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**Human Rights Council**

Fourteenth session

Agenda item 1

**Organizational and procedural matters**

**Report of the Human Rights Council on its  
fourteenth 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]

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

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

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

1. The Human Rights Council held its fourteenth session at the United Nations Office at Geneva from 31 May to 18 June 2010. The President of the Council opened the session.
2. In accordance with rule 8 (b) of the rules of procedure of the Council, as contained in part VII of the annex to Council resolution 5/1, the organizational meeting of the fourteenth session was held on 20 May 2010.
3. The fourteenth session consisted of 36 meetings over 15 days (see paragraph 22 below).

#### **B. Attendance**

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

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

5. At its 1st meeting, on 31 May 2010, the Council adopted the agenda and programme of work of the fourteenth session.

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

6. At the 1st meeting, on 31 May 2010, the President outlined the modalities for the general debate on the update by the United Nations High Commissioner of the activities of her Office, which would be 3 minutes for Member States and 2 minutes for observer States and other observers.
7. At the 2nd meeting, on 31 May 2010, the President outlined the modalities for the interactive dialogue with mandate holders of special procedures under agenda item 3, which would be as follows: 10 minutes for the presentation by the mandate holder of the main report, with a further 2 minutes to present each additional report; 5 minutes for concerned countries, if any, and States Members of the Council; 3 minutes for statements by observer States of the Council and other observers, including United Nations entities, specialized agencies and related organizations, intergovernmental organizations and other entities, national human rights institutions and non-governmental organizations; and 5 minutes for concluding remarks by the mandate holder.

8. At its 5th meeting, on 1 June 2010, the President outlined the modalities for the urgent debate on the raid on the flotilla by Israeli defence forces, which would be 3 minutes for States Members of the Council and 2 minutes for observer States and other observers.
9. At the 8th meeting, on 2 June 2010, the President outlined the modalities for the panel discussion to give voice to victims of trafficking in persons, especially women and children, which would be 5 minutes for panellists, 2 minutes for States Members of the Council, observer States and other observers.
10. At the 9th meeting, on 3 June 2010, the President outlined the modalities for the Joint study on global practices in relation to secret detention in the context of countering terrorism interactive dialogue, which would be 3 minutes for States Members of the Council and 2 minutes for observer States, followed by other observers.
11. At the 12th meeting, on 4 June 2010, the President outlined the modalities for the 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.
12. At the 14th meeting, on 7 June 2010, the President outlined the modalities for the full-day discussion on women's human rights, which would be 7 minutes for panellists, 3 minutes for States Members of the Council and 2 minutes for observer States and other observers.
13. At the 17th meeting, on 8 June 2010, the President outlined the modalities for the general debate on thematic reports of the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Secretary-General, which would be 3 minutes for States Members of the Council and 2 minutes for observer States and other observers.
14. At the 18th meeting, on 8 June 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.
15. At the 20th meeting, on 9 June 2010, the President outlined the modalities for the consideration of the outcomes of the universal periodic review under agenda item 6, which would be 20 minutes for the State concerned to present its views; up to 20 minutes for States Members of the Council, observer States and United Nations agencies to express their views on the outcome of the review and whenever necessary, and in order to accommodate the maximum number of speakers; 2 minutes for States Members and observer States; and up to 20 minutes for stakeholders to make general comments on the outcome of the review, of which 2 minutes would be given to each speaker.
16. At the 21st meeting, on 9 June 2010, the President outlined the modalities for the general debate on agenda item 5, which would be 3 minutes for States Members of the Council and 2 minutes for observer States and other observers.
17. At the 26th meeting, on 11 June 2010, the President outlined the modalities for the general debate on agenda item 6, which would be 3 minutes for States Members of the Council and 2 minutes for observer States and other observers.
18. At the 27th meeting, on 14 June 2010, the President outlined the modalities for the general debate on agenda item 7, which would be 3 minutes for States Members of the Council and 2 minutes for observer States and other observers.
19. At the 29th meeting, on 14 June 2010, the President revised the modalities for the panel discussion on maternal mortality and morbidity, which would be 7 minutes for

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

20. At the 30th meeting, on 15 June 2010, the President outlined the modalities for the general debate on agenda item 8, which would be 3 minutes for States Members of the Council and 2 minutes for observer States and other observers.
21. At the 31st meeting, on 15 June 2010, the President outlined the modalities for the general debate on agenda item 9, which would be 3 minutes for States Members of the Council and 2 minutes for observer States and other observers.

## **E. Meetings and documentation**

22. The Council held 36 fully serviced meetings during its fourteenth session.
23. The text of the resolutions and decisions adopted by the Council is contained in Part One of the present report.
24. Annex I contains the list of attendance.
25. Annex II contains the estimated administrative and programme budget implications of Council resolutions and decisions.
26. Annex III contains the agenda of the Council, as included in section V of the annex to Council resolution 5/1.
27. Annex IV contains the list of documents issued for the fourteenth session of the Council.
28. Annex V contains the list of special procedures mandate holders appointed by the Council at its fourteenth session.

## **F. Visits**

29. At the 2nd meeting, on 31 May 2010, the Minister for Foreign Affairs of Spain, Miguel Ángel Moratinos Cuyaubé, delivered a statement to the Council.

## **G. Urgent debate on the raid on the flotilla by Israeli Defence Forces**

30. At its 3rd meeting, on 1 June 2010, the President of the Council announced that following a request received from the Group of Arab States and the Organization of the Islamic Conference, the Council would convene in the afternoon an urgent debate on the raid on the Flotilla by the Israeli Defence Forces.
31. At its 5th meeting, on the same day, the Council held the urgent debate on the raid on the Flotilla by Israeli Defence Forces. The Deputy High Commissioner made a statement on behalf of the United Nations High Commissioner for Human Rights for the urgent debate.
32. At the same meeting, the representative of Israel made a statement as a concerned country.
33. Also at the same meeting, the representative of Palestine made a statement as a concerned party.

34. During the ensuing discussion at the same meeting, and at the 6th meeting on 2 June 2010, the following made statements:

(a) Representatives of States Members of the Council: Argentina, Bahrain, Bangladesh, Bolivia (Plurinational State of), Brazil, Chile, China, Cuba, Djibouti, Egypt (on behalf of the Non-Aligned Movement), France, India, Indonesia, Italy, Japan, Jordan, Mexico, Nicaragua, Nigeria (on behalf of the Group of African States), Norway, Pakistan (also on behalf of the Organization of the Islamic Conference), Qatar, Republic of Korea, Russian Federation, Saudi Arabia, South Africa, Spain<sup>1</sup> (on behalf of the European Union), Sudan<sup>1</sup> (on behalf of the Group of Arab States), United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay;

(b) Representatives of the following observer States: Afghanistan, Algeria, Australia, Austria, Belarus, Canada, Ecuador, El Salvador, Germany, Greece, Iceland, Iran (Islamic Republic of), Iraq, Ireland, Kuwait, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Malaysia, Maldives, Morocco, New Zealand, Oman, Panama, Paraguay, Peru, Somalia, Sri Lanka, Sudan, Sweden, Switzerland, Syrian Arab Republic, Tunisia, Turkey, United Arab Emirates, Venezuela (Bolivarian Republic of), Viet Nam, Yemen;

(c) Observer for the Holy See;

(d) Observers for intergovernmental organizations: African Union, League of Arab States;

(e) Observer for a national human rights institution: Palestinian National Institution for Human Rights

(f) Observers for the following non-governmental organizations: Amnesty International, Cairo Institute for Human Rights Studies (also on behalf of the Al-Haq, Law in the Service of Man), Commission of the Churches on International Affairs, Human Rights Watch, Indian Movement Tupaj Amaru (MITA), International Federation for Human Rights Leagues (FIDH) (also on behalf of the Palestinian Centre for Human Rights (PCHR)), International Human Rights Association of American Minorities (IHRAAM), International Islamic Federation of Student Organizations, Mouvement contre le Racisme et pour l'Amitié entre les Peuples (MRAP) (also on behalf of the American Association of Jurists, Centre Europe - Tiers Monde, France Libertés : Fondation Danielle Mitterrand, Women's International League for Peace and Freedom (WILPF) and World Federation of Trade Unions), Nord-Sud XXI (also on behalf of the Arab Lawyers Union, International Organization for the Elimination of All Forms of Racial Discrimination and Union of Arab Jurists), United Nations Watch, World Muslim Congress.

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



## H. Selection and appointment of mandate holders

## I. Election of members of the Advisory Committee

## J. Adoption of the report of the session and the annual report

## K. Consideration of and action on draft proposals

### The grave attacks by Israeli Forces against the Humanitarian Boat Convoy

35. At the 7th meeting, on 2 June 2010, the representative of Pakistan (on behalf of the Organization of the Islamic Conference and the Group of Arab States) introduced draft resolution A/HRC/14/L.1, sponsored by Pakistan (on behalf of the Organization of the Islamic Conference) and co-sponsored by Palestine<sup>1</sup> and Sudan<sup>1</sup> (on behalf of the Group of Arab States).
36. At the same meeting, the representative of Pakistan orally revised the draft resolution by modifying paragraphs 3 and 7, and adding new paragraphs 4bis and 7bis.
37. Also at the same meeting, the representative of Israel made a statement as a concerned country.
38. At the same meeting, the representative of Palestine made a statement as a concerned party.
39. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of the draft resolution as orally revised (see annex II).
40. At the same meeting, the representatives of France, the Netherlands, the United Kingdom of Great Britain and Northern Ireland and the United States of America made statements in explanation of vote before the vote.
41. Also at the same meeting, at the request of the representative of the United States of America, a recorded vote was taken on draft resolution A/HRC/14/L.1 as orally revised. The draft resolution as orally revised was adopted by 32 votes in favour, 3 against, with 9 abstentions. The voting was as follows:

*In favour:*

Angola, Argentina, Bahrain, Bangladesh, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Chile, China, Cuba, Djibouti, Egypt, Gabon, Ghana, India, Indonesia, Jordan, Kyrgyzstan, Mauritius, Mexico, Nicaragua, Nigeria, Norway, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, Slovenia, South Africa, Uruguay;

*Against:*

Italy, Netherlands, United States of America;

*Abstaining:*

Belgium, Burkina Faso<sup>2</sup>, France, Hungary, Japan, Republic of Korea, Slovakia, Ukraine, United Kingdom of Great Britain and Northern Ireland.

42. For the text as adopted, see part one, chapter I, resolution 14/1.

<sup>2</sup> The Permanent Mission of Burkina Faso subsequently informed that Burkina Faso had intended to vote in favour of the resolution.

43. At the same meeting, the representatives of Norway, Nicaragua made statements in explanation of vote after the vote.

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

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

44. At the 1st meeting, on 31 May 2010, the United Nations High Commissioner for Human Rights made a statement providing an update of the activities of her Office.

45. During the ensuing general debate at the same meeting, and at the 2nd meeting, on same day, the following made statements:

(a) Representatives of States Members of the Council: Bahrain, Bangladesh, Brazil, Chile, China, Cuba, Egypt, France, India, Indonesia, Italy, Japan, Jordan, Mexico, Nigeria (also on behalf of the Group of African States), Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Qatar, Republic of Korea, Russian Federation, Saudi Arabia, Senegal, Slovenia, South Africa, Spain<sup>4</sup> (on behalf of the European Union, Albania, Armenia, Bosnia and Herzegovina, Croatia, Georgia, Iceland, Montenegro, the Republic of Moldova, Serbia, The former Yugoslav Republic of Macedonia and Turkey), United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of the following observer States: Algeria, Australia, Austria, Azerbaijan, Canada, Colombia, Czech Republic, Democratic People's Republic of Korea, Ecuador, Ethiopia, Iran (Islamic Republic of), Ireland, Kuwait, Libyan Arab Jamahiriya, Lithuania, Malaysia, Maldives, Morocco, Nepal, New Zealand, Oman, Sri Lanka, Sudan, Switzerland, Thailand, Turkey, United Arab Emirates, Viet Nam, Yemen;

(c) Observer for Palestine;

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

(e) Observers for the following non-governmental organizations: Amnesty International, Cairo Institute for Human Rights Studies, CIVICUS - World Alliance for Citizen Participation, Human Rights Watch, International Humanist and Ethical Union, United Nations Watch.

46. At the 2nd 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, Israel, Japan, Sri Lanka and Sudan.

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

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

48. At the 17th meeting, on 8 June 2010, the Deputy High Commissioner for Human Rights presented thematic reports prepared by the Office of the High Commissioner and the Secretary-General.

49. At the same meeting, on 8 June 2010, and at the 20th and 21st meetings, on 9 June 2010, the Council held a general debate on thematic reports presented by the Deputy High Commissioner (see paragraphs 138–139).

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

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

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

50. At the 2nd meeting, on 31 May 2010, the independent expert in the field of cultural rights, Fareeda Shaheed, presented her report (A/HRC/14/36).

51. During the ensuing interactive dialogue at the 3rd meeting, on 1 June 2010, the following made statements and asked the independent expert questions:

(a) Representatives of States Members of the Council: Bangladesh, Bolivia (Plurinational State of), Bosnia and Herzegovina, Chile, China, Cuba, Egypt, Indonesia, Mexico, Nicaragua, Nigeria (on behalf of the Group of African States), Pakistan (on behalf of the Organization of the Islamic Conference), Russian Federation, Senegal, United States of America;

(b) Representatives of the following observer States: Algeria, Armenia, Australia, Azerbaijan, Canada, Iran (Islamic Republic of), Malaysia, Morocco, Nepal, Peru, Switzerland, Venezuela (Bolivarian Republic of);

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

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

(e) Observers for the following non-governmental organizations: Indian Council of South America (CISA), International Movement ATD Fourth World, Nord-Sud XXI (also on behalf of the Union of Arab Jurists), Planetary Association for Clean Energy, Inc. (PACE) (also on behalf of Al-Hakim Foundation, Fundación Intervida, Nord-Sud XXI, Susila Dharma International Association, World Association of Girl Guides & Girl Scouts).

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

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

53. At the 2nd meeting, on 31 May 2010, the Special Rapporteur on the human rights of migrants, Jorge A. Bustamante, presented his reports (A/HRC/14/30 and Add.1–3).

54. At the same meeting, the representatives of Romania and United Kingdom of Great Britain and Northern Ireland made statements as concerned countries.

55. During the ensuing interactive dialogue at the 3rd meeting, on 1 June 2010, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Council: Angola, Argentina, Bangladesh, Bolivia (Plurinational State of), Brazil, Chile, China, Cuba, Egypt, Ghana, Indonesia, Japan, Mexico, Nicaragua, Nigeria (on behalf of the Group of African States), Pakistan (on behalf of the Organization of the Islamic Conference), Philippines, Senegal, South Africa;

- (b) Representatives of the following observer States: Algeria, Australia, Ecuador, Greece, Guatemala, Malaysia, Morocco, Nepal, Peru, United Arab Emirates;
- (c) Observers for intergovernmental organizations: African Union, European Union;
- (d) Observers for national human rights institutions: Commission on Human Rights of the Philippines, New Zealand Human Rights Commission, Scottish Human Rights Commission;
- (e) Observers for the following non-governmental organizations: Human Rights Advocates Inc., Human Rights Watch.

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

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

57. At the 4th meeting, on 1 June 2010, the Special Representative of the Secretary-General on human rights and transnational corporations and other business enterprises, John Ruggie, presented his report (A/HRC/14/27).

58. During the ensuing interactive dialogue at the same meeting, and at the 6th meeting on 2 June 2010, the following made statements and asked the Special Representative questions:

(a) Representatives of States Members of the Council: Argentina, Bangladesh, Belgium, Brazil, China, Egypt, France, India, Indonesia, Netherlands, Nigeria (on behalf of the Group of African States), Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Russian Federation, South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of the following observer States: Algeria, Australia, Canada, Denmark, Nepal, Sweden, Switzerland;

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

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

(e) Observers for the following non-governmental organizations: American Association of Jurists (also on behalf of France Libertés : Fondation Danielle Mitterrand), Amnesty International, Centre Europe - Tiers Monde (also on behalf of the American Association of Jurists, France Libertés : Fondation Danielle Mitterrand, International Association of Democratic Lawyers and Mouvement contre le Racisme et pour l'Amitié entre les Peuples (MRAP)), Human Rights Advocates, Inc., Indian Movement Tupaj Amaru (MITA), International Commission of Jurists, International Federation of Human Rights Leagues (FIDH).

59. At the 6th meeting, on 2 June 2010, the Special Representative answered questions and made his concluding remarks.

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

60. At the 4th meeting, on 1 June 2010, the independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment

of human rights, particularly economic, social and cultural rights, Cephias Lumina, presented his reports (A/HRC/14/21 and Add.1).

61. At the same meeting, the representatives of Norway and Ecuador made statements as concerned countries.
62. During the ensuing interactive dialogue at the same meeting, and at the 6th meeting on 2 June 2010, the following made statements and asked the independent expert questions:
  - (a) Representatives of States Members of the Council: Bangladesh, Brazil, China, Cuba, Egypt, Nigeria (on behalf of the Group of African States), United Kingdom of Great Britain and Northern Ireland, Zambia;
  - (b) Representatives of the following observer States: Algeria, Côte d'Ivoire, Nepal, Sudan;
  - (c) Observer for the Holy See;
  - (d) Observer for a non-governmental organization: Centre Europe - Tiers Monde (also on behalf of the American Association of Jurists, France Libertés : Fondation Danielle Mitterrand International Association of Democratic Lawyers and Mouvement contre le Racisme et pour l'Amitié entre les Peuples (MRAP)).
63. At the 6th meeting, on 2 June 2010, the independent expert answered questions and made his concluding remarks.

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

64. At the 4th meeting, on 1 June 2010, the Special Rapporteur on the right to education, Vernor Muñoz Villalobos, presented his reports (A/HRC/14/25, A/HRC/14/25 Corr.1 and Add.1-4).
65. At the same meeting, the representatives of Paraguay, Mongolia and Mexico made statements as concerned countries.
66. During the ensuing interactive dialogue at the same meeting, and at the 6th meeting on 2 June 2010, the following made statements and asked the Special Rapporteur questions:
  - (a) Representatives of States Members of the Council: Bangladesh, Brazil, China, Cuba, Egypt, Indonesia, Italy (on behalf of the European Union), Nigeria (on behalf of the Group of African States), Pakistan (on behalf of the Organization of the Islamic Conference), Republic of Korea, South Africa, United States of America;
  - (b) Representatives of the following observer States: Algeria, Australia, Costa Rica, Guatemala, Nepal, Portugal, Switzerland, Venezuela (Bolivarian Republic of);
  - (c) Observers for intergovernmental organizations: African Union, European Union;
  - (d) Observer for a national human rights institution: National Commission of Mexico;
67. At the 6th meeting, on 2 June 2010, the Special Rapporteur answered questions and made his concluding remarks.

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

68. At the 7th meeting, on 2 June 2010, the Special Rapporteur on the independence of judges and lawyers, Gabriela Carina Knaul de Albuquerque e Sylva, presented her reports (A/HRC/14/26 and Add.1 and 2).
69. At the same meeting, the representative of Colombia made a statement as concerned country.
70. During the ensuing interactive dialogue at the same meeting, and at the 9th meeting, on 3 June 2010, the following made statements and asked the Special Rapporteur questions:
- (a) Representatives of States Members of the Council: Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, China, Cuba, Djibouti, Egypt, Hungary, Indonesia, Mexico, Pakistan (on behalf of the Organization of the Islamic Conference), Russian Federation, United States of America;
  - (b) Representatives of the following observer States: Algeria, Australia, Azerbaijan, Costa Rica, Ireland, Maldives, Morocco, Sri Lanka, Switzerland, Venezuela (Bolivarian Republic of);
  - (c) Observer for an intergovernmental organization: European Union;
  - (d) Observers for the following non-governmental organizations: Colombian Commission of Jurists, Human Rights Watch, International Club for Peace Research, International Commission of Jurists, Lawyers' Rights Watch Canada, Union of Arab Jurists (also on behalf of the Arab Lawyers Union, General Federation of Iraqi Women, International Organization for the Elimination of All Forms of Racial Discrimination and Nord-Sud XXI), World Organization Against Torture.
71. At the 9th meeting, on 3 June 2010, the Special Rapporteur answered questions and made his concluding remarks.

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

72. At the 7th meeting, on 2 June 2010, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Martin Scheinin, presented his reports (A/HRC/14/46 and Add.1).
73. During the ensuing interactive dialogue at the same meeting, and at the 9th meeting, on 3 June 2010, the following made statements and asked the Special Rapporteur questions:
- (a) Representatives of States Members of the Council: Brazil, China, Cuba, Hungary, Indonesia, Mexico, Norway, Pakistan, Russian Federation, United States of America;
  - (b) Representatives of the following observer States: Algeria, Denmark, New Zealand, Sri Lanka, Sweden, Switzerland;
  - (c) Observer for an intergovernmental organization: European Union;
  - (d) Observer for a non-governmental organization: International Commission of Jurists.
74. At the 9th meeting, on 3 June 2010, the Special Rapporteur answered questions and made his concluding remarks.



75. At the 6th meeting, on 4 June 2010, a statement in exercise of the right of reply was made by the representative of Mexico.
76. At the 10th meeting, on 5 June 2010, a statement in exercise of the right of reply was made by the representative of Colombia.

**Joint study on global practices in relation to secret detention in the context of countering terrorism of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Working Group on Arbitrary Detention**

77. At the 7th meeting, on 2 June 2010, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Martin Scheinin, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, and the vice-chairperson of the Working Group on Arbitrary Detention, Shaheen Sardar Ali, presented the report on the joint study (A/HRC/13/42).
78. During the ensuing interactive dialogue at 9th meeting, on 3 June 2010, the following made statements and asked the Special Rapporteur questions:
- (a) Representatives of States Members of the Council: Argentina, China, Chile, Cuba, France, India, Japan, Mexico, Nigeria (on behalf of the Group of African States), Norway, Pakistan, Philippines, Republic of Korea, Russian Federation, South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay;
  - (b) Representatives of the following observer States: Algeria, Australia, Austria, Canada, Denmark, Ethiopia, Germany, Nepal, Romania, Sri Lanka, Sweden, Switzerland, Syrian Arab Republic;
  - (c) Observer for an intergovernmental organization: European Union;
  - (d) Observers for the following non-governmental organizations: Helsinki Foundation for Human Rights (also on behalf of the Society for Threatened Peoples), Human Rights Advocates Inc., International Commission of Jurists (also on behalf of Amnesty International, Human Rights Watch and International Federation of Human Rights Leagues (FIDH)), International Human Rights Association of American Minorities (IHRAAM), International Movement Against All Forms of Discrimination and Racism, World Organization Against Torture (also on behalf of the International Federation of ACAT (Actions by Christians for the Abolition of Torture) and International Rehabilitation Council for Torture Victims (IRCT)).
79. At the 9th meeting, on 3 June 2010, the vice-chairperson of the Working Group on Arbitrary Detention, Shaheen Sardar Ali and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Martin Scheinin answered questions and made their concluding remarks.
80. At the 11th meeting, on 3 June 2010, a statement in exercise of the right of reply was made by the representative of China.

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

81. At the 10th meeting, on 2 June 2010, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue, presented his reports (A/HRC/14/23 and Add.1 and 2).

82. At the same meeting, the Council observed one minute of silence for Floribert Chebeya Bahizire, a human rights defender from the non-governmental organization Voice of the Voiceless, who was found dead in his car on 2 June 2010 in Kinshasa, Democratic Republic of the Congo.
83. During the ensuing interactive dialogue at the 11th meeting, on the same day, and the 12th meeting, on 4 June 2010, the following made statements and asked the Special Rapporteur questions:
- (a) Representatives of States Members of the Council: Angola, Bangladesh, Belgium, Brazil, Chile, China, Egypt, France, Indonesia, 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, South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America;
  - (b) Representatives of the following observer States: Algeria, Australia, Azerbaijan, Canada, Denmark, Ecuador, Iran (Islamic Republic of), Nepal, Peru, Sweden, Switzerland;
  - (c) Observer for an intergovernmental organization: European Union;
  - (d) Observers for the following non-governmental organizations: Article 19 – The International Centre against Censorship (also on behalf of the Cairo Institute for Human Rights Studies), Asian Forum for Human Rights and Development (Forum-Asia), European Region of the International Lesbian and Gay Association (ILGA-Europe) (also on behalf of the Canadian HIV/AIDS Legal Network), Freedom House, Reporters without Borders - International.
84. At the 12th meeting, on 4 June 2010, the Special Rapporteur answered questions and made his concluding remarks.
85. At the 11th meeting, on 3 June 2010, statements in exercise of the right of reply were made by the representatives of Iraq and Tunisia.

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

86. At the 10th meeting, on 3 June 2010, the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston, presented his reports (A/HRC/14/24 and Add.1-9).
87. At the same meeting, the representatives of Brazil, the Central African Republic, Colombia and the Democratic Republic of the Congo made statements as concerned countries.
88. During the ensuing interactive dialogue at the 11th meeting, on the same day, and the 12th meeting, on 4 June 2010, the following made statements and asked the Special Rapporteur questions:
- (a) Representatives of States Members of the Council: Bangladesh, Belgium, China, India, Nigeria (on behalf of the Group of African States), Norway, Pakistan (also on behalf of the Organization of the Islamic Conference), Philippines, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America;
  - (b) Representatives of the following observer States: Algeria, Australia, Austria, Canada, Ecuador, Iran (Islamic Republic of), Nepal, Singapore, Sri Lanka, Sweden, Switzerland;
  - (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), Colombian Commission of Jurists, Conectas Direitos Humanos.

89. At the 12th meeting, on 4 June 2010, the Special Rapporteur answered questions and made his concluding remarks.

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

90. At the 10th meeting, on 3 June 2010, the Special Rapporteur on trafficking in persons, especially in women and children, Joy Ngozi Ezeilo, presented his reports (A/HRC/14/32 and Add.1-5).

91. At the same meeting, the representatives of Belarus, Japan and Poland made statements as concerned countries.

92. During the ensuing interactive dialogue at the 11th meeting, on the same day, and the 12th meeting, on 4 June 2010, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Council: Bangladesh, Bosnia and Herzegovina, China, Egypt, France, Indonesia, Mexico, Nigeria (on behalf of the Group of African States), Norway, Philippines, Republic of Korea, Saudi Arabia, Slovakia, Sudan<sup>1</sup> (on behalf of the Group of Arab States), United States of America, Uruguay, Viet Nam<sup>1</sup> (on behalf of the Association of Southeast Asian Nations);

(b) Representatives of the following observer States: Australia, Costa Rica, Germany, Malaysia, Nepal;

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

(d) Observer for a non-governmental organization: Global Alliance Against Traffic in Women (GAATW).

93. At the 12th meeting, on 4 June 2010, the Special Rapporteur answered questions and made his concluding remarks.

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

94. At the 13th meeting, on 4 June 2010, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Anand Grover, presented his reports (A/HRC/14/20 and Add.1-4).

95. At the same meeting, the representatives of Australia, India and Poland made statements as concerned countries.

96. During the ensuing interactive dialogue at the same meeting, and at the 16th meeting, on 7 June 2010, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Council: Bangladesh, Belgium, Bolivia (Plurinational State of), Brazil, China, Egypt, France, Mexico, Netherlands, Nigeria (on behalf of the Group of African States), Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Slovenia, South Africa, United Kingdom of Great Britain and northern Ireland, United States of America, Uruguay;

(b) Representatives of the following observer States: Algeria, Australia, Botswana, Canada, Colombia, Guatemala, Iran (Islamic Republic of), Nepal, Sri Lanka, Sweden, Switzerland;

- (c) Observer for the Sovereign and Military Order of Malta;
- (d) Observers for intergovernmental organizations: African Union, European Union;
- (e) Observer for a United Nations entities, specialized agencies and related organization: UNAIDS, the Joint United Nations Programme on HIV/AIDS
- (f) Observer for a national human rights institution: National Human Rights Commission of India;
- (g) Observers for the following non-governmental organizations: Amnesty International, Canadian HIV/AIDS Legal Network, Center for Reproductive Rights (CRR), CIVICUS – World Alliance for Citizen Participation, Federation for Women and Family Planning (also on behalf of Action Canada for Population and Development(ACPD)), International Save the Children Alliance.

97. At the 13th meeting, on 4 June 2010, the Special Rapporteur answered questions and made his concluding remarks.

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

98. At the 13th meeting, on 4 June 2010, the independent expert on the question of human rights and extreme poverty, Maria Magdalena Sepúlveda Carmona, presented her reports (A/HRC/14/31 and Add.1).

