapporteur of the Working Group of Experts on People of African Descent, Mirjana Najcevska, presented report of the Working Group on its mission to Ecuador (A/HRC/13/59).

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

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

- (a) Representative of a Member State of the Council: United States of America;
- (b) Representative of an observer State: Libyan Arab Jamahiriya;
- (c) Representative of a national human rights institution: Defender del Pueblo del Ecuador;
- (d) Observer for a non-governmental organization: International Youth and Student Movement for the United Nations.

825. At the same meeting, the Chairperson-Rapporteur answered questions and made his concluding remarks.

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

826. At the 37th meeting, on 23 March 2010, the Chairperson-Rapporteur of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, Mohamed Siad Doualeh, presented the report of the Working Group on its seventh session held from 5 to 16 October 2009 (A/HRC/13/60).

827. At the same meeting, the Chairperson-Rapporteur of the Ad Hoc Committee on the Elaboration of Complementary Standards, Idriss Jazaïry, presented the report of the Ad Hoc Committee on its second session held from 19 to 30 October 2009 (A/HRC/13/58).

828. Also at the same meeting and at the 38th meeting, on the same day, the Council held a general debate on agenda item 9, during which the following made statements:

- (a) Representatives of States Members of the Council: Argentina (also on behalf of Brazil), China, Cuba, Egypt, Indonesia, Nigeria (on behalf of the Group of African States), Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Qatar, Russian Federation, Saudi Arabia, South Africa, Spain<sup>1</sup> (on behalf of the European Union, Albania, Bosnia and Herzegovina, Croatia, Georgia, Montenegro and the former Yugoslav Republic of Macedonia), Sudan<sup>1</sup> (on behalf of the Group of Arab States), Switzerland<sup>1</sup> (also on behalf of Argentina, Armenia, Brazil, Chile, Colombia, Dominican Republic, Guatemala, Japan, Mexico, Republic of Korea and Uruguay), United States of America;

(b) Representatives of the following observer States: Algeria, Armenia, Azerbaijan, Iran (Islamic Republic of), Iraq, Kuwait, Libyan Arab Jamahiriya, Singapore, Syrian Arab Republic, Turkey, Venezuela (Bolivarian Republic of);

(c) Observer for the Holy See;

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

(e) Observers for the following non-governmental organizations: Association for World Education, Becket Fund for Religious Liberty, Cairo Institute for Human Rights Studies, Charitable Institute for Protecting Social Victims, Comité International pour le Respect et l'Application de la Charte Africaine des Droits de l'Homme et des Peuples, Commission to Study the Organization of Peace, European Union of Public Relations, Fraternalite Notre Dame, Indian Council of Education, Indian Council of South America, Indian Movement Tupaj Amaru, Institute for Women's Studies and Research, Interfaith International, International Humanist and Ethical Union, International Movement Against All Forms of Discrimination and Racism, International Youth and Student Movement for the United Nations, Liberation, Nord-Sud XXI, Organization for Defending Victims of Violence, Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs and International Movement of Catholic Students), Rencontre Africaine pour la defense des droits des l'homme (also on behalf of Al-Hakim Foundation and Interfaith International), Union of Arab Jurists (also on behalf of the International Organization for the Elimination of All Forms of Racial Discrimination), United Nations Watch, World Union for Progressive Judaism.

829. At the 38th meeting, the Chairperson-Rapporteur of the Ad Hoc Committee on the Elaboration of Complementary Standards, Idriss Jazaïry, made his concluding remarks.

## C. Consideration of and action on draft proposals

### Combating defamation of religions

830. At the 42nd meeting, on 25 March 2010, the representative of Pakistan (also on behalf of co-sponsors) introduced draft resolution A/HRC/13/L.1, sponsored by Pakistan (on behalf of the Organization of the Islamic Conference with the exception of Cameroon). Subsequently, Belarus and Venezuela (Bolivarian Republic of) joined the co-sponsors.

831. At the same meeting, the representatives of Chile, China, Cuba, Egypt, Kyrgyzstan, Mexico, Russian Federation, Saudi Arabia, Senegal and Uruguay made general comments in relation to the draft resolution.

832. Also at the same meeting, in accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of the draft resolution (see annex III).

833. At the same meeting, statements in explanation of vote before the vote were made by the representatives of Argentina, Brazil, France (on behalf of States members of the European Union that are members of the Council), Japan and the United States of America.