99. At the same meeting, the representative of Zambia made a statement as a concerned country.

100. During the ensuing interactive dialogue at the same meeting, and at the 16th meeting, on 7 June 2010, the following made statements and asked the independent expert questions:

(a) Representatives of States Members of the Council: Bangladesh, Bolivia (Plurinational State of), Brazil, China, Chile, Cuba, Egypt, France, Indonesia, Mexico, Nigeria (on behalf of the Group of African States), Pakistan (on behalf of the Organization of the Islamic Conference), Russian Federation, Saudi Arabia, South Africa, Sudan<sup>1</sup> (on behalf of the Group of Arab States), United States of America, Uruguay;

(b) Representatives of the following observer States: Algeria, Colombia, Ecuador, Finland, Guatemala, Iran (Islamic Republic of), Morocco, Nepal, Panama, Sri Lanka, Sudan, Thailand, Viet Nam, Yemen;

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

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

(e) Observers for the following non-governmental organizations: CIVICUS – World Alliance for Citizen Participation, International Movement ATD Fourth World.

101. At the 13th meeting, on 4 June 2010, the independent expert answered questions and made her concluding remarks.

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

102. At the 13th meeting, on 4 June 2010, the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, presented her reports (A/HRC/14/22 and Add.1 and 2).

103. At the same meeting, the representative of Kyrgyzstan made a statement as a concerned country.

104. During the ensuing interactive dialogue at the same meeting, and at the 16th meeting, on 7 June 2010, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Council: Belgium, Bolivia (Plurinational State of), Brazil, Chile, China, Cuba, Egypt, France, Hungary, Indonesia, Japan, Mexico, Nigeria (on behalf of the Group of African States), Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Republic of Korea, Slovenia, United States of America, Uruguay;

(b) Representatives of the following observer States: Algeria, Australia, Austria, Azerbaijan, Canada, Colombia, Denmark, Guatemala, Maldives, Morocco, Nepal, New Zealand, Sri Lanka, Sweden, Switzerland, Tunisia;

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

(d) Observers for intergovernmental organizations: African Union, European Union;

(e) Observers for the following non-governmental organizations: Amnesty International, CIVICUS – World Alliance for Citizen Participation, European Disability Forum (EDF), General Arab Women Federation (GAWF) (also on behalf of General Federation of Iraqi Women and Union of Arab Jurists).

105. At the 16th meeting, on 7 June 2010, the Special Rapporteur answered questions and made her concluding remarks.

106. At the same meeting, statements in exercise of the right of reply were made by the representatives of Japan and the Republic of Korea.

## B. Panels

### **Panel on trafficking in persons, especially women, and children and the victims: Giving voice to victims of trafficking**

107. At the 8th meeting, on 2 June 2010, the Council held a panel discussion to give voice to victims of trafficking in persons, especially women and children, in accordance with Council decision 13/117. The Deputy High Commissioner made opening remarks for the panel.

108. At the same meeting, the following panellists made statements: Joy Ngozi Ezeilo, Charlotte Awino, Angelina Atyam, Kumar Ramjali, Jana Kohut, Kikka Cerpa.

109. Also at the same meeting, a short video produced by UN.GIFT, Global initiative to fight human trafficking, as well as a video of the testimony of Andrey Pura, one of the panellists, who could not travel to Geneva, were broadcasted.

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

(a) Sponsor States of Council decision 13/117: Brazil, Egypt, Germany, Philippines;

(b) Representatives of States Members of the Council: Argentina, Burkina Faso, China, Colombia<sup>1</sup> (on behalf of the Group of Latin American and Caribbean States), France, Indonesia, Mexico, Nigeria (on behalf of the Group of African States), Pakistan (on behalf of the Organization of the Islamic Conference), Republic of Korea, Russian Federation, Slovakia, Slovenia, Spain<sup>1</sup> (on behalf of the European Union), United States of America, Uruguay;

(c) Representatives of the following observer States: Algeria, Australia, Azerbaijan, Belarus, Congo, Lithuania, Morocco, Nepal, Panama, Paraguay, Peru, Switzerland, Thailand, Tunisia, Turkey;

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

(e) Observers for non-governmental organizations: Global Alliance Against Traffic in Women (GAATW) (also on behalf of Amnesty International and Franciscans International), International Federation Terre des Hommes (IFTDH).

111. At the same meeting, the following panellists answered questions and made comments: Charlotte Awino, Jana Kohut.

112. Also at the same meeting, the following panellists answered questions and made their concluding remarks: Kikka Cerpa, Angelina Atyam, Kumar Ramjali, Joy Ngozi Ezeilo.

#### **Panel discussion on the protection of journalists in armed conflict**

113. At the 12th meeting, on 4 June 2010, the Council held a panel discussion on the protection of journalists in armed conflict, in accordance with Council resolution 13/24. The Deputy High Commissioner made opening remarks for the panel.

114. At the same meeting, the following panellists made statements: Frank La Rue, Robin Geiss, Mogens Schmidt, Osama Saraya, Omar Faruk Osman, Hedayat Abdel Nabi.

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

(a) Sponsor States of Council decision 13/24: Egypt, Mexico, Norway;

(b) Representatives of States Members of the Council: China, Colombia<sup>1</sup> (on behalf of the Group of Latin American and Caribbean States), France, Italy, Nigeria (on behalf of the Group of African States), Pakistan (on behalf of the Organization of the Islamic Conference), Qatar, Spain<sup>1</sup> (on behalf of the European Union), Sudan<sup>1</sup> (on behalf of the Group of Arab States), United Kingdom of Great Britain and Northern Ireland, United States of America;

(c) Representatives of the following observer States: Algeria, Azerbaijan, Canada (also on behalf of Australia and New Zealand), Greece, Syrian Arab Republic;

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

(e) Observers for non-governmental organizations: Article 19 – The International Centre against Censorship, International PEN, Reporters without Borders - International.

116. At the same meeting, the following panellists answered questions and made comments: Hedayat Abdel Nabi, Omar Faruk Osman, Robin Geiss.

117. Also at the same meeting, the following panellists answered questions and made their concluding remarks: Frank La Rue, Mogens Schmidt.

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

118. On 7 June 2010, the Council held a full-day discussion on women's human rights in accordance with Council resolution 6/30. The Council divided the panel discussion into two slots: the first slot was held at the 14th and 15th meetings, on 7 June 2010; the second slot was held at the 15th meeting, on the same day.

119. At the 14th meeting, the Deputy High Commissioner made introductory remarks for the panel. At the same meeting, the following panellists made statements: Vernor Muñoz Villalobos, Catarina de Albuquerque, Rashida Manjoo, Cecilia Baldeh, Susana Villaran de la Puente, Amina Lemrini, Neha Sood.

120. During the ensuing panel discussion for the first slot, at the 14th and 15th meetings, the following made statements and asked the panellists questions:

(a) Representatives of States Members of the Council: Belgium, Brazil, Chile, China, Colombia<sup>1</sup> (on behalf of the Group of Latin American and Caribbean States), Cuba, Egypt, France, India, Italy, Japan, Lithuania<sup>1</sup> (also on behalf of Cap Verde, Chile, the Czech Republic, El Salvador, India, Italy, Mali, Mexico, Mongolia, Morocco, Philippines, Poland, Portugal, Republic of Korea, South Africa and the United States of America), Nigeria (on behalf of the Group of African States), 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), United States of America;

(b) Representatives of the following observer States: Finland, Guatemala, Ireland, Sri Lanka, Turkey;

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

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

(e) Observers for the following non-governmental organizations: Interfaith International, Madre, Inc., Verein Sudwind Entwicklungspolitik (SUDWIND), World Alliance of Young Men's Christian Associations (YMCA) (also on behalf of the Defence for Children International).

121. At the 14th meeting, the following panellists answered questions and made comments: Vernor Muñoz Villalobos, Amina Lemrini, Rashida Manjoo, Neha Sood.

122. At the end of the first slot, at the 15th meeting, Vernor Muñoz Villalobos, Cecilia Baldeh, Amina Lemrini and Neha Sood answered questions.

123. During the ensuing panel discussion for the second slot, at the 15th meeting, the following made statements and asked the panellists questions:

(a) Representatives of States Members of the Council: Argentina, Indonesia, Bangladesh, Hungary, Norway, Pakistan, Qatar, Republic of Korea, Senegal, Slovakia, United Kingdom of Great Britain and Northern Ireland, Viet Nam<sup>1</sup> (on behalf of the Association of Southeast Asian Nations);

(b) Representatives of the following observer States: Algeria, Azerbaijan, Iran (Islamic Republic of), Iraq, Morocco, New Zealand (also on behalf of Australia and Canada), Panama, Paraguay, Portugal, Sudan, Sweden, Thailand, Tunisia, Yemen;

(d) Observers for the following non-governmental organizations: International Humanist and Ethical Union (IHEU), Worldwide Organization for Women.

124. At the 15th meeting, the following panellists answered questions and made comments: Vernor Muñoz Villalobos, Amina Lemrini, Cecilia Baldeh, Neha Sood.

125. At the same meeting, the following panellists answered questions and made concluding remarks: Vernor Muñoz Villalobos, Amina Lemrini, Cecilia Baldeh, Neha Sood.

126. At the 16th meeting, on the same day, a statement in exercise of the right of reply was made by the representative of Haiti.

**Panel on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights**

127. At the 19th meeting, on 8 June 2010, the Council held a panel discussion on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, in accordance with Council resolution 12/18. A representative of the OHCHR made opening remarks for the panel on behalf of the High Commissioner.
128. At the same meeting, a representative of the OHCHR read the statement of Okechukwu Obinna Ibeanu, Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights.
129. Also at the same meeting, the following panellists made statements: Katharina Kummer Peiry, Fe Sanchis-Moreno, André Banhouman Kamate, Bashir Mohamed Hussein.
130. 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, Djibouti, Indonesia, Mexico, Nigeria (on behalf of the Group of African States), Pakistan (on behalf of the Organization of the Islamic Conference), Spain<sup>1</sup> (on behalf of the European Union), United Kingdom of Great Britain and Northern Ireland, Uruguay;
  - (b) Representatives of the following observer States: Armenia, Costa Rica, Côte d'Ivoire, Yemen;
  - (c) Observers for non-governmental organizations: Human Rights Advocates International, Inc. (HRAI), Indian Council of South America (CISA), Planetary Association for Clean Energy, Inc. (PACE).
131. At the same meeting, the following panellists answered questions and made their concluding remarks: Katharina Kummer Peiry, Fe Sanchis-Moreno, André Banhouman Kamate, Bashir Mohamed Hussein.

**Panel on maternal mortality and morbidity**

132. At the 29th meeting, on 14 June 2010, the Council held a panel discussion on maternal mortality and morbidity, in accordance with Council resolution 11/8. The High Commissioner made opening remarks for the panel.
133. At the same meeting, a representative of the OHCHR read the statement of Anand Grover, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.
134. Also at the same meeting, the following panellists made statements: Rocio Barahona Riera, Susana Fried, Aminata Touré, Mahmoud Fathalla, Ariel Frisancho.
135. Also at the same meeting, two short video presentations, constituting of statements by Michael Mbizvo, from the World Health Organization in Geneva, and Alicia Yamin of Harvard Law School and the Harvard School of Public Health, were broadcasted.
136. 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: Argentina, Belgium, Brazil, Burkina Faso, China, Colombia<sup>1</sup> (also on behalf of the Group of Latin American and Caribbean States, Burkina Faso and New Zealand), Cuba, Egypt, Finland<sup>1</sup> (also on behalf of Denmark, Iceland, Norway and Sweden), Hungary, Indonesia, Japan, Mauritius, Mexico,



Netherlands, Pakistan (on behalf of the Organization of the Islamic Conference), Senegal, Spain<sup>1</sup> (on behalf of the European Union), Sudan (also on behalf of the Group of Arab States), Uruguay;

(b) Representatives of the following observer States: Algeria, Australia, Malaysia, New Zealand, Paraguay, Turkey;

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

(d) Observers for non-governmental organizations: Amnesty International (AI), Center for Reproductive Rights (CPR) (also on behalf of the Action Canada for Population and Development (ACPD), Canadian HIV/AIDS Legal Network, Center for Economic and Social Rights (CESR), Federation for Women and Family Planning, Human Rights Watch (HRW), International Alliance of Women (IAW), International Commission of Jurists (ICJ), IPAS and Women's International League for Peace and Freedom (WILPF)).

137. Also at the same meeting, the following panellists answered questions and made their concluding remarks: Rocio Barahona Riera, Susana Fried, Aminata Touré, Mahmoud Fathalla, Ariel Frisancho.

### C. General debate on agenda item 3

138. At the 17th meeting, on 8 June 2010, and at the 20th and 21st meetings, on 9 June 2010, the Council held a general debate on thematic reports under agenda item 3, during which the following made statements:

(a) Representatives of States Members of the Council: Colombia<sup>1</sup> (on behalf of the Group of Latin American and Caribbean States), France, Ghana, Hungary, Norway, Pakistan, Russian Federation, Spain<sup>1</sup> (on behalf of the European Union), United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of the following observer States: Algeria, Australia, Iceland, Libyan Arab Jamahiriya, Malaysia, Morocco, Portugal, Switzerland, Tunisia;

(c) Observer for the Holy See;

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

(e) Observers for the following non-governmental organizations: Action internationale pour la paix et le développement dans la région des Grands Lacs (AIPD), Agence Internationale pour le Développement (Aide-Fédération), Al-Hakim Foundation, Amnesty International (AI) (also on behalf of International Commission of Jurists (ICJ)), Associazione Comunità Papa Giovanni XXIII (also on behalf of Caritas Internationalis (International Confederation of Catholic Charities)), Dominicans for Justice and Peace - Order of Preachers, Istituto Internazionale Maria Ausiliatrice (IIMA) delle Salesiane di Don Bosco, International Volunteerism Organization for Women, Education and Development – VIDES), Cairo Institute for Human Rights Studies (CIHRS), Centre for Human Rights and Peace Advocacy (CHRAPA), Centre on Housing Rights and Evictions (COHRE), Centrist Democratic International (CDI), Charitable Institute for Protecting Social Victims, Commission to Study the Organization of Peace, European Union of Public Relations (EUPR), Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos, France Libertés : Fondation Danielle Mitterrand (also on behalf of the American Association of Jurists (AAJ), International Educational Development (IED), Inc., Mouvement contre le racisme et pour l'amitié entre les peuples (MRAP) and World Federation of Trade Unions (WFTU)), Friends World Committee for Consultation (Quakers) (FWCC), Helsinki Foundation for Human Rights, Indian Council of Education,

Indian Movement Tupaj Amaru (MITA), Institute for Women's Studies and Research (IWSR), Interfaith International, International Association of Democratic Lawyers (IADL) (also on behalf of the Commission of the Churches on International Affairs of the World Council of Churches (CCIA/WCC), Franciscans International (FI) and Indian Council of South America (CISA)), International Club for Peace Research (ICPR), International Committee for the Respect and Application of the African Charter on Human and People's Rights (ICRAC), International Human Rights Association of American Minorities (IHRAAM), International Humanist and Ethical Union (IHEU), International Institute for Non-aligned Studies (IINS), International Institute for Peace (IIP), International Islamic Federation of Student Organizations (IIFSO), International Service for Human Rights (ISHR) (also on behalf of the Asian Forum for Human Rights and Development (FORUM-ASIA) and Cairo Institute for Human Rights Studies (CIHRS)), Liberation, Movimiento Cubano por la Paz y la Soberanía de los Pueblos (MOVPAZ) (also on behalf of the Asociación Cubana de las Naciones Unidas (ACNU), Federation of Cuban Women (FCW) and Organization for the Solidarity of the Peoples of Asia, Africa and Latin America (OSPAAL)), Nord-Sud XXI, Norwegian Refugee Council (NRC) (also on behalf of the BADIL Resource Center for Palestinian Residency and Refugee Rights, Caritas Internationalis (International Confederation of Catholic Charities), Centre on Housing Rights and Evictions (COHRE), Community and Family Services International (CFSI), International Rehabilitation Council for Torture Victims (IRCT), International Save the Children Alliance, Jesuit Refugee Service (JRS) and Refugees International (RI)), Organisation pour la Communication en Afrique et de Promotion de la Coopération Economique Internationale (OCAPROCE International), Society for Threatened Peoples, The Democracy Coalition Project (DCP), Tides Center (also on behalf of the Human Rights Watch (HRW)), Union de l'action féminine, Union of Arab Jurists, World Alliance of Young Men's Christian Associations (YMCA) (also on behalf of the Defence for Children International (DCI)), World Federation of Democratic Youth (WFDY), World Muslim Congress (WMC), World Organization Against Torture (also on behalf of the Defence for Children International (DCI)).

139. At the same meeting, on the same day, statements in exercise of the right of reply were made by the representatives of Algeria, Morocco, Thailand and Uzbekistan.

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

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

### A. General debate on agenda item 4

140. At its 18th meeting, on 8 June 2010, and at the 20th and 21st meetings, on 9 June 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, Cuba, China, France, Japan, Netherlands, Norway, Pakistan, Slovenia, Slovakia, Spain<sup>1</sup> (on behalf of the European Union, Albania, Bosnia and Herzegovina, Croatia, Liechtenstein, 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, Denmark, Ethiopia, Germany, Iran (Islamic Republic of), Ireland, Israel, Luxembourg, New Zealand, Sweden, Switzerland, Syrian Arab Republic;

(c) Observers for the following non-governmental organizations: Action internationale pour la paix et le développement dans la région des Grands Lacs (AIPD), Agence International pour le Développement (Aide-Fédération), Amnesty International (AI), Asian Forum for Human Rights and Development (Forum – Asia), Baha'i International Community, Cairo Institute for Human Rights Studies (CIHRS), Centre for Human Rights And Peace Advocacy (CHRAPA) (also on behalf of the Commission to Study the Organization of Peace), Centrist Democratic International (CDI), Charitable Institute for Protecting Social Victims, CIVICUS - World Alliance for Citizen Participation (also on behalf of American Association of Jurists (AAJ), Franciscans International (FI) and International Association of Democratic Lawyers (AIDL)), European Region of the International Lesbian and Gay Federation (ILGA-EUROPE), France Libertés : Fondation Danielle Mitterrand (also on behalf of American Association of Jurists (AAJ), Mouvement contre le racisme et pour l'amitié entre les peuples (MRAP) and International Educational Development (IED), Inc.), Democracy Coalition Project, Helsinki Foundation for Human Rights, Human Rights Watch (HRW), Indian Council of South America (CISA), International Committee for the Respect and Application of the African Charter on Human and People's Rights (ICRAC), International Educational Development (IED), Inc., International Federation for Human Rights Leagues (FIDH), International Humanist and Ethical Union (IHEU), International Institute for Peace (IIP) (also on behalf of the European Union of Public Relations (EUPR)), International Islamic Federation of Student Organizations (IIFSO), International Service for Human Rights (ISHR), Organization for Defending Victims of Violence (ODVV), Society for Threatened Peoples, The Democracy Coalition Project (DCP), Union de l'Action Féminine, United Nations Watch (UN Watch), Verein Sudwind Entwicklungspolitik (SUDWIND), World Federation of Democratic Youth (WFDY), World Muslim Congress (WMC).

141. At the 19th meeting, on 8 June 2010, statements in exercise of the right of reply were made by the representatives of Argentina, Belarus, the Democratic People's Republic of Korea, Japan, Kyrgyzstan, the Philippines, Sri Lanka, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of) and Zimbabwe.

142. At the same meeting, statements in exercise of a second right of reply were made by the representatives of Argentina, the Democratic People's Republic of Korea, Japan, United Kingdom of Great Britain and Northern Ireland and Zimbabwe.

143. At the 21st meeting, on 9 June 2010, statements in exercise of the right of reply were made by the representatives of Algeria, China, the Democratic Republic of the Congo, the Islamic Republic of Iran and Morocco.

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

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

145. At the 21st meeting, on 9 June 2010, the President informed the States Members of the Council, observer States and other observers that the Independent expert on the situation of human rights in the Sudan was unable for medical reasons to present his report A/HRC/14/41 during the present session as originally scheduled.

146. At the same meeting, the President circulated a draft decision to proceed with a technical extension of the mandate of the Independent Expert on the human rights situation in the Sudan until the end of the fifteenth session of the Council to enable an interactive dialogue with him.

147. At its 24th meeting, on 10 June 2010, the Council adopted draft decision 14/117 without a vote (for the text adopted, see part one, chap. II)

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

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

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

148. At its 21st meeting, on 9 June 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: China, France, Russian Federation, Spain<sup>1</sup> (on behalf of the European Union);

(b) Representatives of the following observer States: Armenia, Azerbaijan, Cyprus;

(c) Observers for the following non-governmental organizations: Amnesty International (AI), Permanent Assembly for Human Rights (APDH), World Organisation Against Torture.

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

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

## VI. Universal periodic review

150. 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 seventh session of the Working Group on the Universal Periodic Review, held from 8 to 19 February 2010.

### A. Consideration of universal periodic review outcomes

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

#### Qatar

152. The review of Qatar was held on 8 February 2010 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

- (a) The national report submitted by Qatar in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/7/QAT/1) and (A/HRC/WG.6/7/QAT/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.6/7/QAT/2); and
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/7/QAT/3).

153. At its 20th meeting, on 9 June 2010, the Human Rights Council considered and adopted the outcome of the review on SuR (see section C below).

154. The outcome of the review on Qatar comprises the report of the Working Group on the Universal Periodic Review (A/HRC/14/2), together with the views of Qatar 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/14/2/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

155. The delegation indicated that the State of Qatar paid significant attention to the UPR mechanism which provides all countries with a great opportunity to improve, strengthen and promote their commitments under international Human Rights law. It added that the Interactive dialogue contributes greatly to strengthening cooperation and helps sharing experiences among countries, which lead to the achievement of the Council's objectives.

156. The State of Qatar participated in the review process in an open and transparent spirit and undertook to duly consider all the recommendations. To this end, all sections of society as well as relevant stakeholders were involved in the drafting process of

commentaries and responses to the recommendations. Most of the recommendations formulated during the interactive dialogue enjoyed Qatar's support and out of a total of 112 recommendations, 76 were accepted during the working Group, while more time was needed regarding 24 recommendations in order to ensure detailed study, in-depth analysis and coordination with all stakeholders as well as with the Qatari National Human Rights Committee.

157. The delegation stated that several recommendations were already or currently being implemented, and that they were consistent with the State's objectives and strategies. Moreover, Qatar's support to most of the recommendations and the many steps taken both at national and international levels with a view to promoting fundamental human rights, stem from its endeavour to improve human rights and promote constructive cooperation with relevant human rights mechanisms. This was confirmed through Qatar's acceptance of the recommendation to extend an open and standing invitation to special procedures mandates holders.
158. Qatar could not accept some recommendations as they contained issues that are incompatible with the provisions of Islamic law, the State's Constitution and laws, or contradict the national identity. Some temporary difficulties, such as the lack of technical capacities prevent Qatar from acceding to more conventions at the present time.
159. Qatar's position regarding the 24 pending recommendations is included in document A/HRC/14/2/Add.1, and is as follows:
- 160.- 11 recommendations were accepted and 8 out of them were considered as either already implemented or in the process of implementation. These include recommendations: 7, 9, 10, 13, 14, 17, 18, 19, 20, 21, and 24 in paragraph 85 of document A/HRC/14/2.
- 161.- 13 recommendations did not enjoy the State's support. These include recommendations: 1, 2, 3, 4, 5, 6, 8, 11, 12, 15, 16, 22 and 23 in paragraph 85 of document A/HRC/14/2.
162. The delegation stressed that although it has only been four months since Qatar was reviewed by the UPR Working Group, it was pleased to report on the implementation of a number of constructive recommendations, as well as on its commitment to implement others in the near future. It added that the follow-up to the recommendations accepted is no less important than preparing and discussing the report before the Working Group. In this respect, the National Committee that prepared the national report will continue its work as a mechanism for following up on the implementation of the recommendations.
163. The delegation added that no efforts will be spared to build and strengthen capacities through technical cooperation with human rights mechanisms. In this context, Qatar wished to benefit from the activities and programmes of the United Nations Human Rights Training and Documentation Centre for South-West Asia and the Arab Region in Doha, inaugurated in May 2009, in order to contribute to the training of national human resources and to the development and building of capacities.

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

164. Saudi Arabia noted that the acceptance by Qatar of most of the UPR recommendations and its constructive approach towards the UPR process were a clear evidence of its commitment to promote and protect human rights. Qatar's policy of openness and the hosting of numerous international conferences on development, democracy, human rights and peace were a testament of its political will to continue the reform process

and the promotion of all rights. Saudi Arabia commended Qatar for the numerous steps taken to guarantee the provision of social services, in particular in the areas of health and education.

165. Cuba noted the detailed information provided by Qatar during the interactive dialogue. Qatar's achievements in the promotion and protection of all human rights for all people were confirmed during the UPR. In particular, Cuba underscored Qatar's advances in terms of education, health, the rights of people with disabilities and many other areas. In addition, Cuba highlighted Qatar's cooperation with other developing countries, as well as its leading role in setting the world's development agenda. Cuba welcomed the decision of Qatar to accept its recommendations, which were formulated in a spirit of cooperation and constructive dialogue.
166. Jordan thanked Qatar for presenting its position on the UPR recommendations. Jordan valued steps to enhance women's full participation in all areas of life. These steps were part of Qatar's efforts to develop the necessary human rights legislative framework. Jordan welcomed efforts to combat human trafficking through enacting new legislative and institutional measures and supporting victims. Qatar's cooperation with the United Nations system is attested by the establishment of the Human Rights Training and Documentation Centre for South-West Asia and the Arab region. Jordan welcomed the contribution of Qatar to promoting dialogue and peaceful coexistence through the establishment of the Doha International Centre for Interfaith Dialogue.
167. Oman commended Qatar for its positive cooperation during the interactive dialogue, for its acceptance of the majority of the UPR recommendations and for its readiness to implement them. This showed Qatar's commitment to the principles of human rights in accordance with its constitutional provisions and its national traditions and values, based on equality and tolerance.
168. United Arab Emirates noted Qatar's efforts to guarantee a decent life for its population and expressed confidence in its capacity and political will to promote human rights. It welcomed Qatar's determination to pursue the dissemination of a culture of human rights and to integrate human rights in development efforts, in particular by involving women in the development process and offering them the opportunity to actively participate in society. The delegation welcomed Qatar's acceptance of a number of recommendations and its commitment to continue upholding national and international human rights obligations.
169. Bahrain commended Qatar for the positive steps taken in the context of accepting and implementing many UPR recommendations, in particular those made by Bahrain regarding the protection and promotion of the rights of persons with disabilities. Bahrain welcomed efforts to continue combating human trafficking; the acceptance of a visit by the Special Rapporteur on trafficking in persons, especially women and children and; the consideration of draft laws on combating human trafficking and on domestic workers. The number of measures taken showed Qatar's political determination to promote and protect human rights.
170. Venezuela (Bolivarian Republic) expressed satisfaction for the responses provided by Qatar during the UPR, in particular, regarding its efforts to empower women and guarantee their fundamental rights. Venezuela stressed that Qatar places the promotion and protection of human rights at the center of its reform policies in the constitutional, economic, social and cultural spheres. It underscored that Qatar's support to the great majority of recommendations is an indication of the seriousness of its commitment to the UPR. Venezuela commended Qatar's efforts to promote and protect human rights in accordance with its customs and traditional values.



171. Egypt commended Qatar for its cooperation with the UPR. It noted with appreciation Qatar's serious approach to the preparation of the review and to the national discussions in relation to the recommendations, which involved all State institutions, in consultation with civil society. The adoption of the outcome report will represent a significant push for Qatar's national efforts to promote human rights and to achieve the aspiration of the government and people alike. Egypt was confident that Qatar will continue to promote and protect human rights at the national level and contribute to this end at the regional and international levels.
172. Kuwait indicated that through the UPR, Qatar showed that human rights are a corner stone of its comprehensive reform policies at the constitutional, economic, social and cultural levels. Qatar established a National Human Rights Commission in line with the Paris principles as well as other independent institutions dealing with interfaith dialogue and press freedom. Kuwait commended Qatar for hosting the United Nations Human Rights Training and Documentation Centre for South West Asia and the Arab region and for accepting a number of recommendations, particularly those made by Kuwait regarding the promotion of the rights of women and their role in the society.
173. Pakistan noted that Qatar had accepted a large number of recommendations and welcomed its resolve to accelerate efforts to promote and protect human rights. It was pleased by Qatar's readiness to consider ratifying international human rights instruments, in particular the ICCPR and the ICESCR. Pakistan noted that women were key partners in the socio-development of the country and welcomed the commitment to continue ensuring women's full participation in social and political fields. Pakistan recognised the presence of considerable foreign workers in Qatar and noted the government's commitment to strengthen labour laws so as to improve their living and working conditions.

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

174. The National Human Rights Committee of Qatar commended the efforts at the legislative and executive levels to uphold human rights. It hoped that Qatar will quickly accede to the ICCPR and ICESCR. Although national legislations, with a few exceptions, guarantee all rights, the Committee noted the efforts taken to amend laws in the areas of media, housing, workers and labour and hoped for a speedy adoption of these legislations. The committee also noted efforts in cooperating with treaty bodies by submitting initial and periodic reports and presenting the necessary clarifications. It considered that the effective implementation of international obligations requires further efforts in order to incorporate them into national legislation.
175. Cairo Institute for Human Rights Studies called for the repeal of two laws used to fight terrorism, which de facto legalize arbitrary and incommunicado detention. It asked Qatar to define torture in its domestic legislation, in conformity with article 1 of CAT and prohibit the expulsion, return or extradition of a person to another State that practices torture. It noted that the code governing nationality authorizes the withdrawal of citizen's nationality in certain cases and that the law establishes inequality between naturalized citizens and those of Qatari origins. The necessary measures should be undertaken to ensure de facto equal rights for all citizens and fight against situations of statelessness.
176. Indian Council of South America congratulated Qatar for accepting many recommendations, including on death penalty. It welcomed the acceptance of the visit by the Special Rapporteur on trafficking in persons, especially women and children and the effort to draft laws on combating human trafficking and on domestic workers. It called upon Qatar to invite more Rapporteurs to visit the country and to continue strengthening cooperation with civil society in areas such as the administration of

justice, education, public health, migrant workers and gender equality. It asked for more women to be allowed in higher levels of government and for supporting regional meetings to discuss the injustices women faces.

177. OCAPROCE Internationale welcomed the commitments made by Qatar during the UPR, including with regards to women's education. It congratulated Qatar for its efforts to promote and protect human rights, in particular of women and children, as well as for its constructive participation in the UPR. While welcoming the ratification of CEDAW, the progress made in the promotion of gender equality and the emancipation of women in Qatar, it highlighted that much remains to be done. It recommended the ratification of ICCPR and ICESCR and encouraged Qatar to effectively implement economic, social and cultural rights of women in the country.
178. Action Internationale pour la Paix et le Développement dans la Région des Grands Lacs (AIPD) welcomed the progress made in line with the Qatar National Vision 2030, which addresses key human rights issues in the areas of health, environment, expatriate workers, women's empowerment, children, the elderly and persons with disabilities. A series of international conferences were hosted by Qatar on democracy, human rights, peace and trade. A number of centers were established to promote interfaith dialogue and press freedom. AIPD called on the HRC to assist Qatar to include the crime of torture and appropriate penalties in its legislation and to consider ratifying OP-CAT.
179. Al Hakim Foundation underscored Qatar's positive engagement with the human rights council's mechanisms and commended Qatar for hosting the UN human rights training and documentation Center for South-West Asia and the Arab region. It congratulated Qatar for its leading role regarding the adoption of the Convention on the Rights of Persons with Disabilities and welcomed the establishment of international centers to build a culture of dialogue, democracy and peaceful coexistence. It hoped that Qatar would reconsider those recommendations that have not been accepted and would commit greater resources to combat domestic violence, promote the rights of children and reconsider the sponsorship system governing foreign workers.
180. Comité Internationale pour le Respect et l'application de la Charte Africaine des Droits de l'Homme et des Peuples (CIRAC) acknowledged Qatar's determination to make the promotion and protection of human rights a non negotiable priority. CIRAC highlighted a number of legislative measures undertaken to ensure improved protection of migrant workers, persons with disabilities, women and children, as well as freedom of religion, expression and association. CIRAC noted that Qatar's contribution to establishing peace and security in many countries had been unanimously recognized by the international community. Qatar's significant contribution to humanitarian aid programs in Africa and other regions was also mentioned.
181. Amnesty International (AI) welcomed Qatar's support of recommendations to consider ratifying the ICCPR and ICESCR and urged Qatar to do so without delay and without entering any reservations. It encouraged Qatar to repeal provisions that criminalize legitimate forms of freedom of expression and those that punish blasphemy and consensual "illicit sexual relations". AI called on Qatar to reconsider its position regarding the rejection of recommendations to review and repeal laws that discriminate against women, and to establish an official moratorium on the use of the death penalty with a view to its abolition. AI urged Qatar to ensure an end to the use of arbitrary detention without charge and trial, including in the context of counter-terrorism and public security.

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

182. The delegation expressed its gratitude and appreciation to all states and stakeholders for their valuable observations and comments. It stressed that all the comments and observations will be taken into consideration. It renewed Qatar's commitment to further its cooperation and consultation with all UN human rights mechanisms and its support to the Human Rights Council.

#### Nicaragua

183. The review of Nicaragua was held on 8 February 2010 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

- (a) The national report submitted by Nicaragua in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/7/NIC/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.6/7/NIC/2); and
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/7/NIC/3).

184. At its 15th meeting, on 9 June 2010, the Human Rights Council considered and adopted the outcome of the review on Nicaragua (see section C below).

185. The outcome of the review on Nicaragua comprises the report of the Working Group on the Universal Periodic Review (A/HRC/14/3), together with the views of Nicaragua 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

186. H.E. Mr. Carlos Robelo Raffone, Permanent Representative of Nicaragua to the United Nations Office at Geneva expressed Nicaragua's appreciation for the recommendations put forward as well as the participation of the civil society organizations in the review. He stated that this process allowed Nicaragua to identify challenges and to continue strengthening the protection and promotion of human rights in the country.

187. Nicaragua clarified its position with regard to 42 recommendations included in paragraph 92 of the Working Group report. Its position is based on its constitutional framework, the socio-economic situation of the country and the full exercise of its sovereignty:

188. In relation to recommendations 1 to 4, on the adoption of new international instruments, Nicaragua accepted the recommendation regarding the ratification of the ILO Convention 169 on Indigenous and Tribal Peoples in Independent Countries. This step was commended by the Special Rapporteur on the Rights and Fundamental Freedoms of Indigenous People. With regard to the ratification of the Convention for the Protection of All Persons from Enforced Disappearances, the Rome Statute and the Optional Protocol to the Convention on the Elimination of All forms of Discrimination

against Women, Nicaragua stated that it did not consider appropriate for the moment to make additional commitments.

189. With regard to recommendations 5, 12, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24, related to the protection, assistance and health care of women and girls victims of rape and violence, Nicaragua supported these recommendations, except for the amendment of the law prohibiting therapeutic abortion. Nicaragua stated that this decision was the result of Nicaragua's exercise of its sovereignty, and had been adopted by the National Assembly who represents the majority of the Nicaraguan People which upheld the right to life of the unborn child. Nicaragua has sought to improve the access of vulnerable groups to justice, and promoted the recourse to alternative conflict-resolution methods. Nicaragua has provided rehabilitation to victims of trafficking and sexual exploitation, and has set up a Specialized Department for Women and Children and 35 Specialized Police Units for Women and Children. The government has developed the National Strategy on Reproductive and Sexual Health with the aims of improving maternal and post-natal health, encouraging family planning, and avoiding unwanted pregnancy. Primary obstetric care is provided by health care centres so as to preserve the life and integrity of women facing obstetric emergencies.
190. Nicaragua did not support recommendations 6 and 7, on the introduction of the definition of torture in its legislation, in accordance with the Convention against Torture, as it considered that the definition of torture in its legislation was more comprehensive than that of the Convention.
191. Regarding recommendation 8 to eliminate the crime of defamation from the Penal Code, Nicaragua considered that the recommendation was not appropriate as the above-mentioned crime did not appear as such in its Penal Code.
192. Nicaragua supported recommendation 9, on the establishment of a National Council on Women, which was in line with governmental policies.
193. Nicaragua supported recommendations 10, 11, 25, 26, 27, 28, 29, on the dissemination and full implementation of the Declaration on Human Right Defenders. Nicaragua stated that no state policy against human rights defender existed and that the promotion and protection of human rights, besides being a government policy, was a State commitment. Accordingly, Nicaragua supported these recommendations. It added that incidents affecting human rights defenders had originated in the private sphere and that the Police had investigated all the reports, 7 in total, which was not an alarming figure. Nicaragua stated that it had conformed to respect human rights and to promote human rights education at all levels, so that to ensure tolerance and respect of human rights defenders, in close coordination with the Procuraduría para la Defensa de los Derechos Humanos. Furthermore, victims could resort to legal remedies.
194. Nicaragua supported recommendations 13, 14, 40 and 41, on strengthening measures to tackle violence against women, stating that they were in line with its development policies which focused on "the human being". Nicaragua added that the new Penal Code of 2008 introduced domestic violence as a crime and provided for protection measures for victims. Other measures taken in this regard include: offenders cannot benefit from liberty on bail; crimes are tried by professional judges, the State promotes free access of women to justice; police specialized units promote awareness-raising campaigns; and the Office of the Public Attorney established a Specialized Unit on Gender Violence and a Specialized Office for the Assistance of Victims of Crimes, adopted guidelines on domestic violence for prosecutors, and concluded an agreement for improve coordination with judges, police agents, and forensic experts.
195. The right of freedom expression is guaranteed by the State as a constitutional right. In that regard, Nicaragua considered that recommendation 31 was not appropriate.

196. Nicaragua supported recommendation 32, related to allowing civil society organizations to express themselves freely on governmental policies. However, it considered that this right pertains only to national civil society organizations, since foreign or international organizations, by nature, cannot interfere with the internal affairs of the governmental policy.
197. Regarding recommendation 33, which called for the establishment of an independent body to regulate the access to information, Nicaragua stated that it did not favour the establishment of such an independent organ and that access to information was already regulated by the State, through the Office for the Coordination on Access to Public Information. It added that access to information was guaranteed by law 621 which also provides for the Habeas Data remedy.
198. Nicaragua noted recommendation 34, on measures to guarantee that opposition political parties may freely express their opinion, stating that measures had already been taken to guarantee this right, which was also protected in the Constitution.
199. Nicaragua noted recommendation 35, related to the amendment of the Electoral Law to allow the participation of people living in the autonomous regions in decision-making processes, on the ground that indigenous peoples' rights were already recognized by law and that, with respect to communities living in the Atlantic Coast, this right had a constitutional recognition.
200. On recommendations 36, 37, 38, and 39, related to ensuring the independence of the judiciary, Nicaragua considered that it was not in a position to make amendments in this regard, as separation of powers was already guaranteed in the Constitution, magistrates and judges were independent; their judgments were implemented by states authorities, and Law on the Judicial Career, which provides for a transparent system of appointment of judges, was being implemented.
201. Nicaragua supported recommendation 42, on increasing the national budget on education, and explained that steps had already been taken in this regard: the budget had already increased by 1,745 millions of cordobas in the past 4 years, measures had been taken to enhance access to education of the most vulnerable sectors of the population, and food had been provided for nearly 1 million children.

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

202. Cuba noted that the Sandinista Revolution made human rights a reality and noted a similar revolution was being carried out by President Ortega, building on the aftermath of a war financed and conducted by the Empire and successive neo liberal governments. It highlighted Nicaragua's approach to the UPR, its efforts to make dignity and social justice a reality and to combat poverty and ensure food security. It also highlighted that access to health and education was free and welcomed the elimination of illiteracy in 2008. It congratulated Nicaragua's work in the implementation of recommendations and the ratification of ILO Convention 169.
203. Qatar valued the positive and constructive attitude of Nicaragua in dealing with the recommendations. Qatar noted Nicaragua's acceptance of 68 recommendations, including the one made by Qatar, which demonstrates the seriousness and the importance attached by Nicaragua to the realization of human rights, despite obstacles. Qatar further noted a number of programmes and strategies aimed at reducing illiteracy and poverty and combating marginalization. Qatar supported Nicaragua's efforts to further realize economic and social development. Qatar also thanked Nicaragua for its support to the Palestinian cause.

204. Algeria noted it was united to Nicaragua in the defence of the objectives and principles of the United Nations, as well as in the protection of human rights. It noted Nicaragua's engagement with the international community through the Human Rights Council. Algeria expressed its satisfaction at Nicaragua's acceptance of the three recommendations made by Algeria.
205. The Bolivarian Republic of Venezuela welcomed the Sandinista government's open and constructive spirit during the review. It noted achievements in the implementation of appropriate social policies in the field of education. It recognized Nicaragua's valuable efforts for human rights and the will and commitment shown to achieve goals in this regard, in spite of the difficulties due to the economic crisis. It highlighted Nicaragua's efforts to guarantee access to free education. It encouraged Nicaragua to maintain this impulse.
206. The Plurinational State of Bolivia congratulated Nicaragua for the ratification of ILO Convention 169. Bolivia noted Nicaragua's achievements institutionalizing the conquests of the Sandinista revolution seeking to eliminate exploitation through respect for human rights. It highlighted Nicaragua's implementation of its human rights plan through harmonizing legislation to ensure the protection of human rights, prioritizing vulnerable groups. Bolivia was pleased Nicaragua accepted its recommendation to continue implementing plans and programs and following up on its obligations to human rights treaties.
207. Pakistan noted that Nicaragua had accepted most of the recommendations, which showed its commitment to human rights. It also noted with satisfaction the readiness of Nicaragua to consider imposing sanctions against those organizations that promote racial discrimination as well as taking appropriate measures to combat racial prejudices in both the public and private media channels. Pakistan appreciated the special attention accorded to the realization of economic, social and cultural rights and the commitment to further strengthening policies and programmes aimed for the welfare of its people.
208. Malaysia noted Nicaragua's acceptance of a large number of recommendations, and that Nicaragua had already embarked in implementing a number of them. Malaysia commended Nicaragua for its commitment to the promotion of human development with a view to eradicating poverty. Malaysia also praised Nicaragua's firm commitment to achieving the Millennium Development Goals despite considerable constraints.
209. Sri Lanka appreciated Nicaragua's detailed responses on the recommendations. Sri Lanka welcomed Nicaragua's acceptance of 68 recommendations, and the detailed responses to the additional 42 recommendations, which was a clear sign of the constructive engagement with the Human Rights Council. It encouraged Nicaragua to exert all efforts to fully implement the accepted recommendations. Sri Lanka further noted that the key challenges facing Nicaragua was the fight against poverty and was confident that the agreed recommendations will further facilitate efforts at the national level in this regard.
210. Uzbekistan welcomed Nicaragua's national plan for human development for 2009-2011, taking into account a gender perspective, providing assistance to vulnerable groups as a priority, and conducting a massive awareness-raising campaign on human rights. Uzbekistan also noted efforts to improve the judiciary for 2009 – 2011. Uzbekistan expressed satisfaction that Nicaragua accepted Uzbekistan's recommendation to continue implement national priorities and measures aimed at settling issues relating to the promotion and protection of human rights in accordance with its legislation and international obligations.

211. The Islamic Republic of Iran welcomed the constructive engagement of Nicaragua in the UPR and thanked it for accepting many recommendations, including those made by Iran. This clearly demonstrates Nicaragua's will and commitment to human rights at international and national level, particularly in the field of social and economic rights. It commended the principled position of the Government of Nicaragua on the occupied Palestinian territories, particularly following the recent, brutal attack against the humanitarian aid convoy.
212. DPRK appreciated the sincere and constructive approach adopted by Nicaragua towards the UPR process. It noted its consistent policies and efforts aimed at the promotion and protection of human rights. It stated that despite the difficulties and challenges, Nicaragua had made constant efforts and considerable achievements in the areas of economic, social and cultural rights as well as civil and political rights. It further noted a series of measures taken to improve the living conditions of its people, particularly of vulnerable groups.

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

213. The Procuraduría para la Defensa de los Derechos Humanos of Nicaragua welcomed the ratification of ILO Convention 169 and its extension to afro-descendants. It recognized Nicaragua's will and achievements in access to health, education, social housing and citizen security, in spite of lack of resources. It suggested that Nicaragua reconsider the legislative prohibition of therapeutic abortion. To this end, it urged the four powers of State to coordinate since this decision would supersede each one's competency. It suggested that Nicaragua assign more resources to develop public policies on sustainable land use and to promote food production. It highlighted that privatization of social security affected those over 60. It recognized that a lack of resources and drug-trafficking threatened the well-being of the population in detention and invited Nicaragua to continue combating this scourge.
214. World Organization against Torture, in a joint statement with IFHR referred to procedures lacking transparency which led to the electoral frauds in 2008 which remained in place in 2010 elections and would jeopardize 2011 elections. It further noted a presidential decree of January 2010 contrary to the Constitution that sought to maintain the magistrates of the Supreme Electoral Council whose term of office ended, and which gravely affected the independence of the judiciary. It expressed support to recommendations on the respect of rule of law, including the current Constitution, which prohibits continuing re-election of the President. It stated that the States continued to discredit human rights defenders, and even encouraged new forms of aggression against them. It also stated that violence against women continued, noting Nicaragua's rejection to allow therapeutic abortions despite recommendations of four treaty bodies and over 30 UPR recommendations.
215. Madre, Inc. noted that the law prohibiting abortion could not be declared unconstitutional since the Supreme Court of Justice was illegally formed. It noted that two lawyers whose terms of office had expired were still in the Court, a situation backed by an illegal Presidential decree. It noted these illegal actions had been imposed through threats and intimidation without any kind of investigation into the events. Madre requested that the Special Rapporteur on Independence of Judges investigate the matter.
216. Amnesty International (AI) welcomed Nicaragua's immediate support of 68 recommendations, including to uphold freedom of expression, assembly and association, and to ensure that human rights defenders work without harassment and that national laws comply with international human rights obligations. It noted that the total ban on abortions was introduced in 2006 and subsequently enforced by the new

criminal law introduced in 2008. AI expressed disappointment that Nicaragua was unable to support consistent calls for repeal of the ban by treaty bodies and UPR. It noted that so long as the ban remained in place, victims of rape and incest would be subjected to health risks and imprisonment if they sought legal abortions. Further, medical professionals fearful of prosecution would delay or deny life-saving medical treatment to women and girls who suffer complications during pregnancy. It urged Nicaragua to work to build support for changing legislation over time at the national level.

217. International Save the Children Alliance welcomed the ban on corporal punishment. It regretted the government limited focus on children victims of rape, resulting in forced pregnancies. It anticipated the willingness of the government to allocate more resources to the education sector and provide rehabilitation and education opportunities for street children. It urged sustained investment in education to achieve universal basic education. It welcomed the support to follow up, strengthening and implementation of plans for combating poverty. It urged the government to double efforts on creation of decent jobs, in order to reduce migration and the risk of abandonment resulting in child exploitation. It welcomed the acceptance of recommendations on strengthening and impartiality of the ombudsman.
218. Action Canada for Population and Development, in a joint statement with IPAS, noted that ban on therapeutic abortions continued, despite recommendations of human rights bodies and UPR. The Law prohibiting therapeutic abortion was challenged on constitutionality grounds in 2008, but the remedy was still pending at the Supreme Court. A draft amendment of Law 641 which allowed for exceptions in exceptional circumstances enjoyed the support of all political parties except for the Sandinista Front. It stated that the protocol for assistance in cases of obstetric emergencies was not an adequate solution, since it was not a law but only an administrative regulation, so medical personnel still feared reprisals of being punished. It requested the Council to maintain the recommendations regarding therapeutic abortion until the law is amended.
219. European Region of the International Lesbian and Gay Federation requested that all UPR recommendations be implemented and that new and independent machinery be established by law to tackle discrimination based on sexual orientation and gender identity. It urged the Government to ratify the Optional Protocol to CEDAW, the San Salvador Protocol, and the Rome Statute, as well as to adopt the Yogyakarta Principles and relevant OAS resolutions as guidelines of its public policies. It also encouraged Nicaragua to include the participation of civil society while implementing recommendations.

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

220. Nicaragua appreciated the opportunity to engage in a sincere, genuine and transparent dialogue, as well as all recommendations which were made. It mentioned that it will continue to cooperate with the Human Rights Council. Nicaragua reiterated its willingness to overcome human rights obstacles and challenges and highlighted that its commitment with human rights is permanent.

#### **Italy**

221. The review of Italy was held on 9 February 2010 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:



- (a) The national report submitted by Italy in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/7/ ITA/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.6/7/ITA/2); and
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/7/ITA/3).

222. At its 20th meeting, on 9 June 2010, the Human Rights Council considered and adopted the outcome of the review on Italy (see section C below).

223. The outcome of the review on Italy comprises the report of the Working Group on the Universal Periodic Review (A/HRC/14/4), together with the views of Italy 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/14/4/Add.1).

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

224. Italy noted that the UPR had significantly contributed to an assessment of its domestic situation in the field of human rights. It recalled that in presenting its national report, it had focused on priority areas such as the fight against racism and racial discrimination, the situation of migrants and asylum-seekers, the presence of Roma and Sinti communities, human rights of women and children, freedom of opinion and expression, independence of the judiciary and administration of justice, and the commitment to establish an independent human rights institution.

225. It was noted that important decisions concerning migration policy would be taken within the framework of the European Union, with due regard to sustainability, social integration and the rule of law.

226. With regard to the recommendations made during the interactive dialogue, Italy referred to its responses in the addendum document submitted before the session. In this context, it noted that since February, the authorities had convened two meetings with civil society organizations and two parliamentary hearings devoted to the results of the review. Italy stressed that it had accepted 78 out of the 92 recommendations made and provided detailed comments and explanations in relation to its response to a large number of recommendations.

227. Italy observed that many recommendations focused on challenging areas, to which further attention was required, such as integration policies and equal opportunities. It noted that some concrete action had already been taken over the past few months, such as the ratification of the Warsaw Convention on the protection of victims of human trafficking; the allocation of a further amount of 200 Million Euros for integration policies for migrants; and the imminent launching by the Minister for Equal Opportunities of an updated National Action Plan against racism and racial discrimination.

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

228. Algeria warmly thanked Italy for the replies given to the recommendations made and stated that Italy had shown commitment to human rights by accepting most recommendations, including three of the four recommendations made by Algeria. However, in light of the difficulties encountered by migrant workers, it had hoped that

its recommendation for Italy to become a party to the Convention on Migrant Workers would also be accepted. Algeria welcomed the noble spirit of Italy in settling the historic conflict with a former colony as well as the renewed commitment of Italy to achieving the target of 0.7 percent target for official development assistance set by the United Nations.

229. The Islamic Republic of Iran referred to recommendations it had made during the Working Group, requesting that the delegation elaborate on measures undertaken to effectively address them, including recommendations to ratify the Convention on Migrant Workers; to develop a comprehensive strategy in areas such as housing, education, employment and health care to improve the situation of Roma and Sinti communities; to undertake a comprehensive set of measures to combat racism and racist political platforms; and to develop a national integrated human rights plan in line with the Vienna Declaration and Programme of Action. Iran deplored the position taken by Italy on Council resolution 14/1, which it considered put into doubt the commitment by Italy to human rights.
230. Belarus was grateful for the detailed comments provided by Italy on the recommendations. It welcomed Italy's goodwill and efforts in implementing recommendations, which were a sign of its continuing commitment to its international obligations in the area of human rights. Belarus stated that continuous efforts were needed to combat human trafficking, by reducing the demand for victims and implementing victim identification measures. Additional efforts were also required to better manage the massive influx of illegal migrants and to counter discriminatory and racial acts. Belarus noted Italy's comments in relation to recommendations which could not be implemented and expressed understanding in this regard.
231. The United States of America commended Italy for enhancing its commitment to addressing human rights issues with the proposed establishment of an independent national human rights institution. It aligned itself with recommendations for Italy to continue to ensure freedom of expression and the media and called for the adoption of safeguards to ensure the independent functioning of all media. It expressed appreciation for Italy's acceptance of recommendation regarding immigration, in particular those relating to Muslim immigrants and the Roma community. It underlined the importance of recommendations regarding forced eviction of person living in unauthorized camps and encouraged Italy to accept these recommendations, if it had not already done so, and to intensify efforts to consult with affected residents.
232. Iraq stated that it highly valued Italy's efforts in preparing its report, which reflected its desire to promote human rights. It acknowledged the efforts made by Italy in ratifying the Optional Protocol to the Convention against Torture, as well as its adoption of a bill of ratification of the Convention to combat trafficking in persons. Iraq valued the reaffirmation by Italy that it would fully abide by recently adopted legislation, particularly in relation to the treatment of migrants, also known as security package, as well as other implementing measures, principles and obligations in the area of human rights. Iraq wished Italy success in making further progress, particularly in the fields of human rights.
233. Somalia noted that a high number of recommendations had been made during the review of Italy, many of which were focused on challenges such as migration policies and the fight against racial discrimination. Somalia expressed satisfaction at the acceptance by Italy of most recommendations and the detailed explanations provided in this regard. It recalled its historic ties with Italy and called on Italy to continue to devote attention and resources to the search for a lasting solution to the political, social and economic problems that had affected Somalia for so many years. Somalia seized

the opportunity to thank the Commission on Human Rights of the Italian Parliament for organizing a special hearing on the situation of human rights in Somalia.

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

234. Human Rights Watch shared the concerns expressed by many delegations about intolerance and xenophobia towards migrants and minorities, including Roma and Sinti. It stated that racism and xenophobia characterized by violence, as well as offensive political discourse, were serious problems in Italy. Human Rights Watch noted that, while during its review Italy had reiterated its commitment to rescue operations at sea, it had thus far failed to publically renounce its policy of interdicting and summarily returning boat migrants on the high seas. It welcomed Italy's acceptance of the recommendation to ensure that its legislation and practices comply with the principle of non-refoulement, stressing that it was vital for Italy to comply with this principle also in relation to terrorism suspects, as the global ban on torture and the European system of human rights protection would otherwise be undermined.
235. The Joint Charitable Institute for Protecting Social Victims expressed concern at the persistence of xenophobic attitudes and reported instances of hate speech against foreign nationals. It also expressed concern at the role of the media in associating Muslims with extremism and terrorism. It asked that Italy rectify this situation by eliminating all forms of discrimination against minorities and migrants and ensuring equal opportunities for the enjoyment of economic, social and cultural rights; that it take administrative and legal measures against perpetrators of racially motivated acts; and that it ratify the OPCAT in order to permit the Subcommittee for the Prevention of Torture to conduct visits to places of detention including reclusion centers for migrants and asylum seekers.
236. The International Federation of Human Rights Leagues and its affiliated league in Italy, The Union of Jurists for the Protection of Human Rights, expressed satisfaction at the high number of pertinent recommendations that had been submitted to Italy. It noted a marked increase in racism and discriminatory behaviour against migrants and Roma and Sinti populations in Italy. Despite existing legal instruments, judicial authorities had failed to prosecute those responsible. It also stated that Italy's reply in relation to questions on the treatment and refoulement of illegal migrants and asylum seekers did not reflect the wide-spread practice of pushing back migrants in the high seas. It further observed increasing restrictions on the freedom of expressions and the right to information, and indicated that concerns raised about media concentration were particularly relevant.
237. Amnesty International noted that many delegations had asked Italy to take effective measures to counter racism and prevent discrimination against migrants, asylum seekers and members of minorities. It welcomed Italy's support for most recommendations on these issues. It further noted with appreciation that Italy had accepted recommendations to ensure compliance with international law in relation to forced evictions. It expressed disappointment at the rejection of the recommendations to incorporate into domestic law the crime of torture, as defined in the Convention against Torture, and urged Italy to reconsider. Finally, it regretted that Italy had rejected recommendations made to eliminate from its legislation provisions which criminalize irregular entry and stay in the country and called on Italy to amend or withdraw these provisions.
238. The International Save the Children Alliance noted that Italy had not accepted a recommendation relating to the prohibition of corporal punishment. It urged Italy to prohibit corporal punishment and other forms of cruel or degrading punishment in all settings, including the family, by enshrining the prohibition into national law. On the

other hand, the Alliance welcomed Italy's acceptance of a recommendation relating to the effective protection of the rights of unaccompanied children and their access to asylum procedures. It noted with concern however that the principle of the benefit of doubt was not applied in the assessment of a child's age, and that migrants who arrived as children were not placed in integration projects for at least two years and were not entitled to have their residents permits renewed when adults. It called on Italy to introduce adequate legal safeguards to protect the rights of unaccompanied children, and welcomed the acceptance by Italy of recommendations relating to the improvement of asylum procedures and respect for the principle of non-refoulement.