834. Also at the same meeting, at the request of the representative of France (on behalf of States members of the European Union that are members of the Council), a recorded vote was taken on the draft resolution. The draft resolution, as orally revised, was adopted, by 20 votes to 17, with 8 abstentions. The voting was as follows:

#### *In favour:*

Bahrain, Bangladesh, Bolivia, Burkina Faso, China, Cuba, Djibouti, Egypt, Indonesia, Jordan, Kyrgyzstan, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa;

*Against:*

Argentina, Belgium, Chile, France, Hungary, Italy, Mexico, Netherlands, Norway, Republic of Korea, Slovakia, Slovenia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Zambia;

*Abstaining:*

Bosnia and Herzegovina, Brazil, Cameroon, Ghana, India, Japan, Madagascar, Mauritius.

835. For the text as adopted, see part one, chapter I, resolution 13/16.

836. At the 45th meeting, on 26 March 2010, statements in explanation of vote after the vote were made by the representatives of Cameroon and Nigeria.

837. At the same meeting, the representative of Switzerland made comments in relation to the resolution.

**Ad Hoc Committee on the elaboration of complementary standards**

838. At the 43rd meeting, on 25 March 2010, the representative of the United States of America made a statement withdrawing the draft resolution A/HRC/13/L.3.

839. At the same meeting, the President announced that draft resolution A/HRC/13/L.3 was withdrawn.

**Elaboration of complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination**

840. At the 43rd meeting, the representative of Nigeria (on behalf of the Group of African States) introduced draft resolution A/HRC/13/L.9, sponsored by Nigeria (on behalf of the Group of African States). Subsequently, Venezuela (Bolivarian Republic of) joined the co-sponsors.

841. At the same meeting, the representative of Nigeria orally revised the draft resolution by amending its second preambular paragraph and operative paragraphs 1 and 2.

842. Also at the same meeting, the representative of Argentina (also on behalf of Brazil, Chile, Mexico and Uruguay), France (on behalf of States members of the European Union that are members of the Council), Japan, Pakistan and the United States of America made general comments in relation to the draft resolution.

843. At the same meeting, the draft resolution, as orally revised, was adopted without a vote.

844. For the text as adopted, see part one, chapter I, resolution 13/18.

845. At the 45th meeting, on 26 March 2010, the representative of Algeria made comments in relation to the resolution.

**A world of sports free from racism, racial discrimination, xenophobia and related intolerance**

846. At the 45th meeting, on 26 March 2010, the representative of Nigeria (on behalf of the Group of African States) introduced draft resolution A/HRC/13/L.26, sponsored by Brazil and Nigeria (on behalf of the Group of African States) and co-sponsored by Argentina, Belarus, Bolivia (Plurinational State of), Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Panama, Paraguay, Peru, the Russian Federation, Serbia, Singapore, Uruguay and Venezuela (Bolivarian Republic of). Subsequently, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Burkina Faso, Canada, China, Croatia, Denmark, France, Ghana, Greece, Guatemala, Hungary, India, Indonesia, Ireland,

Japan, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Mexico, Monaco, Montenegro, the Netherlands, Nicaragua, Norway, Pakistan, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sri Lanka, Switzerland, Turkey and the United Kingdom of Great Britain and Northern Ireland joined the co-sponsors.

847. At the same meeting, the representatives of South Africa and the United Kingdom of Great Britain and Northern Ireland made general comments in relation to the draft resolution.

848. At the same meeting, the draft resolution was adopted without a vote.

849. For the text as adopted, see part one, chapter I, resolution 13/27.

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

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

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

850. At the 39th meeting, on 24 March 2010, the independent expert on the situation of human rights in Somalia, Shamsul Bari, presented his report (A/HRC/13/65).

851. At the same meeting, the representative of Somalia made a statement as the concerned country.

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

(a) Representatives of States Members of the Council: Bangladesh, Belgium, China, Djibouti, Italy, Nigeria (on behalf of the Group of African States), Norway, Sudan<sup>1</sup> (on behalf of the Group of Arab States), United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of the following observer States: Algeria, Australia, Canada, Ethiopia, Kuwait, United Arab Emirates, Yemen;

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

(d) Observers for the following non-governmental organizations: Cairo Institute for Human Rights Studies, Human Rights Watch, International Federation of Journalists.

853. At the same meeting, the independent expert answered questions and made his concluding remarks.

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

854. At the 39th meeting, on 24 March 2010, the Representative of the Secretary-General on human rights of internally displaced persons, Walter Kälin, presented the combined report of seven thematic special procedures mandate holders on technical assistance to the Government of the Democratic Republic of the Congo (A/HRC/13/63).