239. Rencontre Afrique pour la défense des droits de l'homme noted that Italy faced great difficulties in migration management. It affirmed that some migrants lived in very difficult conditions, working in some instances over sixteen hours for very small wages, half of which they had to give to the local mafia. It welcomed Italy's contribution to the achievement of the MDGs in many developing countries, through the promotion of food security and the right to safe drinking water. It encouraged Italy to establish a national dialogue to re-examine recommendations that it had not accepted. Finally, it requested that Italy establish a favorable framework to rehabilitate victims of trafficking and to launch a dialogue with the countries concerned to put an end to the distress of migrants.
240. Reporters without Borders stated that Italy seemed to be drifting away from democratic standards with regard to press freedom, the financial status of the media and the separation of powers. It expressed concern at a draft law which would criminalize the publication of telephone recordings and prohibit publications relating to cases in which the investigation was not terminated as well as the use of hidden microphones or cameras, thus jeopardizing the freedom of the press and the investigative work of journalists. Reporters without Borders further referred to a conflict of interest created by the control exercised by the President of Italy over public television channels and private media. In this context, it expressed alarm at restrictions on investigative journalism and political discourse on television, including during the electoral period. It further noted that a number of journalists needed to live under police protection due to their investigative work on the mafia.
241. The Joint European Region of the International Lesbian and Gay Federation commended Italy for accepting a recommendation to strengthen measures to prohibit discrimination based on sexual orientation and gender identity and to ensure adequate protection of LGB people. It noted that legal protection against discrimination of LGB person only existed in the area of employment. In view of increasing violence against these groups, they should be included in appropriate hate crime legislation. Training should be provided to the police and other relevant authorities. Public education and awareness raising campaigns should also be promoted. It welcomed Italy's support for the joint statement on sexual orientation and gender identity and human rights delivered in December 2008 at the General Assembly.
242. Franciscans International stated that it was pleased with Italy's involvement of civil society in the UPR process and recommended that Italy put in place a follow-up mechanism and continue the dialogue with civil society. It appreciated Italy's commitment to reducing pollution emissions from the Cerano coal power plant in Puglia and the Taranto metallurgical plant and requested that concrete steps be put in place and made public as soon as possible. It regretted that Italy had declined to ratify the Convention on the Rights of Migrant Workers and invited Italy to consider leading a consultation process to review the position vis-à-vis the Convention among the members of the European Union. It regretted Italy's reasons for rejecting recommendations concerning the decriminalization of irregular migrants.

243. Volontario Internazionale per lo Sviluppo stated that Italy remained one of the few European countries without a national human rights institution and expressed concern at the continuing delay in the establishment of such a body, noting that no concrete action had been taken so far. In this regard, it recalled the voluntary pledge made by Italy in 2008, when presenting its candidature for membership in the Human Rights Council. It also noted that in 2008 a draft bill had been announced, although its text had never been made public. It considered that budgetary constraints could not constitute a valid excuse and recommend that Italy establish such institution as a matter of urgency.

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

244. In response to these comments and queries, Italy observed that to a great extent they had focused on the area of migration and the integration of Roma and Sinti. In this regard, Italy acknowledged that the situation was not perfect, but noted that it was improving. While Italy had still been a country of massive emigration some 30 years ago it had now suddenly become a country of massive immigration. This shift had brought about a number of complications for the legislature as well as public opinion.

245. A main feature of the Italian policy was to distinguish between regular and irregular migrants, so as to encourage the former but discourage the latter. Therefore, Italy was not in a position to sign the Convention on Migrant Workers, which made no such distinction. A key component of the migration policy was the fight against organized crime, which took advantage of unfortunate people seeking to leave their countries. This fight was intensifying. The second goal was to work with countries of origin, which were supposed to treat their citizens well, but frequently failed to do so. This often resulted in the unfortunate departure of the most talented people, also known as “brain drain”. A third line of action was cooperation with transit countries, which were also responsible for a human treatment of migrants. In addition, Italy was working with partners in the European Union towards increased regulation and burden sharing, noting that a large part of migrants arriving in Italy were continuing their path to other countries and that only about 40 percent of migrants were staying in Italy.

246. Italy confirmed that it was committed to protecting the human rights of migrants, and that it recognized the positive contribution of migrant workers to the Italian economy and society. Its policies aimed at their full integration.

247. Italy also highlighted its efforts aimed at rescuing migrants at sea, noting that approximately 40,000 migrants had been rescued by Italian vessels in 2008 and 2009. However, it was important to stop the dramatic situation and break the criminality gaining from it with the help of all countries concerned. With regard to the issue of refoulement it was noted that the common patrol operation at sea, referred to as Frontex, in which many European countries participated, was in full compliance with relevant legal standards and UN conventions.

248. Italy further stated that it was making efforts to address the issue of the Roma and Sinti. It was noted that Roma had lived in Italy for a long time and that many were Italian citizens, but that the recent arrival of large groups from other parts of Europe had posed problems with regard to their integration. In total, there were now more than 160,000 Roma and Sinti in Italy. Italy stressed however that all incidents had been regularly condemned by all political forces, and that rigorous investigations had taken place. The most important task was the social integration of the Roma, in particular with regard to housing, education and employment. Efforts in this regard were continuing. However, as regards recognition as a minority, it was noted that this would not be in line with the Italian Constitution, which required a certain stability and duration of settlement of relevant communities in a specific area of the country.

249. In relation to racial discrimination and xenophobia, Italy acknowledged that episodes of these phenomena indeed still occurred and that related social attitudes still existed, although the Government was strongly committed to eradicating them. The legal framework had a multitude of provisions to fight racial discrimination and xenophobia, including provisions prohibiting incitement to hatred, and the judicial system was very active in this regard. Italy also paid particular attention to the educational system, fostering an inter-cultural approach through specific programmes.
250. Finally, with regard to a query related to its negative vote on Council resolution 14/1, Italy explained that its decision in this regard had not been easy, and asserted its very friendly relations with the Palestinian people and the Arab world as a whole as well as Turkey, which had also been directly and dramatically involved. Italy stressed its willingness to continue to work, in conjunction with the European Union, for a just and comprehensive solution to the Middle East conflict, taking into account the legitimate concerns of all parties involved.

### **Kazakhstan**

251. The review of Kazakhstan was held on 12 February 2010 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:
- (a) The national report submitted by Kazakhstan in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/7/KAZ/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.6/7/KAZ/2); and
  - (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/7/KAZ/3).
252. At its 22nd meeting, on 9 June 2010, the Human Rights Council considered and adopted the outcome of the review on Kazakhstan (see section C below).
253. The outcome of the review on Kazakhstan comprises the report of the Working Group on the Universal Periodic Review (A/HRC/14/10), together with the views of Kazakhstan 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/14/10/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**

254. The delegation thanked the states which participated in the review of Kazakhstan for the impartial assessment of the human rights situation in the country. It stated that Kazakhstan accepted 121 recommendations amounting to 95 per cent of all recommendations made and was not in a position to accept 7 recommendations of the paragraph 97 of the Working Group report - recommendations No. 1, 2, 3, 4, 10, 12 and 19. Furthermore, the delegation reiterated Kazakhstan's willingness to comply with the recommendations regarding the protection of human dignity, freedom of thought, conscience and religion, protection of the economic, social and cultural rights and strengthening the national human rights institutions.
255. The delegation mentioned that the protection of parenthood and childhood remained one of the key priorities of the social policy. The delegation cited ongoing measures

and new plans in several areas, including development, education, healthcare, the law enforcement, juvenile justice, domestic violence and human rights education. The delegation noted that the National Human Rights Action Plan for 2009-2012 and the Legal Policy Concept for 2010-2020 that were highly valued during the UPR would allow continuing the stage-by-stage implementation of strategies protecting all human rights.

256. The delegation referred to Kazakhstan's intention to continue to adhere to international human rights treaties. Taking into account financial resources and a need for change in law and practice, Kazakhstan intended gradual ratification of instruments, the first step of which is the acceleration of the ratification process of the Convention on the Rights of Persons with Disabilities. The delegation indicated that the ratification in March 2010 of the Hague Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption would allow the country to cooperate with other states to protect the rights of children from Kazakhstan who were adopted by foreign citizens.
257. The delegation stated that Kazakhstan would continue to regularly accept visits from the special procedures of the UN Human Rights Council in accordance with its extended standing invitation. It mentioned the upcoming visit of the Special Rapporteur on adequate housing.
258. According to the delegation, the reforms in the judiciary and law enforcement system would continue taking due account of the recommendations made during the review. The delegation referred to its plans and steps directed at improving penitentiary system and reducing the prison population. In April 2010 the government approved a separate action plan for modernizing the legislation and law enforcement to prevent torture and drafted a bill on the national torture prevention mechanism.
259. The delegation highlighted Kazakhstan's acceptance of all recommendations regarding the cooperation with non-governmental organizations, protection of human rights advocates and journalists, and the reinforcement of the role of the Ombudsman. In that regard, the delegation shared the plans to, inter alia, introduce the draft bill on the reinforcement of the status of the Human Rights Ombudsman to the Parliament in 2011 and possible amendments to the legislation on public associations and, specifically, on taxation of NGOs. The delegation also cited its continuous efforts to protect the rights and freedoms of ethnic minorities and the targeted policy to support the minority languages and ethnic cultures.
260. The delegation stated that Kazakhstan would continue expanding and intensifying its cooperation on protection and promotion of human rights at international level. It expressed the government's readiness to share its experience and best practices with other states, particularly regarding issues on inter-ethnic and inter-denominational accord, protection of the rights of women and children, and education, and to learn from the best experiences of other states. Kazakhstan expressed its firm intention to strive for successful achievements in sustainable development.

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

261. Bahrain appreciated the steps taken and the measures adopted by Kazakhstan for the implementation of the recommendations made during the UPR. Bahrain appreciated Kazakhstan's efforts reflected, inter alia, in the National Human Rights Action Plan. It valued Kazakhstan's commitment to continue its efforts to promote and protect the rights of children, disseminate a human rights culture and ensure education in human rights.
262. Algeria welcomed additional information provided by Kazakhstan regarding the follow-up to recommendations made during the UPR. It appreciated the government's

commitment to promote and protect human rights, and highlighted that half of the recommendations had been implemented by Kazakhstan. Algeria expressed its satisfaction that one out of 5 recommendations made by Algeria and related to the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and their Families only did not enjoy the support of Kazakhstan. Having in mind the importance of the recommendation, Algeria encouraged Kazakhstan to protect the rights of the vulnerable population of migrant workers.

263. Uzbekistan thanked Kazakhstan for the comprehensive information on the recommendations made during the review. It praised Kazakhstan for the consistent steps initiated for the human rights protection, in particular for setting up national human rights priorities in the National Human Rights Action Plan for 2009-2012 and in the Legal Policy Concept. Uzbekistan noted that Kazakhstan attached a great importance to the realization of economic, social and cultural rights, including protection of the rights of women and children, and the rights to health and education. Uzbekistan welcomed Kazakhstan's efforts, inter alia, in developing international cooperation in the area of human rights. During its universal periodic review, Kazakhstan demonstrated that it had developed national human rights mechanisms to effectively address problems in this area.
264. Pakistan noted with appreciation that Kazakhstan accepted 112 recommendations and that most of those recommendations were either implemented or in the process of implementation. It indicated that Kazakhstan's willingness to comply with the recommendations demonstrated the importance it attached to the UPR. Pakistan appreciated the government's commitment to end gender discrimination including domestic violence, and readiness to further strengthen law enforcement and the judicial system. Pakistan highlighted Kazakhstan's willingness to establish an independent national human rights institution in accordance with the Paris Principles.
265. Malaysia was encouraged by Kazakhstan's commitment to pursuing a non-confrontational and dialogue-based approach in expanding its international cooperation on the promotion and protection of human rights. Malaysia noted with appreciation the government's acceptance of a large number of recommendations which demonstrated Kazakhstan's commitment to strengthen democratic standards and to ensure respect for all human rights. It welcomed Kazakhstan's decision to accelerate the ratification of the Convention for the Protection of the Rights of Persons with Disabilities.
266. Indonesia appreciated Kazakhstan's cooperative engagement within the Working Group and commended the government for its achievements in the field of economic, social and cultural rights, and the remarkable results in education, health and social welfare. It also commended Kazakhstan for its efforts towards the modernization of the judiciary, of trial procedures and of detention conditions. Indonesia stated that Kazakhstan should continue to pursue the total eradication of torture and the upgrading of all legislation relevant to the reform of the judiciary, to promote unrestricted freedom of the media and to intensify its measures regarding the rights of women, children and the disabled. It noted that an upgraded Human Rights Commission would contribute to that endeavour .
267. Qatar welcomed the additional information provided by Kazakhstan. It noted that Kazakhstan accepted many recommendations including the recommendation made by Qatar. It welcomed Kazakhstan's achievements, in particular the implementation of Millennium Development Goals, the enhancement of human rights and the improvements of economic and social situation.
268. Belarus welcomed the detailed information provided by Kazakhstan regarding the recommendations made during the working group . Belarus indicated that the UPR



provided the government with the opportunity to assess its successes in the areas of social, economic and cultural rights and the improvement of its national legislation and to identify areas that might require further attention. Belarus welcomed Kazakhstan's determination to continue implementing UPR recommendations. Belarus appreciated Kazakhstan's readiness to step up measures directed at protecting rights of children, combating domestic violence, and developing human rights education.

269. The United States of America commended Kazakhstan for the adoption of the National Human Rights Action Plan and its plan to end torture by 2012 and encouraged Kazakhstan to implement both plans. It hoped that Kazakhstan would carry out, in close cooperation with civil society, recommendations calling for the establishment of an independent monitoring mechanism to prevent torture. The United States of America appreciated the acceptance of recommendations regarding the protection of women rights, particularly through the enactment of the law on domestic violence, rights of children, including children with disabilities, and elimination of child labour. It reiterated its support towards the recommendations calling for measures to ensure an impartial and independent judiciary. It was concerned that the government did not see the need to decriminalize libel.
270. Iraq highly valued the government's efforts in preparing the national report. It highlighted Kazakhstan's achievement in securing reconciliation among ethnic and religious groups that peacefully coexisted in the country. It commended Kazakhstan for its economic growth achieved to reduce poverty and increase prosperity of its citizens, reform of public policies, and becoming part of many international human rights treaties.
271. Norway noted that a significant number of recommendations were accepted by Kazakhstan. It also noted that the recommendations made by Norway regarding human rights defenders and journalists, fair trial, implementation of international treaties by courts, and freedom of expression were considered as implemented or in the process of implementation. Norway indicated that at the time of proposing those recommendations Norway was not aware of the advanced stage of their implementation and would continue to closely follow up the matters. Norway welcomed the acceptance of the recommendations calling for countering the practice of repression of free speech by easing the restrictions on web based media. However, it regretted that Kazakhstan did not accept to reconsider the rules for registration of religious groups and to take steps to promote inter-faith harmony for those faiths considered to be non-traditional in the country.
272. The Russian Federation welcomed the initiative of Kazakhstan to expand its treaty obligations in the area of human rights and implement relevant measures at a national level, and facilitate a constructive and non-confrontational dialogue on human rights at international fora. It noted the high level of cooperation manifested by Kazakhstan in the process of the universal periodic review. Such cooperation was evident both during the discussion of Kazakhstan's report in the working group and the government's response to the recommendations made by states. The Russian Federation indicated that this position was a sign of Kazakhstan's decisiveness to strengthen the respect for all categories of human rights.

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

273. Human Rights Watch stated that a number of developments of the past four months, involving arrests and prosecutions of journalists, civil society activists and opposition party members underscored the urgent need for Kazakhstan to implement recommendations made during the review. It called on Kazakhstan to immediately put an end to harassment of journalists and civil society activists and to implement without

further delay meaningful reforms as pledged by accepting recommendations made during the universal periodic review process. It welcomed Kazakhstan's acceptance of recommendations regarding implementation of the National Human Rights Action Plan and urged the government to fully implement the plan, including by attaching necessary budget for its implementation.

274. International Federation for Human Rights (FIDH) supported the recommendations made by a number of countries requesting Kazakhstan to protect the rights of migrants and in particular to sign and ratify the International Convention on the Protection of the Rights of All Migrant Workers and Their Family Members. While referring to the violations found during the fact finding mission in Kazakhstan, FIDH recommended to Kazakhstan's to ensure that the new law on migrations, currently under preparation, was in full conformity with international law. It also recommended that Kazakhstan review the relevant legal provisions and practices with a view to ensuring strict compliance with the principle of non-refoulement. Since 2005, many Uzbek and Uyghur asylum seekers and refugees had been forcibly returned to the countries from which they had fled persecution. FIDH indicated that some provisions of the regional agreements such as the Minsk Convention and the Shanghai Cooperation Organization were in contradiction with the principle of non-refoulement.
275. Amnesty International welcomed Kazakhstan's support of recommendations relating to strengthening safeguards against torture and called on the government to give immediate effect to those recommendations. It remained, however, concerned at persistent allegations of torture or other ill-treatment of individuals deprived of their liberty by security officers who often failed to respect current legislation with the requirement to register detainees within three hours after their deprivation of liberty. It also urged Kazakhstan to accept the recommendation to fully abolish the death penalty and to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights.
276. Interfaith International indicated that Kazakhstan had been a multi-ethnic and multi-cultural cosmopolitan society. It congratulated Kazakhstan for taking into account the recommendations made during the universal periodic review as well as progress accomplished vis-à-vis the Millennium Development Goals. It noted the government's cooperation with mandate holders of the special procedures and treaty bodies and the efforts to ensure the right to education and health. It encouraged Kazakhstan to establish a National Commission for Human Rights in accordance with the Principles of Paris and to create a better climate for the independence of judges and the media.
277. Reporters Sans Frontiers stated that, despite its chairmanship of OSCE, Kazakhstan did not demonstrate improvements in ensuring the press freedom. Independent or opposition press was frequently subject to excessive fines and closure. Reporters Sans Frontiers indicated that such forms of disguised censorship were directed against those publications that criticize the government. The law promulgated by the President in July 2009 restricted editorial activities and freedom of expression on the Internet. Reporters Sans Frontiers stated that there was, moreover, a restrictive law on protection of private life, which had drastically worsened conditions for investigative journalism.
278. Canadian HIV/AIDS Legal Network welcomed Kazakhstan's acceptance of the recommendations Nos. 39 and 40 in paragraph 95 of the working group report and urged the government to take steps to prevent HIV infection in prisons. It commended Kazakhstan for developing anti-discrimination legislation and encouraged to include sexual orientation and gender identity as grounds of discrimination. Canadian HIV/AIDS Legal Network urged Kazakhstan to apply international best practices, in particular Yogyakarta Principles on the Application of International Human Rights Law in relation to sexual orientation and gender identity to recognize the rights of

transgender people to change gender and names in official documents in accordance with self-defined identity. It asked Kazakhstan what measure might assist the government in reaching a favourable conclusion to the recommendation no. 2 in paragraph 97 related to joining the declaration on sexual orientation and gender identity.

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

279. The delegation informed that many recommendations made during the review were included in the 2010 report on human rights situation prepared by the National Commission of Human Rights in close cooperation with civil society. Furthermore, the National Commission on Human Rights submitted a recommendation to relevant state bodies to take relevant steps for the decriminalisation of libel and defamation in media. The delegation also informed about the Kazakhstan's plan to establish a national human rights institution in accordance with Paris Principles.
280. In response to statements on torture cases, the delegation referred to the Government's decision on the implementation of the UN Committee against Torture and the Prosecutor's decision to initiate a prompt and thorough investigation in respect to individual complaints on cases of torture.
281. With regard to the reforms of judiciary, the Government was considering the recommendations to improve national legislation and practice in this area made by the national human rights mechanism and a number of countries in the Working Group. Kazakhstan already established judicial system which comprises three levels of courts and all judges and law enforcement officials participated in human rights courses.
282. Concerning the protection of rights of migrants, the delegation assured that Kazakhstan took all measures to ensure equal enjoyment of rights of migrants. In December 2009, Kazakhstan ratified the CIS Convention on the Status of Migrant Workers. According to the delegation, a new law on migration was drafted and submitted to civil society for its feedback.
283. In its response to statements on the freedom of religion, the delegation informed that taking into account, *inter alia*, recommendations made during the UPR the Government was working towards the drafting of a new law on religious organisations and freedom of religion and belief.
284. The delegation stated that the National Commission on Human Rights at the President of Kazakhstan, with the active participation of government agencies and non governmental organisations continued working to address issues related to the protection of the rights of journalists.
285. Regarding gender equality, Kazakhstan was currently implementing a state programme on gender equality with a goal to ensure 30 per cent of women in the decision making positions by 2016.
286. In conclusion, the delegation thanked the representatives of states and civil society for their comments and recommendations and reassured the active cooperation of Kazakhstan with the Human Rights Council to implement accepted recommendations.

#### Slovenia

287. The review of Slovenia was held on 16 February 2010 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

- (a) The national report submitted by Slovenia in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/7/SVN/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.6/7/SVN/2); and
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/7/SVN/3).

288. At its 22nd meeting, on 9 June 2010, the Human Rights Council considered and adopted the outcome of the review on Slovenia (see section C below).

289. The outcome of the review on Slovenia comprises the report of the Working Group on the Universal Periodic Review (A/HRC/14/15), together with the views of Slovenia 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/14/15/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**

290. Slovenia expressed its pleasure in addressing the meeting on the adoption of the outcome document of its first review, noting that its commitment to the UPR process had been demonstrated, among others, by the decision to have the delegation headed by a person of ministerial rank. It observed that the preparation of the national report had been a comprehensive exercise that involved all relevant ministries and government offices as well as civil society. Slovenia stated that it had viewed the process as an opportunity to take stock of its human rights situation and that the dialogue had enabled it to compare its assessment of the situation with that made by other UN member states.

291. With regard to the recommendations made, Slovenia recalled that it had decided to take them back to Ljubljana for consideration and to provide a response to each individually. Accordingly, the Addendum to the Report of the Working Group was submitted to the Office of the High Commissioner for Human Rights (OHCHR) on 19 March 2010.

292. Slovenia informed the Human Rights Council (HRC) that it had rejected only five of the 97 recommendations made.

293. Regarding rejected recommendations, Slovenia provided the following comments. It stated that it cannot accept the recommendation to pass a law on domestic violence due to the national criminal legislative system since, in Slovenia, criminal offences and sanctions are defined by the Criminal Code and General Offences Act.

294. Slovenia then explained that it cannot accept the recommendation on specialized family courts as it plans to gradually and systematically strengthen existing family departments at the district court level and facilitate the creation of new departments if the need for this is independently established by the judiciary. It considered that the introduction of new courts with sole jurisdiction over family relations/children might result in new court backlogs and/or lengthy trials.

295. Additionally, Slovenia stated that it cannot accept the recommendation to strengthen the status of the German-speaking community. It observed that the rights of this community are adequately protected, through a bilateral agreement and the Convention between the Government of the Republic of Austria and the Government of the Republic of Slovenia on Co-operation in the Fields of Culture, Education and Science for the period 2008-2012. Furthermore, the rights of the members of the German speaking community, and in

- particular their rights to maintain their national, linguistic and cultural characteristics, are fully protected by the Constitution.
- 296.Slovenia further clarified that it could not make a definitive statement regarding the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) and noted this recommendation. It observed that most of the rights contained in this Convention are already guaranteed by Slovenia to migrant workers and their families in its labour markets, in compliance with that treaty's objectives.
- 297.It stated that one other recommendation was not accepted as it was considered unclear and contradictory.
- 298.Slovenia observed that many of the recommendations accepted were already being implemented. It gave the example of recent measures adopted to improve the situation of the Roma community, in particular the recently adopted National Programme of Measures for the Roma for the period 2010-2015.
- 299.It added that a standing invitation to the Special Procedures has been issued and that the first country visit, by the independent expert on access to safe drinking water and sanitation, took place on 24-28 March 2010.
- 300.In conclusion, Slovenia underlined the importance of a strong follow-up mechanism, and informed the HRC that it had decided that the existing Inter-Ministerial Working Commission on Human Rights, which includes representatives of civil society, would monitor the follow up to the recommendations. It added that another part of follow-up would be an analysis of existing institutional protection of human rights. The UPR process has highlighted that some areas could be more efficiently covered and the Ministry of Foreign Affairs has initiated a dialogue on how to improve institutional capacity for a more proactive promotion of human rights.

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

- 301.Algeria expressed its appreciation at the acceptance by Slovenia of almost all recommendations received, which demonstrated the country's commitment to the UPR. It noted that two out of the three recommendations made by Algeria had been accepted. Algeria was encouraged by Slovenia's determination to continue its efforts to promote and protect human rights, in particular that of vulnerable groups. It affirmed that, in this spirit, it would appreciate if Slovenia would continue to examine Algeria's third recommendation in relation to the ratification of the Convention on Migrant workers. Finally, Algeria congratulated Slovenia for having pronounced itself in favour of humanitarian and human rights law during the consideration of HRC resolution 14/1, thus giving priority to ethical values over political expedience.
- 302.The Islamic Republic of Iran made reference to serious concerns expressed by various UN human rights mechanisms on a series of human rights violations in Slovenia, among them, the non existence of a specific plan of action regarding human trafficking, the suffering of minorities particularly the Roma from prejudice and discrimination, reported cases of ill-treatment by law enforcement officials, trafficking of women for prostitution. It also mentioned the recommendations put forward by Iran. Iran invited Slovenia to elaborate on measures undertaken to address the following recommendations: developing a national plan of action aimed at addressing sale of children, child prostitution and child pornography; taking urgent and concrete measures to ensure the practical enjoyment by minorities particularly the Roma group of their rights; taking appropriate measures to prevent and punish all forms of ill-treatment by law enforcement officials; addressing the issue of gender based violence in a comprehensive manner and combating all forms of trafficking in women and girls in Slovenia.

303. The United States of America expressed its deep appreciation at the conscientious manner in which Slovenia approached the entire UPR process and, in particular, their addressing of the recommendations. It commended the establishment of the action plan of the interdepartmental working group against trafficking in human beings and encouraged Slovenia to continue strengthening its efforts to address this issue. The US made reference to recommendations regarding the prosecution of sex and labour trafficking offenses and the conviction and punishment of traffickers, including those involved in forced labour. The US looked forward to receiving information on the progress in implementing the recommendations in this regard.
304. Iraq welcomed the efforts made by Slovenia in the drafting of its national report which reflected Slovenia's willingness to promote human rights. Iraq stated that the situation of the protection of migrants and their integration into Slovenian society were positive elements. It also paid tribute to the efforts made to raise awareness of issues of human rights in the armed forces, police and law enforcement bodies. Iraq expressed satisfaction at Slovenia's national plan of action which aimed to protect women and children during armed conflict. It wished Slovenia the best of success in its future work in the area of human rights and recommended the adoption of the report.

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

305. Amnesty International (AI) welcomed the adoption of the integrated national programme of measures for Romani people 2010-2015 and called on Slovenia to ensure that the programme is implemented within the established deadlines and in consultation with the Roma communities. AI supported the recommendation to improve living condition of Roma and called on the authorities to address the inadequate housing conditions of many Roma, including lack of access to water, sanitation and electricity. AI indicated that it is also crucial that the authorities refrain from forcible evictions of Roma communities. AI indicated that the adoption of the law regulating the legal status of the 'erased' is a positive development, however AI was concerned at attempts to organize a referendum on the new law, which if successful, could overturn it and could lead to further discrimination against the 'erased'. AI also regretted that the authorities had failed to adopt legislative and other measures to grant full reparation to the 'erased'. AI called on Slovenia to develop a reparation programme for the 'erased' which should include restitution, satisfaction compensation, rehabilitation and guarantees of non-repetition, as defined by international law.
306. In a joint statement, International Lesbian and Gay Federation and Federatie van Nederlandse Verenigingen tot Integratie van Homoseksualiteit (ILGA-Europe and COC) commended Slovenia for accepting recommendations 5, 6, 7, 8 and 22 made during the interactive dialogue, which include various measures to ensure that same-sex partners are treated equally with opposite-sex partners by Slovenian law. They encouraged Slovenia to continue its work on the draft Family Code. ILGA-Europe and COC shared the concerns of the Council of Europe Human Rights Commissioner that homophobic and intolerant public statements have been made by some politicians during the discussion of the draft law. They recommended that the Government strengthen its existing efforts in countering negative public campaigns through education and awareness raising campaigns. ILGA-Europe and COC also urged the Government 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 in policy development.

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

307. Before concluding Slovenia responded to additional questions raised. On ill-treatment by law enforcement officials, Slovenia stated that it had accepted the recommendation made by Iran and recalled that the issue was dealt with seriously although it was of the view that it

was not a serious and widespread problem. It views this recommendation as a general and permanent one in the field of human rights protection and observed that such cases occur very rarely in Slovenia.

308. Regarding the Roma, it acknowledged the importance of the 1995 Programme of Measures for Assisting the Roma and the positive actions for the better integration of the community into society. Slovenia recalled the recent adoption a National Programme of Action containing numerous measures to address this issue.
309. On trafficking, Slovenia clarified that anti-trafficking policies are part of the Action Plan of the Interdepartmental Working Group against Trafficking in Human Beings, which focuses on a wide range of communication activities aimed at raising awareness. Bearing in mind that women and children are the most vulnerable groups, the Action Plan aims to identify victims of trafficking and enhance prevention activities targeting these groups. Slovenia noted that women and children are the most vulnerable groups and therefore deserves special attention. It added that the Action Plan also defines assistance and protection programmes for trafficked victims. One of the priorities set out in the Action Plan is to involve NGOs to provide accommodation in safe houses and, in critical periods, to provide care and psychological assistance.
310. Regarding women's rights, Slovenia affirmed that the situation is constantly being monitored with a view to the elimination of discrimination. It recalled that Slovenia had adopted a national programme for equal opportunities for women and men. It added that the Government also implements various activities in this regard and that all acts of violence were criminalized. Moreover, Slovenia has been actively undertaking a number of measures to reduce violence against women.
311. On the question of the so-called erased people, Slovenia recalled what was stated in the Addendum to the working group report, that it accepts these recommendations in the light of the decision of the Constitutional Court in 2003, to the Act Amending the Act regulating the Legal Status of Citizens of Former Yugoslavia living in the Republic of Slovenia, which was developed by the Slovenian Government and presented to the National Assembly for adoption under a simplified procedure. It gave details regarding the Act, adding that compensation claims by persons whose permanent residence has been terminated are dealt with by the relevant Slovenian courts under the general principles of compensation legislation and that the Government is not drafting any special measures on this matter. Regarding a possible referendum, Slovenia stated that it could not provide details at this time and that it was uncertain whether it would take place.
312. In conclusion, Slovenia reminded that it was about to conclude its mandate within the Council and that it has been a staunch supporter of the UPR since the beginning. It considered that the mechanism has become indispensable in addressing the human rights situation of UN member states although it was of the view that the quality of recommendations and their implementation, needed to be improved. In conclusion, Slovenia stated that it will continue to work hard to strengthen international norms, standards and mechanisms for their implementation, including the UPR.

#### **Bolivia (Plurinational State of)**

313. The review of Bolivia was held on 10 February 2010 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:
- (a) The national report submitted by Bolivia in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/7/BOL/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.6/7/BOL/2); and

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/7/BOL/3).

314. At its 22nd meeting, on 9 June 2010, the Human Rights Council considered and adopted the outcome of the review on Bolivia (see section C below).

315. The outcome of the review on Bolivia comprises the report of the Working Group on the Universal Periodic Review (A/HRC/14/7), together with the views of Bolivia 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/14/BOL/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**

316. The delegation of the Plurinational State of Bolivia valued the Universal Periodic Mechanism, as a mechanism that allows for the evaluation of the human rights situation among peers, in equal circumstances and with due respect to the universality of human rights. It noted that Bolivia had already indicated its position with regard to the 79 recommendations when the report was adopted at the working group. Bolivia reaffirmed its support to 78 recommendations and provided information on progress made so far, in particular since the experience in the preparation, review and follow-up of the Universal Periodic Review has been and continues to be of great value.

317. The 78 recommendations were thoroughly reviewed by the National Human Rights Council, which is composed of Government representatives, as well as representatives from native indigenous peoples, social movements and non governmental organisations. Many of the recommendations related to issues already reflected in the National Human Rights Plan of Action 'Bolivia digna para vivir bien 2009-2013' currently under implementation.

318. The delegation indicated that it had distributed in the room, a document with information on progress made so far with regard to the all recommendations, as well as all its voluntary pledges and commitments. In this regard, the delegation highlighted the election of the Head of the Office of the Defensoría del Pueblo in May 2010 and the renewal of the memorandum of understanding for the extension of the Office of the High Commissioner for Human Rights.

319. Bolivia further indicated that the Ministry of Justice was preparing reports due to the Human Rights Committee, the Committee against Torture and the Committee on Migrant Workers.

320. With regard to recommendations on the judicial system, Bolivia indicated that it was committed to the full respect of the Political Constitution which includes all provisions with regard to the separation, independence, coordination and cooperation of powers. Measures to initiate judicial reforms were not isolated, and responded to requests of the population, as reflected in the previous Constituent Assembly. In compliance with the relevant transitional law, the President proceeded with the nomination of the judicial authorities taking into account the following considerations: (i) that these nominations be made as an urgent measure to address delays in the justice system, in accordance with the Constitutional provisions and until the election of the Magistrates scheduled to take place on 5 December; (ii) that the designated persons be recognized jurist without a political background and be representative of the diversity of the population; (iii) that the approval of the new judicial body be supported by all political actors of the Plurinational Legislative Assembly.



321. The delegation referred to the adoption on 31 March of the legislation to combat corruption, which also established the National Council to Combat Corruption.
322. On 24 May 2010, on the occasion of the National Day to Combat Racial Discrimination, a draft law proposal to fight racism and all forms of discrimination and racism was presented to the Plurinational Legislative Assembly.
323. Bolivia announced the visit of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance before the end of 2010.
324. In response to recommendations on the rights of children, Bolivia informed that they are working on a Plurinational plan for the communitarian development of children and adolescence with social inclusion and rights protection.
325. Finally, Bolivia made reference to their term as a Member of the Human Rights Council coming to an end and highlighted their satisfaction for their involvement in the promotion and protection of human rights, in particular those victims of discrimination and the rights of indigenous peoples and stressed their continued commitment in this regard.

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

326. Cuba made reference to far reaching changes made in recent years which aimed at making social justice and dignity a reality for all Bolivians. Cuba noted that Bolivia was advancing firmly towards constructing a society based on social equality, fairness and harmony where discrimination and exclusion had no place among its peoples and nations. Cuba noted that the remarkable progress made in the effective enjoyment by all of human rights, were indisputable achievements. Cuba congratulated Bolivia on its positive results and reassured it of its willingness to continue working together for the well-being of its people and all those aiming at reaching justice.
327. Algeria noted the positive response of Bolivia to almost all recommendations, reflecting the importance that Bolivia attaches to the universal periodic review. Algeria expressed its appreciation for the acceptance by Bolivia of the recommendations made by Algeria and indicated its satisfaction that these are either already implemented or in the process of implementation. Algeria welcomed the additional voluntary commitments made by Bolivia, more particularly those related to the further implementation of the National Human Rights Action Plan. Algeria wished Bolivia success in the implementation of recommendations.
328. The Bolivarian Republic of Venezuela referred to the historic roots that unified both countries. Venezuela noted Bolivia's presentation of the profound social changes with absolute respect for human rights. Venezuela reiterated its satisfaction at Bolivia's openness and availability to dialogue. It also highlighted the acceptance by Bolivia of almost all recommendations, most of which have been already implemented. In conclusion it encouraged Bolivia to continue consolidating the process of change in favour of its noble people and reassured Venezuela's committed and fraternal support to this endeavour.
329. Malaysia noted with appreciation that 78 recommendations out of 79 were accepted by Bolivia which had started implementing a number of them. It noted the openness and flexibility of Bolivia's approach to the UPR as a testimony of its commitment to ensure the full enjoyment of all human rights by its people. Malaysia referred to the significant challenges Bolivia faces as it strives to ensure that its people continue to reap the benefits from the globalization and development.
330. Pakistan expressed its deep appreciation for the constructive role played by Bolivia during its term as a member of the Human Rights Council. It highlighted Bolivia's strong commitment by accepting almost all recommendations and noted with appreciation that 67 out of 78 recommendations had either already been implemented or are in the process of implementation. Pakistan further referred to the voluntary pledges and commitments made

by Bolivia, a testimony of its genuine efforts towards promoting and protecting the human rights of its citizens. It hoped that Bolivia would continue its efforts and share its good practices for ensuring economic, social and cultural rights with the international community.

331. Nicaragua thanked Bolivia for its presentation on the work being carried out for the implementation of the UPR recommendations. It referred to Bolivia's frank acknowledgement of all the work that needed to be done, as well as to its cooperation at the Human Rights Council during its membership. Nicaragua referred to the common victories and challenges that it shared with Bolivia, referring to this country as an example of the good practices for Nicaragua. It expressed its wish to continue to work hand in hand with Bolivia to continue promoting and protecting the rights of all.
332. The United States of America welcomed Bolivia's acceptance of recommendations on the independence of judiciary, the support to the rule of law, and the more effective enforcement of the criminal prohibition of official corruption. The United States inquired about the specific measures that Bolivia will take to ensure the full implementation of all these recommendations. It welcomed Bolivia's decision to invite the Office of the United Nations High Commission for Human rights to establish an office with a broad mandate in the country. It was pleased to see that Bolivia was implementing its National Plan for the Progressive Elimination of Child Labour and that the Ministry of Labour has been conducting verifications inspections as they were critical steps to address the problem of child labour. The United States required more specific information on implementation measures.

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

333. The representative of the International Coordinating Committee (ICC) on national human rights institutions in Geneva, speaking on behalf of the Defensoria del Pueblo of Bolivia, a full ICC member, noted that the assessment of the human rights situation in the country has been a challenge because it enabled a wide process of dialogue between the Government and civil society in compliance with the Human Rights Council guidelines for the preparation of the national report which took into account the period 2006-2009 and the broad catalogue of rights as enshrined in the Constitution. Significant changes have occurred in social, political and economical policies and one of the major achievements was the measures for the recognition and guarantee of the rights of indigenous peoples. Bolivia was the first State to implement the United Nations Declaration on the Rights of Indigenous Peoples as a law and to incorporate it in its Constitution. Bolivia also has a national human rights action plan elaborated in a participative manner, involving the civil society, and the work done with women, children and other vulnerable groups has been recording progress.
334. Amnesty International (AI) welcomed the focus by many States on Bolivia's justice system and the reforms that are currently being discussed at the national level. In order to ensure that these reforms address the pervasive culture of impunity and the widespread lack of trust in the justice system, AI encouraged Bolivia to ensure that all new measures are underpinned by the principles of independence of the judiciary and the separation of powers, and in line with international standards for fair trial. AI reiterated its call for increased transparency in the reform process noting that this should include, for example, measures to ensure the participation of civil society, including Bolivia's indigenous peoples in consultations on proposals for a parallel indigenous jurisdiction. While acknowledging measures highlighted in the national report regarding the exhumation of victims of enforced disappearances, AI encouraged the Government to make available archives dating back to the period of military and authoritarian rule. Finally, AI urged the Government to ensure that free, prior and informed consent of indigenous peoples is sought in relation to reforms that affect them.

335. Mouvement contre le racisme et l'amitié entre les peuples (MRAP), in a joint statement with France Libertés and International Educational Development, noted that the first UPR of Bolivia allowed them to become acquainted with the internal and external difficulties that the Government faces. With the adoption of the new Constitution, the national plan of action for human rights, the national development plan, Bolivia has entered the small group of countries which have placed human rights in the heart of policy and Government action. MRAP highlighted the organisation of the Cochabamba Conference following the failure of the United Nations Conference of Climate in Copenhagen and noted that successes already achieved in several areas such as integration of indigenous peoples, minorities, women, education, health, nutrition, justice and the distribution of income from the national resources exploitation must encourage Bolivia to pursue these efforts. These successes should also incite neighbour countries to accompany these efforts rather than to undermine them.
336. The Indian Movement "Tupaj Amaru" noted that following the taking office by the political party Movement towards Socialism headed by a President of indigenous origin, the working class and the indigenous peoples placed too many hopes in the national liberation. In the period 2006-2008, the GNP exceeded 5% par annual average but the result of this economic growth is not manifested in real life. According to some NGOs, the extremely poor still represent 61% of the rural population. In urban centres, poverty and begging are constantly on the rise. According to the Inter-American Commission on Human Rights, more than 600 indigenous families from the Guarani people still live and work in slavery conditions and are subjected to servitude relationships, which shows that the first indigenous President does not have enough power to end with the slave enclaves in place in territories controlled by the political opposition elite which governs in the regions.
337. Conectas Derechos Humanos and Coalición de Mujeres de Bolivia welcomed the acceptance of recommendations related to the rights of women and expressed appreciation of progress made. In respect of the Bono Juana Azurduy concerning the reduction of maternal mortality, these measures should be accompanied by education and information policies in decision making on reproduction. Concerning political participation, knowing that the National Assembly is dealing with the electoral regime, it is important to guarantee the effective participation of women. In relation to access to justice, there is a concern that the rights of women in the regular legal system as well in the rural justice are not respected. Compliance with all rights of women and recommendations made by UPR will not be possible without drawing up budgets which are gender-based to assign more resources at the local, departmental and national levels to respond to demands from women organisations and urgent and effective attention to cases of violence against women.
338. Action Canada for Population and Development (ACPD) conveyed the comments of a coalition of 67 national human rights organizations. It noted that the accepted recommendations, as well as the voluntary pledges and commitments made by the State are very important. It noted as positive the recent extension of the mandate of the OHCHR in Bolivia. It underlined that the recommendations should be implemented within the framework of the national human rights action plan and that sufficient resources should be made available. In the area of economic and social rights, as recommendations are expressed in general terms, the State will have to set targets and goals. The organizations shared the view of the recommendations calling for the harmonization of national legislation with international human rights standards. It agreed with the importance of promptly restructuring the judiciary within the framework of the Constitution, guaranteeing its independence and also that of other institutions dealing with the protection of human rights. The organization highlighted the disagreement about the means to ensure the eradication of child labour, an inadmissible exploitation, which would require providing employment to the parents. There is also a need to comprehensively address the situation of street children. It regretted that the needs of specific groups such as older persons and Afro-Bolivians have

not been specifically addressed. It further noted that human rights organizations will monitor the compliance with the recommendations.

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

339. In concluding, Bolivia thanked all delegations, as well as representatives from the civil society that had taken the floor on this occasion.
340. The delegation indicated that the National Human Rights Council, with the participation of the civil society, is the coordinating body responsible for the follow up on all commitments made in the context of the universal periodic review.
341. Bolivia was undergoing a process of transition with a view of constructing a plurinational State and building its own national identities. Although it acknowledged that much could still be done, Bolivia was working towards an inclusive society without discrimination of any form and was implementing all necessary measures to improve the enjoyment of all human rights.
342. Bolivia was a colonized country which was now working for the decolonization and the elimination of patriarchal structures, to include indigenous and women in the political decision-making processes. The Government was pursuing efforts to ensure that women are represented in 50% of all decision-making positions of the Government.
343. Finally, the Bolivian delegation referred to the interconnection between human rights and the mother's earth rights, affirming that it was not possible to defend human rights without considering the environmental crimes of which we were all victims. Changing the development model from savage capitalism to one that is harmonious with the mother earth was a human rights obligation as international law requires that States take all necessary measures to protect the right to life.
344. Bolivia reaffirmed its commitment to the defence of mother earth's rights in the same way it is committed to the defence of human rights, and asked the support of the international community in this regard.

#### **Fiji**

345. The review of Fiji was held on 11 February 2010 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:
- (a) the national report submitted by Fiji in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/7/FIJ/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.6/7/FIJ/2); and
  - (c) the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/7/FIJ/3).
346. At its 23rd meeting, on 10 June 2010, the Human Rights Council considered and adopted the outcome of the review on Fiji. (see section C below).
347. The outcome of the review on Fiji is constituted of the report of the Working Group on the Universal Periodic Review (A/HRC/14/8), together with the views of Fiji 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/14/8/Add.1).

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

348. The delegation of Fiji reported that, given the gravity of the recommendations received, a national consultation was convened to ascertain the views of NGOs and civil societies, to gain an alternative appreciation of how they perceive the recommendations, and to state how they would or could assist the Government in implementing some of the suggested recommendations. A further consultation was convened with all the relevant Government ministries and agencies, which will be responsible for implementing the recommendations.
349. A special mention was made to the cooperative participation of two of Fiji's prominent women advocacy groups, the Fiji Women Rights Movement and the Fiji Women Crisis Centre. The delegation recalled that Fiji, during the UPR Working Group, specifically singled out these two organizations highlighting their refusal and non-participation in the consultations leading up to and during the drafting of Fiji's national report.
350. The delegation stated that out of a total of 103 recommendations, Fiji had accepted 97 (94%), while 6 recommendations were unacceptable to the Government.
351. In relation to Recommendations 1 to 7 on ratification, and Recommendation 9 on alignment of national legislations, the delegation clarified that certain pertinent factors must be assessed before ratification to ensure that Fiji meaningfully participates and fulfils all obligations. Hence, Fiji has set for itself a timeframe of 10 years wherein it will endeavour to implement all core human rights conventions.
352. In relation to Recommendation 8 on abolition of the death penalty in the Military Code, the delegation stated that Fiji had removed the death penalty from its Criminal Code. The abolition of the death penalty from the Military Code was a matter currently under consideration, and the death penalty under the Military Code had never been exercised in the past.
353. On Recommendation 11 on the restoration of constitutional rule, the delegation clarified that Fiji had set for itself a timeframe for return to parliamentary rule. Under the Roadmap for Democracy and Sustainable Economic Development Framework, Fiji will hold elections in 2014. There would be no negotiation on this timeframe and the Government was committed to fulfil all its reform agenda leading up to 2014. Fiji requested the cooperation of the international community towards this end.
354. On Recommendation 12, the delegation stated that Fiji was endeavouring to uphold and respect the rule of law, confirming that Fiji was not considering reinstating the 1997 Constitution.
355. The delegation also stated that Fiji's Parliament was scheduled to be reconvened following the general elections in 2014. A call for elections in 2010 was impractical. Fiji has a legitimate authority in the Government under a new legal order, and the Government has total and effective control of the country, which continues to guarantee and protect the rights of its citizens, and will not reinstate the abrogated authority.
356. The delegation reiterated that the Government, through the enactments of various decrees, had endeavoured to ensure the protection of human rights in domestic laws. However, Fiji would not be reinstating the 1997 Constitution nor the judges and other judicial officers that were removed by the President in April 2009.
357. In February 2010, Fiji had announced that it would lift the Public Emergency Regulation as soon as the Fiji Media Decree is promulgated. Consultations on the new Media Decree had been completed, and a new text, which had taken into account suggestions received, had been drafted and the new Law was awaiting the Cabinet's endorsement.

358. The delegation clarified that Fiji would not revoke the Fiji Human Rights Decree as it was the only legislation ensuring the continued existence of the Fiji Human Rights Commission. The Government was committed to implementing this Decree and to filling vacancies that continue to exist, mainly due to travel restrictions currently imposed by a few of Fiji's neighbours.
359. The delegation stated that Fiji would cooperate fully with any special rapporteur wishing to visit the country stressing that Fiji prefers to receive requests prior to such visits.
360. The delegation added that any investigation could not proceed unless an official complaint has been received by the relevant authority.
361. The delegation further clarified that Fiji had an independent and well functioning judiciary and the reinstatement of judges, magistrates and other judicial officers removed in April 2009 would not be necessary.
362. The delegation stated that Fiji considered Recommendation 90 not acceptable for political, administrative and security reasons.
363. The delegation stated that Fiji saw the usefulness of the Human Rights Council processes, which includes inter alia, providing an opportunity for all States to declare what actions they have taken to improve the human rights situations in their countries, identifying and addressing the challenges to the enjoyment of human rights and sharing information and good practices on how to overcome violations wherever it occurs. The delegation further underscored that from such an approach and perspective, the sovereignty of a State under review would be respected, that the culture and idiosyncrasies of the people of the State would be respected, that the stage of socio-economic and political development, and constrains of the State under review would be recognised and understood.
364. The delegation stated that Fiji was a very young nation in a period of political transition. A better appreciation of Fiji and its history could certainly be an effective vehicle for marshalling wider support to address more urgent and pressing social human rights issues, which on many instances tended to be placed on the back-burner, or completely ignored when discussing human rights issues of a member State. In this connection, the delegation referred to such rights as the right of a child to have access to quality education, proper medical care services and proper infrastructure. The delegation further stated that effectively addressing these social human rights issues would go a long way to creating a lasting, stable and healthy democratic environment.
365. The delegation reiterated that the political landscape in Fiji had significantly changed from April 2009 after the abrogation of the Constitution, and Fiji was now being governed under a new legal order: the Government had total and effective control of the country. The reality of the situation in Fiji needed to be understood to assist the Government in its efforts to put in place necessary legal instruments and vital processes to hold fair and truly democratic elections, by 2014.

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

366. The United States of America invited Fiji to provide further clarification on why recommendations, particularly recommendation 17, which Fiji considered impractical, were rejected. It urged Fiji to reconsider its rejection of the U.S. recommendation to ensure that human rights are explicitly protected in domestic law, including the reinstatement of the 1997 Constitution and the immediate restoration of a transparent and independent judiciary. It looked forward to information on the progress made to ensure that human rights are protected in domestic law with specific regard to the recommendations that Fiji take immediate steps towards holding democratic elections. It welcomed the acceptance of ending media censorship and the repeal of the 2009 Public Emergency Regulation. It asked

for feedback on the progress of the repeal. It reiterated support for the creation of an environment conducive to allowing civil society to develop.

367. The United Kingdom of Great Britain and Northern Ireland encouraged Fiji towards the early implementation of the recommendations. It welcomed that some stakeholders were consulted for the preparation of the review and hoped to see continued engagement with civil society in the follow-up to the review. It was pleased that its recommendations were accepted, particularly those requesting: that the interim government instigate an open national dialogue leading to credible elections; that the Public Emergency Regulation and any policy restricting freedom of media or the rights of freedom of association or movement be lifted; and that the administration should allow visits by special rapporteurs. It reiterated the need to revoke the Fiji Human Rights Decree so that the National Human Rights Commission can be allowed to properly conduct investigations.
368. Algeria stated that the cooperation and friendship between Fiji and Algeria would be enhanced by their recent agreement to establish diplomatic relations at the ambassadorial level. Algeria appreciated Fiji's acceptance of most of the recommendations, including 4 of the 5 recommendations formulated by the Algerian delegation. Algeria acknowledged the challenges faced by Fiji and reiterated the importance of the reinstatement of the rule of law for the promotion and protection of human rights in the country. It also highlighted that enhanced efforts aimed at tackling poverty would be needed for ensuring better living conditions for the Fijian population.
369. Morocco recalled that the objectives of the UPR include cooperation in the promotion and protection of human rights and strengthening the capacities of States calling upon the international community to demonstrate understanding during this period of political transition and to help Fiji carry out the necessary reforms. Morocco reiterated its appeal to States to respond to Fiji's request for support to implement the Road Map for Democracy and Sustainable Economic Development. It stressed that the assistance of the international community, together with the efforts of the authorities and the people of Fiji, would make it possible to tackle the underlying causes of political instability.
370. Canada was concerned with the overthrowing of the democratically elected government in 2006. Canada deplored the abrogation of the Constitution and the subsequent decisions by the interim government to dismiss the judiciary, as well as the lack of legitimacy of the presidential decree. It welcomed the intention to commence a national dialogue process to return to democracy and constitutional rule recommending it be broad-based with political parties and civil society. Canada welcomed the acceptance of Fiji to repeal the Public Emergency Regulations and encouraged establishment of the conditions to allow for freedom of expression, assembly and democratic dialogue. It was concerned about the plan to introduce a Media Decree.

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

371. Amnesty International considered that the human rights situation in Fiji had not improved since the review in the working group. It was concerned by the draft measures establishing a media tribunal empowered to imprison and impose hefty fines on journalist and editors up to five years. It welcomed the announcement of revoking the Public Emergency Regulations and the acceptance of the recommendations concerning discrimination and violence against women. It was concerned about the arrest, detention and charging of ministers and officials of the Methodist Church under the Public Emergency Regulations. Amnesty International was concerned about the ongoing prosecution of human rights defenders, particularly Ms. Imrana Jalal, whose case it believed to be linked to politically motivated charges.
372. Women's International League for Peace and Freedom reiterated the need to restore democracy and constitutional rule, and to put an end to media censorship and the

intimidation and persecution of critics of the interim government. While noting efforts towards reducing violence against women, it highlighted that such reforms must take place within a democratic process. In this context, it called upon Fiji to take immediate steps towards an inclusive national dialogue leading to early and credible elections and the return to democracy. It also called upon governments to maintain their targeted sanctions against individuals who constitute the architecture of human right abuses in Fiji and deter progress in the implementation of the UPR recommendations, particularly the restoration of the rule of law. Further, it called for the removal of the Public Emergency Regulation and the restoration of the Bill of Rights.

373. The World Association for the School as an Instrument of Peace echoed many States in encouraging Fiji to ratify the core human rights conventions and issue a standing invitation to special rapporteurs. It also stressed the importance of the Fiji Human Rights Commission's conforming to the Paris Principles. It reiterated the need to end the Public Emergency Regulation, the harassment of human rights defenders, and the interference with the judiciary. It further highlighted the need to reinstate the Constitution and discontinue the Media Decree, and to hold an early election. It expressed support for integrating human rights education into the curriculum, and for Fiji's participation in a future regional human rights body for the Pacific. It further encouraged Fiji to continue to participate in the Polynesian Talanoa process.

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

374. Upon the request of the President of the Human Rights Council, the delegation clarified that Fiji noted Recommendations 13, 14, and 24. The delegation further clarified that Fiji accepted the first part of Recommendation 17, but found it difficult to accept its second part. The delegation reiterated that a new Media Decree will be promulgated as law in the near future, and the Government was firm on the proposed general elections by 2014. The delegation further stated that it could not comment on the case of Ms. Imrana Jalal as the case was currently before the court.

#### **San Marino**

375. The review of San Marino was held on 15 February 2010 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

- (a) The national report submitted by San Marino in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/7/SMR/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.6/7/SMR/2); and
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/7/SMR/3).

376. At its 23rd meeting, on 10 June 2010, the Human Rights Council considered and adopted the outcome of the review on San Marino (see section C below).

377. The outcome of the review on San Marino comprises the report of the Working Group on the Universal Periodic Review (A/HRC/14/9), together with the views of San Marino 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/14/9/Add.1).



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

378. The delegation of San Marino indicated that, back in February 2010, San Marino accepted 11 recommendations and rejected 13 others, while 32 pending recommendations had been examined over the past three months. The relevant responses were contained in the addendum to the report (A/HRC/14/9/Add.1).
379. The Government of San Marino has examined all pending recommendations in light of its applicability to the San Marinense context. In this regard, recommendations relating to accession to international instruments involved the acceptance of shared values but also monitoring of their implementation and reporting to monitoring bodies. The last aspect presented difficulties due to extremely limited human recourses in San Marino.
380. As a consequence, San Marino did not accept recommendations related to the accession to the Optional Protocol to the international Covenant on Economic, Social and Cultural Rights, the International Convention for the Protection of All Persons from Enforced Disappearance and to some ILO Conventions. San Marino did not accept to accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families as it seemed to be unsuitable for the features and legal order of San Marino.
381. However, San Marino accepted to undertake to accede to the Optional Protocol to the Convention on the rights of the Child on the Involvement of Children in Armed Conflicts and to the Convention on the Prevention and Punishment of the Crime of Genocide and will notably include the crime of genocide into its criminal code.
382. San Marino also accepted to address the issue of timely reporting to human rights monitoring bodies and will do its utmost to submit one report a year. The delegation added that San Marino was updating its legislation with particular attention to vocational training of all persons who dealt with health, social and educational services destined to ill, disabled persons, the elderly and children.
383. San Marino accepted all recommendations relating to children and was committed to introduce a new legislation to eliminate the concepts of “natural” and “legitimate” children, although no substantial discrimination was made in legislation between these two categories of children. San Marino agreed to amend its criminal code to abolish corporal punishment in all settings and to raise the minimum age of criminal responsibility from 12 to 14.
384. There were some recommendations that San Marino was not in a position to accept, as further discussion was needed in the years to come. This is notably the case of the establishment of a national independent institution for the promotion and protection of human rights and of the legislation on citizenship and naturalisation. Regarding the latter issue, a draft law will be submitted to the Parliament this year.
385. The delegation of San Marino thanked all those who took the floor for their recommendations and comments, including those which will be made thereafter and will report to the authorities.

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

386. The United States of America commended San Marino for the conscientious manner it addressed the 56 recommendations made during the working group session and for the detailed explanation provided on them, all of which were the reflection of the government’s commitment to human rights. It especially appreciated the response of San Marino to the recommendations that the country strengthen its protection for persons with disabilities, and increase efforts to combat violence against women.