855. At the same meeting, the representative of the Democratic Republic of the Congo made a statement as the concerned country.

856. During the ensuing interactive dialogue, at the same meeting, the following made statements and asked the Representative of the Secretary-General questions:

(a) Representatives of States Members of the Council: Belgium, Brazil, China, Japan, Nigeria (on behalf of the Group of African States), Norway, United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of the following observer States: Algeria, Australia, Canada, Sweden, Switzerland;

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

(d) Observers for the following non-governmental organizations: Action internationale pour la paix et le développement dans la région des Grands Lacs (also on behalf of Comité International pour le Respect et l'Application de la Charte Africaine des Droits de l'Homme et des Peuples), Amnesty International, Femmes Afrique Solidarité, Franciscans International, International Commission of Jurists, International Federation for Human Rights Leagues, Women's International League for Peace and Freedom.

857. At the same meeting, the Representative of the Secretary-General answered questions and made his concluding remarks.

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

858. At the 40th meeting, on 24 March 2010, the Deputy High Commissioner for Human Rights introduced country-specific reports submitted under agenda items 2 and 10.

859. At the same meeting, representatives of Afghanistan, Bolivia (Plurinational State of), Colombia, Cyprus, Democratic Republic of the Congo, Guatemala and Nepal made statements as concerned countries.

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

(a) Representatives of States Members of the Council: Brazil, Egypt, Ghana, India, Italy, Pakistan, Spain (on behalf of the European Union, Albania, Armenia, Bosnia and Herzegovina, Croatia, Montenegro, Republic of Moldova, Serbia, the former Yugoslav Republic of Macedonia and Ukraine), United Kingdom of Great Britain and Northern Ireland;

(b) Representatives of the following observer States: Algeria, Canada, Greece, Kuwait, New Zealand, Switzerland, Turkey;

(c) Observer for a national human rights institution: Afghanistan Independent Human Rights Commission,

(d) Observers for the following non-governmental organizations: Action internationale pour la paix et le développement dans la région des Grands Lacs, Association for World Education (also on behalf of World Union for Progressive Judaism), Cairo Institute for Human Rights Studies, Centre Europe - Tiers Monde (also on behalf of France Libertés: Fondation Danielle Mitterrand, International Educational Development, Mouvement Contre le Racisme et pour l'Amitié entre les Peuples (MRAP) and Women's International League for Peace and Freedom), Centre for Human Rights and Peace Advocacy, Columbian Commission of Jurists, Comité International pour le Respect et l'Application de la Charte Africaine des Droits de l'Homme et des Peuples, Commission to Study the Organization of Peace, European Union of Public Relations, Human Rights Watch, International Club for Peace Research, International Institute for Peace, United Nations Watch.

861. At the same meeting, the representative of Nepal made a statement in exercise of the right of reply.



## C. Consideration of and action on draft proposals

### **Strengthening of technical cooperation and consultative services in the Republic of Guinea**

862. At the 44th meeting, on 26 March 2010, the representative of Nigeria (on behalf of the Group of African States) introduced draft resolution A/HRC/13/L.14, sponsored by Nigeria (on behalf of the Group of African States). Subsequently, Australia, Austria, Belgium, Bulgaria, Canada, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Israel, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland and the United States of America joined the co-sponsors.

863. At the same meeting, the representative of Nigeria orally revised the draft resolution.

864. Also at the same meeting, the representative of Guinea made a statement as the concerned country.

865. At the same meeting, the draft resolution, as orally revised, was adopted without a vote.

866. For the text as adopted, see part one, chapter I, resolution 13/21.

### **Situation of human rights in the Democratic Republic of the Congo and the strengthening of technical cooperation and consultative services**

867. At the 44th meeting, on 26 March 2010, the representative of Nigeria (on behalf of the Group of African States) introduced draft resolution A/HRC/13/L.23, sponsored by Nigeria (on behalf of the Group of African States). Subsequently, Australia, Austria, Belgium, Bulgaria, Canada, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Israel, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland and the United States of America joined the co-sponsors.

868. At the same meeting, the representative of Nigeria orally revised the draft resolution.

869. Also at the same meeting, the representative of the Democratic Republic of the Congo made a statement as the concerned country.

870. At the same meeting, statements in explanation of vote before the vote were made by the representatives of France (on behalf of States members of the European Union that are members of the Council) and the United States of America.

871. Also at the same meeting, the draft resolution, as orally revised, was adopted without a vote.

872. For the text as adopted, see part one, chapter I, resolution 13/22.