387. Algeria commended San Marino for its commitment to the UPR. It appreciated that San Marino, in spite of the lack of human resources, endorsed the recommendations by Algeria related to the issue of overdue reports which reflected its willingness to collaborate with human rights monitoring bodies. While noting the rejection of the recommendation to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Algeria encouraged San Marino to ensure full protection to migrant workers by complying with the recommendation No. 1737 of 2007 adopted by the Parliamentary Assembly of the Council of Europe. Algeria stated that it would appreciate if San Marino accepted its recommendation on a national human rights institution.
388. Italy noted that San Marino's commitment to the universal periodic review was a further proof that the review was a fundamental instrument of the Human Rights Council since it provided a framework in which all states, no matter big or small, could establish a dialogue with their peers. Italy noted with appreciation that San Marino accepted many of the recommendations made during the review in the working group and that detailed explanation were provided regarding all recommendations. It mentioned that Italy would look forward to the implementation of accepted recommendations.

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

389. Federatie van Nederlandse Verenigingen tot Integratie Van Homoseksualiteit (COC-Nederland) noted that San Marino was not able to accept recommendations No. 20 and 21 calling on San Marino to ensure access to equal rights and to the same level of protection to people belonging to sexual minorities. COC-Nederland referred to contradicting statements by San Marino as to whether sexual orientation and gender identity were a ground of discrimination in domestic law. It asked San Marino to clarify whether and how discrimination against LGBT people was explicitly reflected in existing awareness raising activities, education and training programs. COC-Nederland recommended that the Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity be applied as a guide to assist in policy-making.

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

390. The delegation of San Marino recalled that it will report to the Government on the debate. It mentioned that the UPR was an occasion for a comprehensive assessment of the human rights protection and promotion, as (i) the State under review was called to critically consider the progress made, (ii) members and observers States of the Council mutually examined what had been done and what still needed to be done to improve the national system; and (iii) the civil society had the privilege to observe the behaviour of the State under review, make its own assessment and suggest the interventions it deemed necessary.

### **El Salvador**

391. The review of El Salvador was held on 9 February 2010 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:
- (a) The national report submitted by El Salvador in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/7/SLV/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.6/7/SLV/2); and
  - (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/7/SLV/3).

392. At its 23th meeting, on 10 June 2010, the Human Rights Council considered and adopted the outcome of the review on El Salvador (see section C below).

393. The outcome of the review on El Salvador comprises the report of the Working Group on the Universal Periodic Review (A/HRC/14/5), together with the views of El Salvador 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/14/5/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**

394. The delegation of El Salvador recalled that out of the 118 recommendations put forward during the Working Group, 78 were immediately accepted, while 40 were left for further consideration and internal consultation. The Government of El Salvador submitted a written response with its position regarding these recommendations (see A/HRC/14/5 Add. 1).

395. The delegation indicated that it accepted recommendations 1 to 19, 23 to 26 and 39.

396. Regarding the ratification of several human rights instruments, El Salvador will abide by the Constitutional provisions and competencies and proceed with a process of internal consultations including civil society. Regarding OP CEDAW, the Protocol was signed on 2001 and is under consideration of the Legislative Assembly since then. Nevertheless it noted that there has been an intense debate and opposition from some sectors to the Optional Protocol.

397. The Government is taking the necessary steps to allocate necessary funds to address the recommendations related to children and adolescents (recommendations 20, 32 and 33).

398. The delegation also expressed its support to recommendation 22 on discrimination based on several grounds, since the Government has the intention of incorporating populations that have been historically marginalised. It also accepted recommendation 21 on the universal provision of identity documents.

399. Recommendations 28, 30 and 31, on the duration of preventive detention and prison conditions, were also supported by El Salvador.

400. El Salvador also provided comments in relation to recommendations on the right to health (34, 35 and 36) and described steps taken for their implementation. .

401. Support was expressed to recommendation 29, on criminal investigations and corruption, recommendation 40, on migration legislation and recommendation 38, requesting the adoption of a national plan for land management.

402. The delegation explained that the Government will promote a wide national dialogue with all stakeholders regarding women reproductive health and the implications of the restrictive legislation on abortion (recommendation 37).

403. The delegation noted that the Government has publicly acknowledged that enforced disappearances occurred during the armed conflict, with the direct or indirect participation of State's officials. Furthermore, a national commission for reparations of victims of human rights violations in the context of the armed conflict has been set up. In this context, the Government will take into account the recommendations of the Working Group on Enforced Disappearances (recommendation 27).

404. Finally, the delegation informed that the Government is studying and consulting with relevant stakeholders the recommendations of the Committee against Torture regarding the prevention and punishment of torture and ill treatment (recommendation 28).

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

405. United States of America appreciated the conscientious manner with which El Salvador had approached the UPR recommendations and the detailed explanations provided. It welcomed El Salvador's support for several of its recommendations, including the enactment and enforcement of laws; the implementation of programs directed at combating discrimination and promoting the rights of indigenous people; the development of concrete plans to control abuses perpetrated by gang inmates against other prisoners and to address the corrupt practices of prison officials and; the implementation of reforms for facilitating credible and responsible criminal investigations that respect human rights and for eliminating judicial corruption. It commended El Salvador for supporting recommendations to ensure the establishment and full operation of a national Commission to search for children who disappeared during the internal armed conflict.
406. Algeria commended the government of El Salvador for the quality of its national report which involved the participation of a number of stakeholders. It appreciated El Salvador's commitment to the promotion and protection of human rights and encouraged it to continue the efforts to consolidate peace, promote human rights and ensure that events of the past would not happen again. Algeria noted that two of its recommendations were accepted and wished to hear again the position of El Salvador to a third recommendation relating to areas exposed to natural disasters (recommendation 38).

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

407. The representative of the International Coordinating Committee (ICC) of national human rights institutions in Geneva, speaking on behalf of the Procuraduría para la Defensa de los Derechos Humanos (PDDH) of El Salvador, a full member of the ICC, indicated that El Salvador has assumed important commitments for the promotion and protection of human rights. He urged them to exhaustively follow-up on all recommendations. The representative indicated that one of the burning problems in El Salvador was public insecurity. He urged the State to adopt adequate criminal policies and plans of action in this regard and encouraged it to intensify its efforts towards the promotion of a culture of human rights, incorporating human rights in the educational curricula at all levels. The representative further noted that during the presentation of its report, El Salvador had informed about the establishment of a National Commission for the reparation of victims of the armed conflict. He congratulated the Government for this measure and recalled the recent recommendation made by CAT on the urgent need to bring to justice those responsible for grave violations occurred during the armed conflict, as well as to establish a special fund to compensate the victims. The PDDH encouraged El Salvador to conduct broad internal consultation processes, including the civil society and the PDDH, with a view to the possible ratification of the international human rights instruments. The PDDH noted with satisfaction the voluntary pledges and commitments made by El Salvador with regard to the rights of women and urged the State to comply with these commitments.

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

408. In response to Algeria, the delegation of El Salvador made clear that recommendation 38 has been accepted.
409. In conclusion, the delegation expressed that the Salvadorian Government wanted to avoid any ambiguity regarding recommendations that, without being rejected, are subject to a process of consultation consistent with its legal and constitutional framework. The delegation would have been pleased to say that those recommendations that are in the process of being considered or implemented have been accepted. In fact, this is the political will of El Salvador and the delegation wished the Council would consider this position as a valid explanation.

## Angola

410. The review of Angola was held on 12 February 2010 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

- (a) The national report submitted by Angola in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/7/AGO/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.6/7/AGO/2); and
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/7/AGO/3).

411. At its 24th meeting, on 10 June 2010, the Human Rights Council considered and adopted the outcome of the review on Angola (see section C below).

412. The outcome of the review on Angola comprises the report of the Working Group on the Universal Periodic Review (A/HRC/14/11), together with the views of Angola 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**

413. The delegation stated that 166 recommendations were made during the review of Angola, which can be divided into three categories. The first category of recommendations related to international conventions. In this regard, Angola was pleased to accede to various international instruments for the promotion and protection of human rights. The second category related to special procedures and the request to issue them a standing invitation. The third category related to the Millennium objectives regarding gender and the implementation of the Convention on the Rights of the Child.

414. The delegation stated that Angola has lived through difficult periods of its history. The experience acquired from these periods enabled Angola to begin a new cycle of which it was particularly proud. This is characterised by the adoption of a new constitution which marks the end to the period of transition and established definitively the idea of a democratic rule-based state which regards human rights as a factor for structuring growth and development.

415. The delegation stated that many of the concerns raised during the interactive dialogue and expressed through the recommendations, were not only covered by the Constitution and by the wide range of existing national legal instruments, but were also being implemented in the context of the various government programmes, among them, the national strategy for combating poverty.

416. The delegation stated that Angola accepted most of the recommendations. However, it expressed reservations with regard to recommendations 36, 37, 38, 39, 43, 44, 98, and 99. In relation to recommendations 36, 37, 38 and 39, all of which related to a standing invitation for special procedures, the delegation indicated that collaboration with the Council's procedure mechanism and also with the Working Groups and Treaty Bodies, stems fundamentally from the undertakings assumed already, based on the idea that cooperation is needed if dialogue was to be deepened within the context of the Council itself. Angola has reaffirmed its cooperation at its re-election to the Council. However, this cooperation cannot be established outside the limits which were inherent to the principles established by the Charter of the United Nations. This being the case, invitations to the special procedures

mechanism of the Council should only be initiated when the related missions are designed to deepen cooperation and strengthen institutional capacity, when the special rapporteurs undertake their activities within the strict limits of their mandates, and when the visits are organised with the consent of Angola and the programme and time tables approved by the Ministry of Foreign Affairs.

417. In relation to recommendations 43 and 44 which refer to cooperation with OHCHR, the delegation stated that Angola had excellent relations with the Office of the Resident Coordinator in Angola. It stressed that a strengthening of cooperation must take place within the context of the undertaking made by Angola when it was elected to the Council, which undertaking related to the accession of international instruments, the cooperation with procedural mechanisms and the submission of reports to Treaty Bodies.
418. In relation to recommendations 98 and 99, the delegation stated that it was important to bear in mind that Angola's legislation only recognised heterosexual and monogamous marriages. Additionally, the Constitution only makes reference to heterosexual and monogamous marriages. Moreover, there is no reference in Angola's national law to the criminalization of homosexuality and therefore recommendations 98 and 99 cannot be implemented within this context.

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

419. The United States of America expressed appreciation for the explanations given by Angola for its acceptance or rejection of the recommendations that had been made, and urged Angola to reconsider its rejection of the recommendation to decriminalize consensual same sex activities between adults. It welcomed Angola's willingness to strengthen the protection of journalists against harassment, attacks and arbitrary detention, and to establish fair and transparent media licensing procedures. It also welcomed Angola's acceptance of the recommendation to consider a partnership in the Extractive Industries Transparency Initiative and appreciated Angola's willingness to consider ratifying the United Nations Convention against Transnational Organized Crime and the Protocol thereto.
420. Algeria congratulated Angola for its re-election to the Human Rights Council and welcomed the commitment of the Government to the promotion and protection of human rights, as demonstrated by the progress in the realization of economic, social and cultural rights. Algeria called on the international community to continue to support Angola in strengthening its achievements.
421. Democratic People's Republic of Korea noted that in spite of the difficulties and challenges following the devastating war which caused tremendous damage, Angola successfully carried out plans for reconstruction and stability while attaching greater importance to the promotion and protection of human rights. It noted that a series of strategies and measures taken by Angola in many areas have been recognized by the Working Group and appreciated the commitment and positive efforts made in the area of promotion and protection of human rights.
422. Cuba noted that during the review of Angola light had been shed on efforts made by Angola to fight discrimination, to protect the rights of women, children, disabled persons and the elderly and to ensure the rights to health, education and work while reducing poverty. Cuba referred to the considerable progress achieved by Angola in promoting the full enjoyment of human rights by all persons. It stated that activities undertaken were evidence of the commitment by Angola to implement the recommendations and develop plans and programs to increase the well-being of its people. Cuba referred to its strong links of friendship and solidarity with Angola and congratulated Angola on its achievements.
423. Sudan noted that Angola's commitment to promote and protect human rights of its people was reflected by the adoption of many human rights instruments. Sudan underlined efforts in

- combating crime and trafficking in persons, consolidating peace, improving health, enhancing living standards, eliminating poverty and providing drinking water. Sudan called upon the international community to cooperate with Angola so as to help it to achieve the Millennium Development Goals and reduce poverty.
424. Morocco noted the progress made by Angola in protecting and promoting human rights in the context of its human development strategy. It noted that Angola had accepted a significant number of recommendations, including those made by Morocco, on fighting poverty, on the reform of the legal and penitentiary systems and on human rights training. Morocco paid tribute to Angola for its courage and efforts made in confronting the political and economic factors impacting negatively on human rights. It noted that Angola had accorded priority to economic, social and cultural rights, as demonstrated by its 2003 strategy to fight poverty. Morocco encouraged Angola to continue on this path and called on the international community to provide support in this regard.
425. Mozambique noted that Angola was a country that, in the recent past, had endured extended years of war and after the dawning of peace undertook basic steps in order to ensure the creation of a political and social environment based on democratic values and principles that advances and upholds the respect for human rights. It noted that Angola was one of the countries that abolished the death penalty and eradicated arbitrary detentions. It also noted the introduction of the National Strategy to Prevent and Reduce Violence against Children and commended Angola for the relatively high percentage of women in political positions, which was amongst the highest in Africa. Angola was also praised for progress in the field of education, social housing and for its policy to commit the revenues from oil exploration to economic and social development.
426. Belgium noted the voluntary pledges Angola had undertaken in 2007, which included accelerating the process of ratification of the Convention against Torture, which, unfortunately is yet to be ratified. Belgium, which had welcomed the abolition by Angola of the death penalty in 1992, also expressed the hope that Angola would soon ratify the Second Optional Protocol to ICCPR. Belgium thanked Angola for information provided on abuses committed by the security forces in connection with the expulsion of immigrants, noting that this issue was addressed bilaterally with the DRC, with the participation of UNHCR. Belgium invited Angola to implement all recommendations as soon as possible and provide an interim report before the second UPR cycle.
427. Nigeria noted that Angola accepted most of the recommendations made during its review, and emphasised that this was reflective of Angola's willingness to continue to engage with the United Nations system in the area of the promotion and protection of human rights, regardless of the numerous challenges encountered. Nigeria expressed its confidence that Angola will exert all efforts aimed at implementing its national plans and strategies in all areas of human rights in cooperation with the relevant bodies and mechanisms.
428. South Africa congratulated Angola on its achievements made since the restoration of peace, noting in particular initiatives aimed at reforming the judiciary and improving access to justice. It noted that Angola had adopted a Constitution this year and stated that the approach taken by Angola, which was rooted in the objective of consolidating democracy and the rule of law, would progressively enable the Government to fulfill its international human rights obligations. South Africa also highlighted the adoption of nationality laws which ensured that no child born in Angola would be deprived of Angolan citizenship.

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

429. Human Rights Watch (HRW) expressed concern about the continuation of restrictions on the right to freedom of expression as well as restrictions on the rights to freedom of assembly and association. HRW was particularly concerned about arbitrary and politically

- motivated arrests of prominent human rights defenders, civic activists and Government critics in the enclave province of Cabinda. It urged Angola to urgently ratify the CAT and encouraged the Angolan Parliament and Constitutional Court to immediately revise abusive national security laws. HRW was also concerned about an increasing wave of mass forced evictions without adequate compensation or alternative housing and the Government's practice of obstruction or unlawful ban of public demonstrations against such evictions.
430. Amnesty International welcomed the acceptance by Angola of recommendations aimed at ending forced evictions, but noted that no investigation had taken place following the eviction of more than 3000 families from their homes in March this year, as a result of which seven people had reportedly died. Amnesty International also called on Angola to ratify the Second Optional Protocol to ICCPR, the Convention against Torture and its Optional Protocol, the Convention on Enforced Disappearances and the Optional Protocol to ICESCR. It welcomed that Angola had accepted the recommendations to ensure respect for freedom of expression and freedom of association as well as respect for the work of human rights defenders, noting that this was particularly pertinent in light of the Government's refusal to allow two peaceful demonstrations this year against forced evictions and alleged arbitrary detentions, respectively.
431. Rencontre Africaine pour la Défense des Droits de l'Homme (RADDHO) congratulated Angola for efforts accomplished in consolidating peace and security since the signing of the Lusaka Agreement in 1994 between MPLA and UNITA. RADDHO remained concerned by the violence, ill-treatment, torture, and forced eviction of African migrants in a country which have received the support of all African countries for its independence. It noted that the 1993 Law in relation to the press restricted the freedom and independence of the media. It called upon Angola to take appropriate measures to put an end to the stigmatization of "witch" children. It also called upon Angola to promote human rights education for law enforcement officers and to create a code of ethics for the police forces concerning the treatment of detainees.
432. Organisation pour la Communication en Afrique et de Promotion de la Coopération Economique Internationale – OCAPROCE Internationale and partner organizations, referred to recommendations and observations with regard to primary school education, and noted that the access of girls to school education was still constrained by social prejudice. OCAPROCE called on the Government to strengthen the promotion and protection of the rights of women and children, while congratulating Angola on its achievements in this regard. OCAPROCE also encouraged the Government to further pursue its efforts towards ratification of the Second Optional Protocol to ICESCR, the Convention on the Elimination of Racial Discrimination and the Convention against Torture.
433. Canadian HIV/AIDS Legal Network referred to recommendations 98 and 99 and called for amendment of the Penal Code and all discriminatory laws that may affect LGBT, as well as the decriminalization of consensual same sex activities. It indicated that the Human Rights Committee had noted that laws criminalizing homosexuality ran against the implementation of effective education programmes in respect of HIV prevention. It urged Angola to immediately repeal discriminatory laws, address underlined stereotypes through education and promote media training.
434. Conectas Direitos Humanos, in partnership with fifteen Angolan human rights organizations, highlighted recommendations in the report concerning civil society organizations, and invited Angola to create a free working environment for human rights defenders. It recommended the protection of victims of forced evictions, the protection of the rights of the most vulnerable groups, the ratification of international instruments and the enactment of a law on human rights defenders. It stressed that special attention should be paid to poverty reduction, education and health care.



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

435. The delegation emphasised that there was no law in Angola which criminalized homosexuality and there cannot be a crime without the law. Since homosexuality was not a crime, Angola cannot decriminalize something that is not criminalized in the legal system.
436. On issue of transnational crimes, the delegation stated that the Angolan Parliament has already approved the Palermo Convention on transnational organized crime, and ratification is in progress.
437. The delegation confirmed that Angola did not accept Recommendations 36, 37, 38, 39, 43, 44, 98, and 99.
438. The delegation stated that it had learnt a lot from the universal periodic review process. It also stated that the enhancing of Angola's cooperation with OHCHR and civil society continued to be a vital factor in the promotion and protection of human rights.
439. The delegation indicated that Angola was recently re-elected for another term to the Council. Angola was a party to the main international human rights conventions and in the near future will be presenting its reports to the Committee of the Rights of the Child, to the Committee on Civil and Political Rights, and to the African Commission on the Human and Peoples Rights. Angola continued to try to live up to its commitments and was always guided by the principle that human rights are an important component of its economic and social development.
440. The delegation expressed its appreciation to Member States, the Secretariat and to all who contributed to achieving a successful session.

#### Islamic Republic of Iran

441. The review of the Islamic Republic of Iran was held on 15 February 2010 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:
- (a) The national report submitted by the Islamic Republic of Iran in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/7/IRN/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.6/7/IRN/2); and
  - (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/7/IRN/3).
442. At its 24th meeting, on 10 June 2010, the Human Rights Council considered and adopted the outcome of the review on the Islamic Republic of Iran (see section C below).
443. The outcome of the review on Iran comprises the report of the Working Group on the Universal Periodic Review (A/HRC/14/12), together with the views of the Islamic Republic of Iran 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/14/12/Add.1 and A/HRC/14/12/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**
444. The delegation of the Islamic Republic of Iran acknowledged that the UPR provided a unique opportunity to review its country's achievements, raise awareness on Iran's practices

and experiences on the promotion of human rights and listen to the viewpoints of states and civil society. Iran's genuine intention in this process was to enhance national capacities for the promotion and protection of human rights.

445. During the review of Iran, the delegation answered to as many questions as time allowed. Some of them remained unanswered. The delegation committed itself that it would carefully assess all contributions and would respond appropriately where important issues remained unaddressed.
446. Consequently, the Government of the Islamic Republic of Iran reviewed all the recommendations made during the 7th session of the UPR Working Group and submitted an addendum with reflections and comments on both the rejected recommendations and those that were pending.
447. The delegation reminded that out of the 188 recommendations put forward during the Working Group, Iran accepted 123, did not support 45 and left 20 for further consultations at the national level. The delegation referred to the addendum for further information (see A/HRC/14/12/Add.1).
448. Nonetheless, it made specific comments on some key issues.
449. The accession to international human rights instruments entails certain legal processes requiring the participation of the Parliament. In fact, the Parliament constantly reviews and evaluates accession to international conventions in light of domestic laws. Hence, the Government was not in a position to make any prejudgment and predictions concerning the outcome of debates by the Parliament. This is also true when it comes to the amendment or the revision of legislation.
450. Regarding cooperation with the mechanisms of the Council, the delegation mentioned the fact that six visits have taken place so far, within the framework of a standing invitation, demonstrating Iran's intention to promote cooperation with the international human rights mechanisms. Besides, Iran has further consolidated these relations by planning and conducting meetings and direct contacts with the Office of the High Commissioner for Human Rights. In line with this, the Islamic Republic of Iran will prepare and draw up relevant mechanisms for interactions with special procedures.
451. The Islamic Republic of Iran viewed the UPR as a forum for dialogue, cooperation and positive minded engagement characterised by impartiality, constructiveness and accountability. The delegation stated that a number of recommendations could not enjoy Iranian support due to their contradiction with these principles.
452. The delegation concluded by emphasizing the significance of an interactive and cooperative approach in the promotion and protection of human rights as provided for in the UN Charter. In this sense it looked forward to continuing close cooperation with the Council to realize the shared objective of attaining greater global justice, equity, security and development through the enhancement of human rights for all.

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

453. United States of America stressed that arrests of religious minorities had increased and seven Baha'i leaders were on trial for crimes against the State. It noted Iran rejected the recommendation to end discrimination against the Baha'i and that no visits by Special Procedures had occurred since 2006. It acknowledged Iran's acceptance of many recommendations and called for their implementation. It reminded that June 12 would mark the anniversary of Iran's contested election and regretted the violent response against thousands of Iranians who exercised the right to peaceful free expression. It urged Iran to uphold its international commitments.

454. United Kingdom of Great Britain and Northern Ireland expressed surprise that Iran rejected its recommendation to ensure that allegations of abuse, including those following the June 2009 protests, are fully investigated. It stated that, given Iran's confidence in its judiciary process and its rebuff of torture, there could be no reason for rejecting recommendations to facilitate outstanding visit requests of the Special Rapporteurs on torture and on independence of judges and lawyers. It noted ongoing reports of discriminatory practices in Iran, notably against the Baha'i. The UK urged Iran to end juvenile executions, beginning by an immediate stay of them.
455. Norway noted that if it had been able to speak during the review of Iran in the working group it would have expressed concerns over freedom of expression, association and assembly; harassment against human rights defenders; and excessive use of force after the 2009 elections. Norway welcomed Iran's acceptance of a number of recommendations but disagreed that those rejected were inconsistent with the IB package and/or internationally recognized human rights. Norway could not accept the rejection to invite the Special Rapporteur on torture, since the prohibition against torture was absolute and Iran had issued a standing invitation. It called on Iran to implement its human rights commitments and obligations.
456. Kuwait noted that human rights are an area constantly being strengthened in Iran. Kuwait further noted the progress made as part of the UPR process and the cooperation with human rights mechanisms with a view to meeting all the challenges facing Iran in the spheres of economic, social and cultural rights as well as civil and political rights. Kuwait stated that Iran's standing invitation to special rapporteurs to visit the country was a good initiative. Kuwait welcomed Iran's acceptance of recommendations, particularly those concerning pursuing its efforts to improve policies and programmes to improve the rights of women and young girls and protection of the rights of children, including the disabled children.
457. China noted Iran's acceptance of many recommendations and measures being taken to implement them. China welcomed many measures adopted by Iran to promote economic, social and cultural rights, cultural diversity, and inter-cultural dialogue. China noted Iran's campaign against illiteracy, as well as work in the areas of health, education, and protection of social rights with significant progress being made. China fully understood Iran's difficulties as a developing country, particularly the challenges concerning the promotion and protection of human rights. China was convinced that, thanks to the joint efforts of the Government and the people of Iran, and with the support of the international community, Iran would scrupulously implement the recommendations.
458. Pakistan welcomed Iran's resolve to accelerate its efforts to further promote and protect human rights of its citizens. Pakistan noted that Iran accepted 123 recommendations during the UPR Working Group, which confirms the importance Iran attaches to the UPR process. Pakistan further noted that Iran had expressed its readiness to establish a national human rights institution in full compliance with the Paris principles stating that an early operationalization of such an institution could help Iran to improve its human rights system. Pakistan was confident that Iran would take all steps necessary to ensure the protection of the rights of its citizens in accordance with its laws.
459. Algeria noted Iran received 188 recommendations of which 123 were immediately accepted, including three from Algeria. In the spirit of fraternity, dialogue and mutual respect that prevails in the Council, Algeria understood Iran's attitude on the recommendations not accepted. It noted that despite the difficulties faced by Iran in this transitional period, like in other emerging democracies, and despite all the racial, religious and cultural diversity, this society had managed to live in peace and social harmony. It highlighted Iran's progress and encouraged them to continue along those lines.

460. Democratic People's Republic of Korea noted with appreciation the policies and efforts of the Iranian Government aimed at improving the living conditions, and developing socio-political and judicial system, which will enhance the promotion and protection of human rights of all people. It further noted that Iran accepted a large number of recommendations, and had been taking a series of measures to implement them. It stated that Iran had been making progress in the promotion and protection of human rights in spite of all forms of severe difficulties and challenges, including the political pressure and sanctions imposed by foreign forces.
461. Bolivarian Republic of Venezuela was pleased by Iran's cooperation with the UPR, highlighting the broad consultation undertaken for its national report. It noted Iran's success in the review process, despite the difficulties it is facing. Iran was subjected to a siege by the most hostile imperial foreign power, to repeated and unfair sanctions for political motives, under constant threat of aggression and demanded respect for sovereignty and self-determination. It welcomed Iran's replies and its support to a majority of recommendations, highlighting its achievements in health, medical attention and social policies.
462. Cuba welcomed Iran's engagement with the UPR and positive actions undertaken by Iran. It highlighted the strategic plan for development that addresses job creation, education, health, social security, right to adequate housing and cultural rights. It highlighted the impact of spaces for culture and sport, as well as access to primary medical assistance by more than 95% of the population. It noted all achievements despite the impact of unilateral coercive measures imposed on Iran. It noted Iran's actions evidenced commitment to human rights for all.

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

463. Baha'i International Community was deeply disturbed by Iran's refusal of the recommendations relating to ending injustice, persecution and discrimination. It noted the rejected recommendations 15, 39, 40 and 41, which asked Iran to stop discrimination, incitement to hatred and acts of repression against the Baha'i community. It expressed regrets that Iran attempted to mislead the UPR about the treatment of the Baha'i community. Further, it expressed concerns about the fact that Iran continued to have a partial reading of the right to freedom of religion and to refuse to commit to measures that would put a stop to discrimination and persecution.
464. Human Rights Watch was of the view that Iran misled the Council by stating it was implementing recommendations to investigate the post electoral violence of 2009. It noted that even if claims that members of Iran's security forces were being tried in a military court for their abuses were true, the trials were being held behind closed doors. Security forces continue to arrest and convict individuals who allegedly participated in post election unrest, hundreds remain in prison and at least 6 individuals are at risk after their death sentences were confirmed. It noted Iran rejected recommendations alleging they were inconsistent with internationally recognized human rights, existing laws and the IB package. Given Iran's rejection of special procedures' visits, it recommended that the Council remove Iran from the list of countries having issued standing invitations.
465. Amnesty International (AI) noted Iran's rejection of no less than seven recommendations calling for Iran to facilitate visits by specific Special Procedures. AI further noted the continued imposition of severe restrictions on the rights to freedom of expression, association and assembly, targeting students, journalists, political activists, trade unionists, human rights defenders, and members of ethnic and religious minorities. AI noted reports of many being subjected long prison terms, flogging or death in grossly unfair trials, and executions carried out for politically-motivated reasons, stating that these violations appeared to be committed by state officials with virtually total impunity. AI further requested that, acting pursuant to paragraph 37 of the Institution Building Package, an Iran-

specific special procedure be re-established to address the compelling evidence of gross and systematic human rights violations.

466. CIVICUS, World Alliance for Citizen Participation, and Cairo Institute for Human Rights Studies considered the situation of human rights defenders in Iran as one of the worst in the world. It listed five executed political prisoners and human rights defenders in jail. It noted freedom of expression was severely limited. Since the 2009 elections, more than 170 journalists have been arrested among which two prominent female. It noted substantial restrictions to the freedom of association, with civil society organizations often experiencing pressure and restrictions rendering them illegal. It called upon the Council to take decisive action.
467. Sudwind Entwicklungspolitik acknowledged that 123 recommendations enjoyed Iran's support. It noted a national plan for human rights was promised, and should be binding. The Iranian Parliament ratified ICCPR and ICESCR before the Revolution, yet Iran has never implemented these instruments. It noted Iran's record on juvenile executions and called on Iran to ratify CAT and CEDAW. It highlighted Iran accepted to establish a national human rights institution in compliance with the Paris principles. Noting that segregated banks and Universities were announced, it qualified "separate but equal" treatment of women as "gender Apartheid", even worse than the current discrimination upheld in law and practice.
468. Democracy Coalition Project noted Iran's rejection of the recommendation to grant access to special procedure mandate holders. It also remarked Iran's rejection to abolish juvenile executions, in compliance with CRC, and the refusal to ratify CEDAW and CAT. It stated that hundreds of individuals remained in prison on the basis of their opinions and beliefs; continued to suffer torture; and were denied fair trial. It stated that human rights violations, like those which occurred after the 2009 elections, cannot be condoned under the guise of culture to provide impunity. Further, it insisted that the Human Rights Council establish specific follow-up mechanism guided by Article 37 of the Institution Building Package.
469. International Federation for Human Rights Leagues and the Iranian League for Human Rights highlighted that the UPR reflected the appalling situation of human rights in Iran. It noted the harsh repression of peaceful protests. It supported recommendations to: ensure an independent investigation on the elections aftermath; release persons detained for peaceful demonstrations; and ensure that those responsible for are held accountable. It noted seven Special Procedures are awaiting invitation or facilitation of their visit. It regretted that Iran denied human rights violations during its UPR. It expressed concern over Iran's rejection of 28 recommendations as "inconsistent with the IB text and/or not internationally recognized human rights". These, referring to special procedures visits and protection of minorities were based on Iran's pledges and international obligations.
470. Interfaith International, in a joint statement with Rencontre Africaine pour la defense des droits de l'homme and Al-Hakim Foundation, noted considerable achievements in MDGs and positive developments on child custody, increased inheritance rights, promotion of reproductive rights, proportional increase in literacy of girls. It also noted the mandatory and free education for children up to secondary school, and increased access for rural and urban dwellers to living necessities. In addition, Interfaith noted that the death penalty continued to be applied in political cases and disproportionately affected religious minorities. It thus urged Iran to ensure that all minorities can exercise their rights free from discrimination and persecution; to promote freedom of association, freedom of the media, increased political participation, particularly of minority groups.
471. Charitable Institute for Protecting Social Victims stated that the promotion of human rights is a gradual process, and that there were areas where Iran must work hard. Nevertheless progress should not be ignored. In recent years, important developments had occurred on child custody, increased inheritance rights, and equality of women. Increase in literacy and

higher education of girls resulted in 68% of the university population being girls, the increasing presence of women in politics and a change in society's view of women's capacities. It viewed cultural, ethnic and religious diversity in Iran as an example of tolerance in Iran. It also pointed out that talking about prisoners' statistics without much context was not logical.

472. Child Foundation, in a joint statement with Organization for Defending Victims of Violence, noted that the sanctions against Iran prevented business transactions with the country and caused a complete ban on the sales of planes to Iranian airlines. It also noted that in the last 7 years, close to 23% of the victims of air disasters were Iranians. It also considered that the Iranian pharmaceutical industry is indirectly subjected to the exposure of international sanctions against Iran. Child Foundation called upon the United Nations to take measures to remove the sanctions and to use the means of negotiation and diplomacy, since sanctions against countries can have impacts on basic human rights.

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

473. The delegation of the Islamic Republic of Iran clarified that recommendations that are partially accepted referred to legislation amendments that have to follow an ongoing internal process, the outcome of which cannot be prejudged.

474. The delegation objected to some interventions during the interactive dialogue which were considered politically motivated. It reminded that without being liberal or secular, the Islamic Republic of Iran remained a democracy that should be accepted by the international community. Iranian democracy was young -30 years- but has achieved many accomplishments, which the Government wanted to further enhance.

475. The delegation welcomed the engagement of civil society and mentioned that since the Iranian revolution more than seven thousand NGOs have mushroomed in the country. It added that it found some harmony between some NGO statements and the positions of the Governments hosting them, and that this did not seem a mere accident.

476. On the issue of torture, the delegation mentioned that article 38 of the Iranian constitution explicitly banned this practice and considered it as a criminal act. Furthermore, Iran had no objection to join the Convention Against Torture (CAT) with only one caveat, which was the fact that CAT considers torture a legal punishment established by Iran's legislation. However, the Government is studying the issue.

477. The delegation concluded its statement reiterating the standing invitation to the Special Procedures and announcing that it was organizing new missions, including the visit of the High Commissioner for Human Rights, scheduled for 2011.

#### **Madagascar**

478. The review of Madagascar was held on 15 February 2010 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

(a) The national report submitted by Madagascar in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/7/MDG/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.6/7/MDG/2); and

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/7/MDG/3).

479. At its 24th meeting, on 10 June 2010, the Human Rights Council considered and adopted the outcome of the review on Madagascar (see section C below).
480. The outcome of the review on Madagascar comprises the report of the Working Group on the Universal Periodic Review (A/HRC/14/13) together with the views of Madagascar 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/14/13/Add.1).

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

481. The head of the delegation thanked the 24 countries that expressed interest for the protection and the promotion of human rights in Madagascar during the seventh session of the Working Group on the Universal Periodic Review in February 2010, when 84 recommendations were put forward. Out of that number, Madagascar expressed its support to 65 recommendations, rejected 2 and reserved its position on 17.
482. Those 17 recommendations concerned the process of the solution of the crisis; the opening of an independent inquiry on the events linked to the crisis; the release of political prisoners; the abolition of death penalty; the ratification of the optional protocols of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights; eradication of the discrimination against slaves descents and of the cast system; introduction of a mechanism for the prevention of arbitrary detention; dissolution of special intervention units dealing with criminal investigation and detention.
483. The delegation stated that Madagascar was aware of the dangers linked to the ongoing deadlock of the political, economic and social situation and believed that the best way of proceeding was to recur to the people's willingness through free and transparent elections. Along these lines, a road map had been drawn up setting institutions for the implementation of elections and their schedule.
484. The electoral rounds will be prepared, organized and supervised by an independent body, the Independent National Electoral Commission (Commission Electorale Nationale Indépendante), composed by 19 members chosen among representatives of the civil society, the journalists order, the Bar association, trade unions of judges, civil administrators and political parties.
485. With regard to the recommendations on the establishment of an independent inquiry on the events linked to the crisis, on the creation of mechanisms for the prevention of arbitrary detention and the dissolution of special intervention units, Madagascar provided a number of clarifications.
486. The procedures taken by the national judicial authorities had led to the identification of the alleged culprits of the crimes perpetrated along the events of the crisis. They were put on trial before competent correctional courts and victims will have the opportunity to claim reparation for the damage caused. Bearing in mind that these procedures are well advanced, the setting of another inquiry under the supervision of the United Nations and the African Union, supported by international human rights organizations, seemed inappropriate.
487. Concerning arbitrary detention, Madagascar's judicial system included a preventive detention chamber competent to decide on cases of arbitrary detention. On the dissolution of special intervention units, Madagascar clarified that arrest, detention and investigation are, according to the Penal Code, measures carried out by various authorities including judicial police officers and investigatory judges who are competent to decide on detention measures and on information acts in criminal cases. Preliminary investigations and hearing, detention

and judgement respected the rules set by the law. The special intervention units (Force d'intervention spéciale) have no authority to decide on detention measures or prosecution. They intervene, in a timely manner, at the moment of arresting persons suspected of having carried out acts qualified as crimes or offences.

488. While conditions for the abolition of death penalty and the ratification of the Covenants' optional protocols are not yet present, Madagascar will endeavour measures for their achievement.

489. With regard to the eradication of discrimination against descendent of slaves and the cast system, Madagascar noted that historically the country was not a destination for slave trade. Therefore, it was actually impossible to identify slaves' descents. Moreover, Article 8 of the Constitution forbids discrimination based on origin and, as a result, all Malagasies are protected against all discrimination based on the condition of slaves' descents or belonging to a cast.

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

490. The United States of America welcomed Madagascar's acceptance of the US recommendation to define torture in its domestic legislation and to make it an offense with specific sanctions, consistent with its obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It also welcomed its acceptance of the US recommendation to enforce the law on human trafficking. It encouraged Madagascar to accept the recommendations to: restart the four-party "Maputo process" talks with the goal of establishing an inclusive transitional government that would prepare the country for free and fair elections and a return to democratic and constitutional rule: to put in place the transitional institutions foreseen in the Maputo Agreement and hold credible elections leading to the restoration of democracy and the rule of law; and open a credible and independent process for investigating the deaths and the events surrounding the March 2009 military coup.

491. Norway repeated its call for the establishment of the transitional institutions foreseen in the Maputo agreement and the holding of credible elections, leading to the restoration of democracy. Norway also stated that it would continue to follow the status of freedom of speech and freedom of the media, stressing that the media are crucial for ensuring freedom of expression. It regretted that a number of journalists had been jailed last month, recalling that Norway's recommendation regarding the freedom of the media had been accepted by Madagascar in February. It considered these arrests to be inconsistent with this acceptance. While acknowledging action taken in re-instating a ban on rosewood logging, Norway remained concerned about the lack of practical impact on the ongoing unchecked plunder of the biological treasures in Madagascar. It considered that UPR recommendations, if implemented, will pave the way for progress, peace and security in Madagascar.

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

492. Amnesty International welcomed Madagascar's support to the recommendation to release political detainees to cease arbitrary detention and ensure a fair trial for those who are detained and urged the government to ensure its prompt implementation. It was essential that Madagascar give effect to the important recommendation to open an independent inquiry into the deaths and the excessive use of force during the often peaceful, demonstrations in 2009. Journalists and media outlets have been targeted both under President Ravalomanana and after the High Transitional Authority came to power in March 2009. It therefore called on Madagascar to swiftly implement recommendations to guarantee freedom of expression and assembly and to ensure that no one is arrested for exercising those rights. Since Madagascar has not yet abolished the death penalty in law or



ratified the Second Optional Protocol to the ICCPR, despite their de facto moratorium on executions, it also called on Madagascar to introduce a de jure moratorium on executions and to abolish the death penalty.

493. Indian Movement “Tupaj Amaru” stated that Madagascar was living through a political crisis, which was having unprecedented and dramatic consequences for its people. Approximately 500,000 people have been suffering from unemployment since the beginning of the crisis. Unfortunately, the de facto authority was defying the international community and focusing on a unilateral agenda. Since 26 January 2009, several hundred people had been killed or disappeared or become victims of arbitrary arrests. Recently, the political police, known as FIS, of the de facto authority, which has no legal status, had stepped up arbitrary arrests, persecution of political personalities, religious figures, soldiers and journalists. It called on the member states of the United Nations to support solutions and to align themselves with the resolutions of the African Union. It called for the unconditional release of political prisoners and independent inquiries for all of the crimes committed since the beginning of the crisis, particularly those that occurred on 26 January and 7 February 2009.
494. Women’s International League for Peace and Freedom expressed concern at the absence of a response from Madagascar to the recommendation to release all political prisoners, as well as the refusal to open a credible and independent process for investigating the deaths and the events surrounding the 2009 military coup. It also expressed concern at the lack of attention given the events of January and February 2009, when reportedly up to 130 people had died. Additionally, it expressed deep concern at the testimony of torture by a number of victims whose accounts have been widely documented. It added that the situation in Madagascar has not changed since the UPR Working Group in February and that numerous serious abuses continue to be reported. Finally, it expressed deep concern at the failure of Madagascar to comply with international human rights conventions as well as their failure to recognize the Rome Statute and to implement the Maputo agreement.
495. International Federation of Action by Christians for the Abolition of Torture (ACAT) noted with satisfaction the commitments made by Madagascar during the Working Group. It congratulated Madagascar for accepting the recommendation to implement effective measures and allocate adequate resources to ensure the respect of international norms in prisons, in particular regarding food, health and hygiene. It recalled that conditions of detention in the country continue to raise concerns and can be considered to be equivalent to ill-treatment. It affirmed that though the situation had improved in 2005 and 2007, it had since seriously deteriorated, in particular after the political crisis of 2009. It noted that malnourishment is still the main cause of death in prisons. It then encouraged Madagascar to adopt effective measures to prevent torture and ill-treatment and to limit the length of police custody. Finally, it regretted that Madagascar has rejected recommendations encouraging the country to abolish the death penalty.

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

496. The delegation of Madagascar stated that all recommendations and remarks made by states and non-governmental organizations were taken into account. They allowed the identification of the strength and weaknesses of the country regarding the promotion and the protection of human rights. Madagascar reiterated its entire readiness to meet the challenge of the continuing improvement of its policies and programmes related to human rights, especially through the implementation of the observations of Treaty Bodies and recommendations issued by the Universal Periodic Review. Finally, Madagascar acknowledged that shortcomings had been ascertained and, in order to find remedy, it emphasized the importance of technical cooperation provided by international bodies, working in the field of human rights, understood as universal and interdependent.

## Iraq

497. The review of Iraq was held on 16 February 2010 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

- (a) The national report submitted by Iraq in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/7/IRQ/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.6/7/IRQ/2); and
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/7/IRQ/3).

498. At its 25th meeting, on 11 June 2010, the Human Rights Council considered and adopted the outcome of the review on Iraq (see section C below).

499. The outcome of the review on Iraq comprises the report of the Working Group on the Universal Periodic Review (A/HRC/14/14), together with the views of Iraq 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/14/14/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**

500. The Government of Iraq expressed its highest appreciation to all the delegations that contributed to enriching the interactive dialogue while discussing Iraq's national report. The recommendations and questions that arose during the interactive dialogue permitted to develop awareness for the universality and indivisibility of human rights in the country.

501. Iraq has taken measures to establish a national committee to follow up and implement the UPR recommendations. This committee is composed of legislative, judicial, and executive authorities, NGOs and the media. Iraq highlighted that it has agreed, in cooperation with UNAMI, to hold a national conference in September 2010 to discuss a draft road map for the implementation of the accepted recommendations. Iraq would like the national plan to coincide with the national development plan adopted by the Ministry of Planning and Developmental Cooperation for the next five years. The future projects include a wide scope for human rights in all governmental institutions according to their activities and various tasks related to human rights.

502. The delegation noted that the period under discussion in the UPR report coincided with important legislative elections. On 7 March 2010, more than 12 million Iraqis voted, i.e. 62.40% of eligible voters. They elected 325 representatives of 6,281 nominees, among them, 1,813 women across 12 large coalitions and 167 politically affiliated groups. Of these seats, 310 were distributed among the 18 provinces, in addition to the 8 seats for minorities: five for Christians, one for the Sabaii, the Eizidi and the Shabak, and seven compensative seats for the list that gets the most votes. The delegation also highlighted the representation of women in parliament reached 25%.

503. The delegation called on the President of the Human Rights Council to delay the review of the Iraqi next report, to ensure that it will not conflict with the Iraqi election cycle, which takes place at the same time as of the review, since this could affect the efforts to make a clear decision on its position to the recommendations that may arise from the next interactive UPR dialogue.

504. Iraq emphasized that despite the complexity of the situation and the challenges it is facing, especially while encountering terrorism, the Government approach is progressing towards enforcing the principles of rule of law and the respect and protection of human rights, which are agreed upon and incorporated within the Iraqi national Constitution.
505. The delegation stated that Iraq's governmental system's focus on monitoring the human rights situation has become stronger and is part of the national active system to protect people from torture and involuntary disappearances. This system is supported by political will and an effective judicial system ready to bring wrongdoers and violators to justice. The delegation stressed that individual acts do not reflect government policy.
506. Iraq referred to the adoption of procedural reforms concerning an electronic database of prisoners and detainees that will be published online on prisons and detention centres' websites. This is a procedure that the Government of Iraq intends to promote through transparent means.
507. After the UPR discussion in February, the Ministry of Human Rights and the Commission on Public Integrity (one of the independent bodies in Iraq) signed a document of cooperation and partnership to enforce the UN Convention against Corruption and the direct implementation of the national strategy to combat corruption in Iraq through a national plan which will continue through 2014.
508. Iraq emphasized that its approval of most recommendations confirms its positive approach to dealing with the various aspects of human rights. Some of the rejected or adjourned recommendations conflicted with the present political and legal circumstances in Iraq, thus the delegation suggested putting those recommendations on hold, but will continue to make considerable efforts to provide suitable grounds for their acceptance and implementation at the earliest.
509. The delegation reported that the committee involved in writing the report for the UPR had lost two of its members while performing their duties. The first one occurred during a terrorist bombing at the Ministry of Foreign Affairs and the other occurred after the working group session, upon the return of the delegation. Indeed, Dr. Thamer Kamel was assassinated on the second day of his return.
510. The delegation emphasized that despite the delay in putting in place the new Parliament, the relevant institutions continued to review legislations and regulations to make them compatible with human rights, as well as the availability of many existing draft legislation to be proposed to the new Parliament as they are ready to be passed.
511. The delegation noted that the Iraqi reporting committees on treaty obligations continued to compile information to finalize their reports on time. The finalization of the reports will follow the same format as the one for the UPR report. Drafts will be posted on the website of the Ministry of Human Rights for relevant stakeholders to make their comments. Reports will be finalized in light of the comments received.
512. The delegation concluded by thanking the national, regional and international NGOs for their contributions as it had a significant and positive impact on the final report. The delegation thanked UNAMI and the United Nations working in Iraq and Jordan for their strong support to the government and the NGOs in building greater capacity for the preparation of human rights reports.

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

513. Algeria welcomed the importance given by Iraq to UPR recommendations and the consideration of the report, and highlighted Iraq's achievements notwithstanding the difficulties it had faced. It noted that the majority of recommendations were accepted by Iraq, which demonstrated its commitment to protecting human rights. Algeria appreciated

the acceptance of its five recommendations, as part of its contribution to the interactive dialogue. It emphasised again the importance of national reconciliation and the support to national unity and highlighted the importance of stability of the security situation, to allow its people to end the difficulties they faced in its recent history.

514. Saudi Arabia noted with interest that Iraq accepted most of the UPR recommendations and engaged in a positive manner with the HRC mechanisms. Iraq's cooperation with all human rights mechanisms and its readiness to pursue its international cooperation and positive dialogue on human rights issues clearly demonstrates its commitment despite of its difficulties and challenges. It considered that the UPR provided an opportunity to all to be acquainted with the efforts to develop human rights legislation and institutions.
515. Bahrain commended the positive measures taken by Iraq to implement all UPR recommendations and its efforts to promote and protect human rights and fundamental freedoms and spread a culture of human rights, despite the challenges, difficulties and security problems faced by the country. Bahrain valued Iraq's commitment to taking the necessary measures to empower women, enhance their role and participation in public life and allow them to occupy leading positions. The numerous measures taken by Iraq to promote and protect human rights reflect the political will of the government to implement its human rights commitments.
516. The United States of America commended Iraq's efforts to strengthen national human rights institutions, to promote a human rights culture and to incorporate its international human rights obligations within national legislations. It encouraged Iraq to establish and implement national human rights strategies and to complete the establishment of the Higher Human Rights Commission. It appreciated Iraq's commitment to ending intimidation and abuse of journalists and ensuring accountability and to respecting and protecting freedom of expression. It was concerned about continued violence against women and minorities and welcomed Iraq's commitment to protecting them. Efforts to empower judicial and other authorities to monitor prison conditions and investigate allegations of torture and abuse were welcomed.
517. Belgium was shocked to learn about the assassination of two members of the Iraqi delegation who participated in the review and the attempted murder of a third, and encouraged Iraq to investigate these events. Belgium was satisfied with the acceptance of 135, out of 176 recommendations in the Working Group, including two recommendations put forward by Belgium on prosecutions of abuses against minorities and respect of minimum standards for the imposition of the death penalty. It regretted that its recommendation to introduce a moratorium to the death penalty had not been accepted, but congratulated Iraq for making voluntary commitments, particularly, for agreeing to re-examining reservations to human rights treaties and cooperating with Special Procedures. It invited Iraq to implement recommendations and to submit an interim report on the subject.
518. Kuwait noted Iraq's continued efforts to protect human rights despite recent challenges. Iraq had suffered from a bitter period marked by violations by the former dictatorial regime, which had also impacted Kuwait. These included violence, imprisonment, torture and summary executions. Iraq had made efforts to promote and protect human rights through disseminating a culture of human rights and combating the scourge of terrorism. Kuwait was confident about Iraq's capacity to establish democracy, good governance and equality and welcomed Iraq acceptance of many recommendations.
519. Morocco commended Iraq's efforts to protect human rights and cooperate with the UPR. This reflects Iraq's commitment to ensuring social cohesion, political stability and economic development and will allow the people of Iraq, within the framework of the country's territorial integrity and political stability, to enjoy fundamental rights and overcome any challenges to the democratic process. Iraq had accepted most of the recommendations

including those made by Morocco in the areas of health, education and the return of refugees. Morocco encouraged Iraq to implement the accepted recommendations and, to this end, to seek the necessary assistance from the international community.

520. The United Arab Emirates stated that the acceptance of a great number of recommendations demonstrate Iraq's commitment to dialogue with international human rights institutions. It mentioned Iraq's important reforms as its willingness to apply human rights principles and good governance. It noted the challenges faced by Iraq and praised it for the efforts made in consolidating development and enforcing human rights.
521. Egypt noted with interest Iraq's cooperation, openness and constructive dialogue with the HRC. It commended the responses and comments made during the UPR, which reflects Iraq's political will to further promote and protect human rights, despite the challenges and difficulties facing it. Egypt commended the acceptance of most of the recommendations and the constructive dialogue between the government and civil society concerning them. It also welcomed the voluntary commitments made by Iraq. Egypt called on the international community and in particular the HRC to support Iraq's efforts to achieve security and stability in accordance with the Iraqi people's national priorities.

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

522. The Cairo Institute for Human Rights Studies welcomed the acceptance of 135 out of 176 recommendations, but noted the lack of improvement in the conditions of Iraqi refugees, especially in neighbouring countries. Freedom of expression was increasingly repressed, and Iraq was one of the most dangerous countries in the world for journalists. Moreover, 60% of Iraqis still lack sufficient access to drinking water and this situation, as well as other human rights concerns such as corruption, secret detention and torture, required urgent attention.
523. The Mouvement contre le racismisme et pour l'amitié entre les peuples (MRAP) stated that the first UPR of Iraq has certainly not been fully objective to the extent that established rules do not allow us to take into consideration the human rights violations committed by the occupying power, which is a violation of international law. The MRAP noted that Iraq had gained sovereignty at a high price: a torn country in the grip of ethnic and religious conflicts. It referred to the broad margin that the Iraqi government had to cover with the view to improve human rights: ratification of conventions, cooperation with the Council, technical cooperation from the OHCHR, the establishment of a national human rights institution in accordance with the Paris Principles. The NGO also expressed a positive projection with regard to the next four years. In this connection it called on the USA, in light of the inability of the Government of Iraq to protect the residents of Camp Ashraf, and to do so, in accordance with the Fourth Geneva Convention.
524. Human Rights Watch (HRW) commended Iraq for supporting most recommendations but noted that the real test will be their implementation. It asked the government to quickly ratify CAT and the Convention on Enforced Disappearance, particularly in light of evidence and reports of widespread torture and abuse of detainees. HRW called on the government to fully implement CEDAW. Violence against women remained a serious problem and prosecutions were rare. Honour killings remained a serious threat to women. HRW regretted that recommendations to investigate allegations of persecution based on sexual orientation and prosecute the perpetrators were not supported.
525. The Canadian HIV/AIDS Legal Network commended Iraq for accepting the recommendation to end extrajudicial killings of persons based on their sexual orientation. It referred to reports of assassinations, extrajudicial killings, torture, threats and forced exile suffered by persons on account of their sexual orientation. It recommended to Iraq to adopt legislation to protect persons from crimes on grounds including sexual orientation, to prosecute those responsible, assist victims, and conduct public education and awareness-

- raising campaigns. It regretted Iraq's rejection of recommendations to prosecute allegations of persecution based on sexual orientation.
526. The Charitable Institute for Social Victims noted that the human rights situation had clearly improved in recent years. Yet the Iraqi people still suffer from insecurity, chaos and unsuitable economic and social conditions as a result of terrorist attacks, internal conflicts, international sanctions and occupation. It asked the government to pay greater attention to the most vulnerable and to improve the economic situation in order to reduce poverty and inequality.
527. The Organisation pour la Communication en Afrique et la Promotion de la Cooperation Economique Internationale (OCAPROCE) welcomed Iraq's commitments towards the UPR and encouraged it to implement the recommendations. It noted those related to the fight against school drop-out and illiteracy. It welcomed Iraq's achievements in the promotion of human rights, particularly the rights of women and children. It encouraged Iraq to ratify the Optional Protocols to both ICCPR and ICESCR and the Optional Protocol to CEDAW. It welcomed the progress achieved in the promotion of gender equality and encouraged Iraq to effectively implement women's economic, social and cultural rights.
528. AlHakim Foundation indicated that the human rights situation in Iraq had clearly improved during the last years, especially if compared to the situation before 2003, which was marked by systematic human rights violations with continuing visible on the victims. It noted that Iraq had accepted most of the recommendations and hoped that it will reconsider those that were not accepted. It invited the Iraqi government to pay greater attention to women and children, especially widows and orphans, and to implement economic development plans to combat poverty.
529. France Libertes: Fondation Danielle Mitterrand stated that Iraq continued to suffer violations of human rights. It referred to the humanitarian urgency of Camp Ashraf and recalled the recommendation accepted by Iraq to ensure that abuses against minorities, be duly investigated and prosecuted. It noted the deadly attack of July 2009 on Camp Ashraf. It regretted that Iraqi authorities not only failed to curtail threats but also appeared to encourage them. It urged Iraq to lift restrictions on the camp and respect the human rights of its residents. It also reminded the United States of their obligations under the Fourth Geneva Convention.
530. The Institute for Women Studies and Research referred to the situation of Iraqi refugees and asylum-seekers that, since 2003, had fled to neighbouring countries where many of them had become homeless, did not enjoy legal residency rights and did not have proper jobs. It recommended that the United States of America implement a comprehensive plan and a coordinated strategy to solve the crisis of Iraqi refugees, which should include the option of return.
531. Verein Sudwin Entwicklungspolitik encouraged Iraq to strengthen the protection of minorities, journalists and human rights defenders, ensure free participation in a fair and transparent election, and improve the situation of Iranian refugees. It called on Iraq to adopt an effective and inclusive process to follow up on UPR, which in itself would enhance the protection of the population. It regretted that Iraq did not favor the abolition or the reintroduction of a de facto moratorium on the death penalty. It also encouraged Iraq to establish a National Human Rights Institution and ratify the Optional Protocols to ICCPR and ICESCR.
532. In a joint statement, the Arab Lawyers Union, Union of Arab Jurists, General Federation of Iraqi Women, Indian Movement, Educational Development and International Association of Democratic Lawyers indicated that major substantive recommendations had been ignored by Iraq while the situation on the ground continues to deteriorate. They were concerned about the number of death sentences following trials which did not meet international standards,

the admission of confessions extracted under torture, and the lack of independence of the judiciary. They urged Iraq to declare a moratorium on death penalty and mentioned that, in May 2010, 62 people were collectively sentenced to death. They also raised issues such as long delays in charging detainees, denial of the right of effective defence, widespread and systematic use of torture in secret and known centres, and the lack of response to requests for visits by mandate holders of Special Procedures.

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

533. In view of the fact that the delegation was not in a position to provide clear answer to a number of pending recommendations, the President of the Human Rights Council, in accordance with resolution 5/1 invited the delegation to either support or note the recommendations. As mentioned, the delegation confirmed its incapacity to take a clear position on a number of recommendations and thus took note of them.
534. The delegation of Iraq expressed its gratitude to all delegations and NGOs that made statements. It confirmed that there is a national and government determination supported by an objective vision to make substantive progress in the next four years, especially once the independent commission for human rights has been formed. It pledged that its work will be independent and professional and will have an integrated approach. It promised that the recommendations will be taken seriously and that effective policies will be drawn up to implement all accepted recommendations. It thanked the President of the Council and all Members for the great efforts made in holding this dialogue.

#### **Gambia**

535. The review of Gambia was held on 10 February 2010 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:
- (a) The national report submitted by Gambia in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/7/GMB/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.6/7/GMB/2); and
  - (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/7/GMB/3).
536. At its 25th meeting, on 11 June 2010, the Human Rights Council considered and adopted the outcome of the review on SuR (see section C below).
537. The outcome of the review on Gambia comprises the report of the Working Group on the Universal Periodic Review (A/HRC/14/6), together with the views of Gambia 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**

538. The head of the delegation of the Republic of the Gambia stated that The Gambia was given the opportunity to provide an update on the follow up measures taken after a successful interactive session with the Working Group on the Universal Periodic Review in February 2010. The Gambia was presented with 141 recommendations, 61 of these were accepted, 30 were rejected and 50 of them were deferred for a response during the current-session of the Human Rights Council. The 50 recommendations that were deferred have been considered

at the national level and the delegation wished to report to the Council with respect to these recommendations.

539. Recommendations 1-8 under paragraph 99 of the report (A/HRC/14/6) called on The Gambia to ratify or accede to the main human rights instruments, namely CAT, OP-CAT, OP2-ICCPR, OP-CEDAW, OP-ICESCR, the two optional protocols to the CRC, Convention on the Protection of all Persons from Enforced Disappearances, the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and the Convention on the Rights of Persons with Disabilities.
540. The delegation stated that the ratification process of the Convention on the Rights of Persons with Disabilities was far advanced as this treaty is in line with the Constitutional protection provided to persons with disabilities in the Gambia. The Gambia was also considering the list of these human rights instruments and would endeavour to ratify/accede to them. It therefore hoped to engage the international community and the United Nations Treaty Bodies for technical assistance in this area. With regards to the two optional protocols to the CRC, as reported in February, these protocols have been ratified in April 2008 by the National Assembly and the instruments of ratification have been sent to the United Nations Office in New York to be deposited.
541. Recommendations 9-14, 40 and 43 dealt with the need to enact legislation and to put in place mechanisms and structures to promote and protect women's rights in line with CEDAW and other international legal instruments, especially protection against all forms of violence. To demonstrate the Gambia's commitment to women's rights, the Women's Bill 2009 was enacted in April 2010. This Act incorporated the provisions of CEDAW and the Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa. In addition, several other measures are being taken to promote women's rights and children. These included the validation of the National Gender and Women Empowerment Policy in May 2010. This policy had a whole section dealing with measures and strategies to eradicate Violence Against Women (VAW) and Gender Based Violence (GBV). The strategies of the policy included: Conducting a National study on GBV which will be conducted this year and supported by UNDP; After the study, a National Programme will be developed and supported by UNDP; Key institutions will be strengthened to properly keep records on GBV and supported by UNDP; The laws of the Gambia will also be reviewed with a view to formulate a separate and comprehensive Bill on GBV; Training of women leaders on their roles and responsibilities, leadership and conflict resolution; Conducting a review of laws, with a view to fully harmonize all international, regional and national commitments on the promotion, protection and empowerment of women.
542. The recommendations on Female Genital Mutilation (FGM) (28-30, 40-42 and 44) were discussed with key stakeholders such as National Assembly Members, Religious Leaders and Women Leaders. The outcome of such consultations revealed that legislation was not the answer now, although there was an urgent need for continued public education on the dangers of this practice and for a national study. Subsequently, a National Steering Committee had been set-up to review WASU Kafo's study to determine if it can be used as evidence or whether there is a need for a new clinical and empirical study to be conducted. A Social Study on FGM is also being conducted and supported by UNICEF, and an Education Programme on Gender and Religion will be launched soon.
543. With respect to Recommendation 15, The Gambia reported that there were laws already in place to protect children against violence and abuse of all forms. Efforts were also being made through the Department of Social Welfare to sensitize communities and institutions on child protection and the use of alternative disciplinary measures for children with a view to involve them in promoting these alternative measures. Similarly, a training manual on alternative disciplinary measures has also been developed and introduced in Teacher Training College Curriculum. The Child Protection Alliance, a locally based civil society



organization, was also working in partnership with Government and communities to sensitize on the promotion of alternative disciplinary measures for children.

544. On the issue of juvenile justice, the Government of The Gambia was equally concerned as the Children's Act 2005 clearly provides for the adequate protection of Children in conflict with the law. Government, through the Ministry of the Interior, had identified sites where new corrective centers for child offenders will be erected. Currently, there was a separate juvenile wing in one of the prisons which is completely isolated from the main prison camp and some basic structures have been put in place to make it child friendly. Social workers at the Department of Social Welfare conduct regular visits to the wing to provide counseling and other services, link up parents with their children and have a sustained and well defined reintegration programme. Children have access to basic education and skills training. Training manuals on juvenile justice have been developed by the Police and Prison Training Schools respectively. The After Arrest Procedures, developed for the Police, is also being reviewed and the Special Rules of Procedure for the Children's Court have been validated in April 2010.
545. There were recommendations for the establishment of a National Human Rights Commission (16-19). The possibility of having a separate NHRC or expanding the mandate of the Office of the Ombudsman is being looked into. The Gambia looked forward to working with the international and regional bodies for technical assistance in this area.
546. The National Council for Civic Education is an institution established under the Constitution. It enjoys its independence, and due to its limited financial resources to operate, The Gambia has approached the UNDP and other international donors to assist in this regard.
547. Regarding the timelines for submitting overdue reports, as highlighted in recommendations 21-22, the delegation reported that in view of the serious capacity and financial constraints, The Gambia will endeavour within 2 years, subject to the technical and financial assistance of the UN Human Rights Bodies and the international community to submit all pending reports.
548. The Gambia was also committed to cooperate with the special procedures mandates and would therefore treat with utmost urgency any request for invitations by these special procedures. This cooperation has been established with the African Union and with many international and civil society Organizations. (Recommendations 22-27)
549. Recommendations 33-35 called for establishing a moratorium on the death penalty, ratification of OP2-ICCPR, review of Constitution and abolition of death penalty. The Gambia reported that there is already a moratorium on the death penalty since 1995 when it was re-introduced: all prisoners sentenced to death are serving life imprisonment terms and none has been executed. However, it does not intend to abolish the death penalty now or anytime soon. It is a punishment meant for very serious crimes only, with adequate guarantees for the application of due process.
550. With respect to recommendations 36-38, the delegation stated that the 1997 Constitution clearly guarantees the right not to be tortured and protection against unlawful arrests and detentions. The challenge is how to effectively implement these laws. The Gambia was therefore committed to the protection of these rights and efforts are being made to overcome this challenge. A Human Rights Unit has been established to register complaints of such violations by security agents. These complaints are investigated and the culprits are dealt with accordingly. A human rights training component has also been introduced in the police training curriculum. The Ministry of Interior and the Office of the Inspector General of Police also work in collaboration with other stakeholders to strengthen the capacity of the police with a view to improve the level of professionalism in the execution of their duties.

551. Concerning recommendation 47, there is an ongoing investigation. However, the challenge faced by the investigators is that the two key witnesses are without the jurisdiction and all efforts to reach them proved futile. The Gambia welcomed the assistance of the international community to enable it close the investigation soonest. The findings of the investigation will also be made public once it is concluded.
552. The independence of the judiciary is guaranteed by the Constitution as indicated in paragraph 61 of the report of the UPR Working Group and paragraphs 36-38 of the National Report. To ensure that these guarantees are strengthened, a Code of Conduct has been enacted for judicial officers for the first time in 2009. The conditions of service and remuneration have also been improved tremendously during the 2008/2009 budget year. Thus recommendations 44-45 is already being implemented.
553. Similarly, the rights and activities of human rights defenders are recognized and protected by law. This is manifested by the uninterrupted operations of the African Commission on Human and Peoples Rights (ACHPR) for more than two decades, the African Centre for Democracy and Human Rights Studies (ACDHRS), the Institute for Human Rights and Democracy in Africa (IHRDA) to name a few. Thus recommendations 48 and 49 are already being implemented and allegation of lack of protection of human rights defenders is unfounded.
554. Recommendation 50 is also being implemented. Under the Education for All and the Fast Track Initiative, The Gambia is one of the leading African countries that have met the Millennium Development Goals with respect to primary school enrolment free of charge as well as gender parity. However, providing access to free education to all at all levels of education is a long term process which can only be realized progressively based on the availability of resources and would need the intervention and assistance of the international community.

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

555. Senegal recalled that in February 2010, it had expressed its appreciation relating to the will of The Gambia to continue efforts towards human rights promotion and protection. In light of the numbers of recommendations accepted by The Gambia, Senegal renewed its appreciation and encouraged the Gambia to spare no efforts in implementing these recommendations. Senegal expressed its will to support Gambia in this regard.
556. Algeria appreciated very much the acceptance by the Gambia last February of three of the recommendations made by Algeria, as well as the acceptance of the fourth recommendation it made relating to the strengthening of the institutional human rights framework. Algeria welcomed the remarkable progress achieved by the Gambia in considering the 50 pending recommendations. Algeria commended the Gambia for its participation to the UPR despite the lack of financial and material resources, which was a clear signal of its commitment to human rights. Algeria stated that assistance from the international community was crucial for the Gambia.
557. United States of America thanked the Gambia for having accepted 61 recommendations, including that made by United States regarding trafficking in persons. United States of America however urged the Gambia to reconsider its decision to not support other recommendations, including that relating to combat violence based on sexual orientation and gender identity and to decriminalise sexual activity between consenting adults.
558. Nigeria congratulated the Government of The Gambia for its active participation in the UPR process, an indication of its readiness to continue to engage with the UN Human Rights system. Nigeria commended the fact that The Gambia is completing arrangements towards the establishment of a national human rights institution. Nigeria recognized the challenges faced by the country and encouraged the Government not to relent in its efforts but see to the

implementation of the recommendations accepted as a means of improving the enjoyment of human rights by its people.

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

559. Canadian HIV/AIDS Legal Network referred to the criminalization of consensual same sex conduct in domestic law, punishable to up to 14 years of prison. The organization was concerned by The Gambia's rejection of recommendations regarding this issue. It mentioned reports of arbitrary arrest on these grounds and mentioned that stakeholders have been distressed by high level officials' public statements threatening homosexuals with expulsion of the country or beheading. The HR Committee has also confirmed that the provisions criminalizing consensual same sex conducts violate the rights to privacy and non discrimination established in the Covenant on Civil and Political Rights. Thus, it urged The Gambia to reconsider its position and accept the recommendations previously rejected. Finally, it recommended that violence directed against any person, including because of sexual orientation or gender identity, be vigorously prosecuted and incitement to violence on these grounds be condemned.

560. Amnesty International (AI) welcomed the Government's stated commitment to ensure inclusive follow-up to the UPR. It acknowledged The Gambia's support for the recommendations related to women rights and further cooperation with Special Procedures. It emphasized the importance to urgently implement recommendation 24 concerning the need to investigate and punish human rights violations committed by security forces. It stressed that The Gambia should support a number of pending recommendations concerning the enforcement of ratified human rights instruments, the establishment of a national human rights institution, cooperation with the UN Special Procedures, the death penalty, unlawful arrest and detention, torture and enforced disappearances, the independence of the judiciary and the protection of human rights defenders. Finally, AI mentioned that the rejected recommendations on freedom of expression mirrored The Gambia's obligations under the International Covenant on Civil and Political Rights and the African Charter on Human and People's Rights. Hence, it urged the Government to honor them.

561. Verein Sudwind Entwicklungspolitik reminded that the right to freedom of expression is recognized by the Gambian constitution. Gambian law bans any harassment and intimidation of media institutions and hence they should cease, irrespective of The Gambia's position of recommendations 15 to 30. It acknowledged the ongoing positive institution-building process, in particular the setting-up of an independent national human rights institution. It also mentioned recommendations related to additional visits by special rapporteurs and to the accession to the Convention Against Torture and its Optional Protocol. It raised concerns over female mutilation and considered it as a form of torture.

562. The Rencontre africaine pour la défense des droits de l'homme (RADDHO) stated that the rejection of half of the recommendations by The Gambia showed how timid it was in cooperating with the Human Rights Council. It stated it was unconceivable that the African Commission on Human and People's Rights was hosted in The Gambia, whose president continued to issue death threats against human rights defenders and journalists. It was high time for this Commission to seek a country to host its institutions and to ensure its integrity. RADDHO invited The Gambia to review its legislation on the freeing of drug traffickers on bail because of corrupt officials from the police and the judiciary, to combat early marriage and trafficking in women. The Gambia should also ensure the safety of human rights defenders and journalists and the independence of political parties.

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

563. The delegation renewed The Gambia's commitment to the UPR process and thanked the UPR Working Group, the HRC Plenary and the very able Troika.

## Egypt

564. The review of Egypt was held on 17 February 2010 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:
- (a) The national report submitted by Egypt in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/7/EGY/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.6/7/EGY/2); and
  - (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/7/EGY/3).
565. At its 25th meeting, on 11 June 2010, the Human Rights Council considered and adopted the outcome of the review on Egypt (see section C below).
566. The outcome of the review on Egypt comprises the report of the Working Group on the Universal Periodic Review (A/HRC/14/17), together with the views of Egypt 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/14/17/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**
567. The delegation stated that the review session last February was constructive and fruitful and that Egypt had reflected on recommendations made, had started to implement some of them and expected to conclude the implementation of the accepted recommendations during the four coming years. Egypt highly valued the UPR mechanism, as it benefitted from this experience and as the UPR also opened up better communication with partners, namely the civil society. Egypt had been witnessing an unprecedented political movement in recent months and a societal dialogue took place on numerous human rights issues thanks to the UPR. Egyptian mass media dealt extensively with this review.
568. The governmental Committee on the UPR notified the relevant ministries and authorities with the content of recommendations accepted last February. It was made clear that Egypt accepted 119 recommendations in order to draw up perception at the national level. The Committee studied the 25 pending recommendations, including through two consultative meetings with the participation of the National Council for Human Rights and civil society organisations.
569. The delegation referred to several developments at the internal level. Last May, the Government submitted to the Parliament a decision to extend state of emergency due to the incompleteness of the anti-terrorism law. This time, the application of the law was exclusively limited to cases relating to terrorism and its funding and drug trafficking. The powers of the police were limited accordingly to combat these threats. This was a very important step before issuing the new anti-terrorism bill.
570. In order to set the stage for the legislative elections, the Supreme Committee, an independent electoral committee, had taken all necessary measures to ensure the integrity of the elections. Measures had been taken to facilitate the monitoring of these elections by the civil society. The elections of the Shura Council, also took place in accordance with the regulations set out.

571. Numerous legislative initiatives relating to human rights were undertaken such as the law to combat trafficking in persons, which was enacted last April. A law on the rights of persons with disabilities was also submitted to the Parliament. These initiatives were the implementation of voluntary pledges made by Egypt.
572. Regarding cooperation with human rights mechanisms, the delegation recalled the visit of the special rapporteur on trafficking in persons, especially women and children, last April. In addition, Egypt submitted its periodic report to the Committee on Economic, Social and Cultural Rights.
573. The National Council for Human Rights submitted its sixth annual report and the cabinet of Ministers had held a session dedicated to this issue and studied all the recommendations made and asked each ministry to respond to the report.
574. Regarding the 25 pending recommendations, Egypt accepted 21 of them, ranging from total to partial acceptance. In reply to some queries it received from some delegations and from civil society organisations relating to recommendations 10, 11, 18, 19 and 22, Egypt announced that it partly accepted these recommendations, that is to say that it accepted part of it and rejected the other part, or it may have accepted the objective of the recommendation but could not abide by a specific form of implementation, as explained in its addendum.
575. The recommendations that Egypt did not accept were not rejected in principle but the way they were drafted led to their rejection or non-acceptance in their entirety. It was the case of the recommendation calling Egypt to accede to several human rights conventions at once, while Egypt was considering each convention on its own merits. Although Egypt agreed in principle, it was not in a position to accept that recommendation. Egypt could not accept a few recommendations, which were not compatible with domestic law and the rejection of which did not contradict Egyptian international human rights obligations, like the abolition of the death sentence in accordance with the ICCPR-OP2.
576. Egypt included detailed information in its addendum for all accepted or rejected recommendations. It accepted recommendations on numerous crucial issues, such as freedom of religion, freedom of expression, withdrawal of reservations or enhancing cooperation with special procedures.
577. Egypt reiterated that the process of examining pending recommendations was a useful exercise. Egypt stated that it valued the interactive dialogue and was keen to continue this dialogue with member States, civil society organisations and NHRIs.

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

578. United Kingdom welcomed Egypt's acceptance of 119 recommendations last February. It noted that Egypt accepted three recommendations on ending the state of emergency, which was extended in May 2010, and called for their implementation. It also called for an amendment of the penal code to ensure freedom of expression for journalists, publishers and bloggers. It welcomed efforts to promote cultural and religious tolerance and encouraged implementation of Austria's recommendation to increase these efforts. The delegation thanked Egypt for providing advance information on the 25 outstanding recommendations and asked which parts of the recommendations that had been partially accepted did enjoy Egypt's support.
579. Qatar noted that Egypt had accepted a large number of recommendations, which was a sign of its sincere and positive interaction with the UPR and the United Nations human rights mechanisms, with a view to further promoting human rights in the country. While appreciating the achievements made in the area of human rights, Qatar wished that Egypt would continue to make further progress.

580. The United Arab Emirates welcomed the acceptance by Egypt of most recommendations, which showed its readiness to cooperate with the Human Rights Council with a view to promoting human rights. UAE highlighted Egypt's achievements in promoting human rights principles, including with regard to eradicating illiteracy and the empowerment of women, the strengthening of systems to combat crimes against children and human trafficking and the protection of persons with disabilities. Finally, UAE commended the measures taken by Egypt towards promoting human rights principles in conjunction with its efforts to achieve the MDGs.
581. Bahrain expressed appreciation for the positive measures, which Egypt had taken to implement a number of recommendations, for its efforts in promoting and protecting human rights and for its role in the work of the Council. Bahrain also appreciated the openness demonstrated by Egypt in describing the challenges, which it faced in complying with its international obligations. Bahrain highlighted the importance of strengthening the right to health and the provision of health care throughout the country, and of increased efforts to ensure education for all and spread a culture of human rights.
582. Saudi Arabia noted that the acceptance by Egypt of most recommendations demonstrated its commitment to human rights promotion and protection. The holistic approach taken towards the situation of women had resulted in a number of social support initiatives, such as the design of a strategy aimed at fighting violence against women and the withdrawal of a reservation to article 9 (2) of CEDAW. Noting that the provision of social services such as education and health care were considered human rights priorities, Saudi Arabia expressed its appreciation for the measures taken in this regard.
583. Algeria commended efforts promoting and protecting human rights and expressed particular support for Egypt's efforts to urgently focus on certain specific issues. Algeria noted that Egypt adopted 119 recommendations last February and underscored its active role in the Human Rights Council. Algeria expressed its full agreement with Egypt's position regarding certain recommendations that have not yet been accepted and encouraged Egypt to redouble its efforts toward the fulfilment of human rights.
584. Indonesia acknowledged Egypt's immediate acceptance of 119 recommendations last February as proof of its commitment to the work of the Council and to human rights promotion and protection. It welcomed progress made in the empowerment of women and the protection of children's rights and commended Egypt's efforts to initiate new legislation to combat and sanction human trafficking. Indonesia welcomed Egypt's withdrawal of its reservation on article 9(2) of CEDAW and expressed confidence that Egypt will adopt a similar approach to other human rights instruments and pursue human rights promotion and protection of all people.
585. Oman noted that the interactive, frank and open dialogue held at the UPR Working Group in February clearly showed the cooperative approach taken by Egypt. Oman appreciated the acceptance by Egypt of most recommendations as well as its commitment to their implementation, which demonstrated the importance accorded by Egypt to strengthening its human rights mechanisms and concepts. Oman expressed the hope that the adoption of the final report would contribute to strengthening Egypt's continuous efforts in promoting and protecting human rights.
586. Venezuela (Bolivarian Republic) highlighted Egypt's social policies, in particular progress made in the promotion and protection of cultural rights through concrete measures aimed at empowering traditionally excluded sectors of the population. Venezuela noted that Egypt's widespread consultations for the preparation of the national report, which are due to continue after this review, as well as its acceptance of the majority of the recommendations, demonstrate its commitment to the UPR mechanism and its strong will to promote and protect human rights.

587. The United States of America congratulated Egypt for passing anti-trafficking legislation and commended its support for the recommendation that it revise relevant laws and practices to ensure compliance with ICCPR, including for bloggers and access to the Internet. The delegation expressed concern about the continued killings of migrants on the border with Israel, the reasons provided by Egypt for the imprisonment of bloggers, and the renewal of the State of Emergency last May. It welcomed the subsequent release of prisoners held under the Emergency Law and called for additional releases. The delegation considered recommendations partially accepted by Egypt as noted, and regretted its decision not to support a significant number of recommendations regarding religion and political liberty. It also expressed concern about reports of fraud during the Shura election on 1st June.

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

588. The Egyptian National Council for Human Rights (NCHR) commended Egypt for accepting 119 recommendations and its total or partial acceptance of 21 out of the 25 pending recommendations. The NCHR called upon Egypt to end the state of emergency and release all persons detained under the emergency law beyond the scope of the new limitations; expedite the implementation of the principle of citizenship by promulgating the Unified Law for Places of Worship, and the Law on Equal Opportunities and the Eradication of Discrimination; and ensure the participation of the Council and other NGOs in preparing amendments to guarantee freedom of association. The NCHR underscored the importance of proper and prompt implementation of the recommendations accepted by the Government and stated its intention to monitor this process with the participation of civil society.

589. The Cairo Institute for Human Rights Studies questioned the sincerity of Egypt in complying with the recommendations it had accepted, in particular concerning freedom of opinion and expression, and cited the example of two bloggers and an internet activist who were still held in detention under the emergency law without having been charged and without a trial. Although the President of Egypt had promised more than five years ago to eliminate imprisonment in press cases there were still 23 different provisions in the penal code leading to the imprisonment of journalists and writers, which cast doubt on the seriousness of the Government.

590. In their Joint Statement, Human Rights Watch and the International Federation for Human Rights highlighted the deterioration of the human rights situation in Egypt since last February. They deplored the recent renewal of the state of emergency and stressed that administrative detainees, numbering between 5,000 and 10,000, should be immediately either charged or released. The organizations expressed concern about impunity for human rights violations, the continued crackdown on independent political activists and the violation of freedom of assembly, noting the quashing of a demonstration and the arrest of 102 peaceful protestors on 6 April in Cairo. They highlighted that the Shura elections of 1 June were marred by reports of fraud and incidents of violence, and that since February, Egyptian border guards had shot dead at least 12 migrants attempting to cross into Israel.

591. The Canadian HIV/AIDS Legal Network welcomed the acceptance by Egypt of many recommendations in the area of economic, social and cultural rights, although regretting that some of these recommendations were of a very general nature without indicating measures of implementation or indicators of achievement. It further regretted the rejection by Egypt of the recommendation to allow the free establishment of trade unions without the obligation for such unions to join the Egyptian Trade Union Federation.

592. The Organisation pour la communication en Afrique et de promotion de la coopération économique internationale (OCAPROCE Internationale) noted that Egypt accepted more than 80 per cent of the recommendations formulated by other States. It highlighted Egypt's progress with regard to women's rights, as well as its constructive approach to the UPR. OCAPROCE Internationale welcomed Egypt's withdrawal of its reservation to articles 9,

16 and 29 of CEDAW and asked the Government to consider the possibility of ratifying OP-CEDAW. It also requested that Egypt expedite the adoption of the law criminalizing all forms of violence against women and formulate a global policy to address this issue.

593. Al-Hakim Foundation thanked Egypt for its comprehensive report on its human rights situation and praised the constructive participation of Egypt in the UPR. It also commended Egypt's decision to open the Rafah border to allow humanitarian assistance to enter Gaza while allowing the passage of Palestinians for health treatment abroad. It further commended the decision by Parliament to limit the application of the emergency law to combating terrorism and drug trafficking. While noting efforts made to fight FGM, it stated that additional measures needed to be taken in this regard. Finally, it referred to the necessity to find a solution to legal problems faced by Egyptian nationals married to Palestinians of Israeli nationality and their children.
594. Democracy Coalition Project highlighted that Egypt has not taken any serious measures to implement the vast majority of the UPR recommendations. It indicated that although the Government had accepted that NGOs could monitor elections, civil society groups were denied permission to monitor electoral proceedings, and 300 supporters of various candidates were arrested during the recent Shura Council elections. In addition, notwithstanding the acceptance of several recommendations regarding freedom of religion and belief, Egypt had not made significant efforts to stop discriminatory incidents targeting Coptic Christians. The Organization stressed the need for an official plan with concrete and time bound benchmarks to evaluate the implementation of the recommendations.
595. Amnesty International (AI) stressed that civil and political rights were restricted under the state of emergency, which was renewed on 11 May 2010, despite recommendations that it be lifted. AI referred to the violent dispersal by security forces of several recent demonstrations, including on 6 April 2010 in Cairo. Concerning Egypt's description of a recommendation to "cease arrests and detentions of political activists" as inaccurate, AI attested to the use of emergency powers to arrest and detain political activists, including members of the Muslim Brotherhood. AI highlighted that peaceful exercise of freedom of expression remained severely constrained and referred to the case of four bloggers, two of whom had been held in administrative detention since 2008.
596. Human Rights Information and Training Center expressed the hope that the definition of torture in Egyptian law would be brought in line with the Convention against Torture, and that Egypt would sign the Optional Protocol to the Convention and allow a visit by the Special Rapporteur. It also hoped that the state of emergency would be lifted without delay and that no counter-terrorist law would be enacted, in spite of some recommendations to this effect, as the Penal Code was sufficient to fight terrorism. It further hoped that the application of the death sentence would be limited to the most serious crimes, with additional guarantees for a fair trial. It urged the Government, with regard to freedom of religion, to issue a unified law as soon as possible and, with regard to freedom of opinion and expression, to repeal provisions concerning the imprisonment of journalists.
597. Verein Südwind Entwicklungspolitik, referring to the forthcoming election in Egypt, urged the Government to invite national and international independent observers. It also urged the adoption of a moratorium on the death penalty and consideration of its eventual abolition. It further urged that all reservations to CEDAW be withdrawn, that efforts to provide education and employment for women be intensified, and that the prevention of FGM be included in health planning. Finally, it recommended that Egypt release persons detained or imprisoned solely for exercising their freedom of expression on the Internet.



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

598. Egypt welcomed criticisms and recognised that, although mistakes may have been committed, Egypt was working on reforms, whenever needed. The delegation noted inaccuracies in some statements made.
599. To reply to the query from the United Kingdom, Egypt stated that partly accepted recommendations were accepted by Egypt, as explained in the clarification included in its addendum.
600. Last February, Egypt had promised to put an end to the state of emergency as soon as the anti-terrorism law would be enacted, as it was impossible to prevent terrorism through normal laws. Exceptional rules, that would be included in a state of emergency or in a special counter-terrorism law, were needed, as it was the case in a vast majority of countries. Egypt was committed to ending the state of emergency but recognised it had faced delays in enacting the anti-terrorism law.
601. Egypt recalled the limitation of the scope of the new law of emergency and reasserted that this state of emergency was temporary.
602. Regarding allegations of detention of persons based on the practice of their legitimate freedom of opinion on the Internet, Egypt stated that the names, which had been mentioned by delegations, were referring to persons detained as a result of having committed crimes under the penal code. Egypt mentioned that over 30000 blogs dealt with human rights in Egypt on a daily basis, and this without restrictions or consequences.
603. While being grateful to those who appreciated achievements made by Egypt, the delegation replied to those who alleged that Egypt had not done anything since February by providing examples. The delegation recalled that Egypt recently held a number of consultative meetings with civil society organisations. An ad-hoc legal committee was set up to review the definition of torture in line with that of CAT. A new draft law on sexual harassment was due to be enacted during the next parliamentary session. A committee was set up to review the penal code in order to look into repealing a number of press offenses that may warrant imprisonment. Concerning civil society law, there was a committee in the general federation of civil society organisations, which was reconsidering a number of texts governing the establishment of associations in order to grant them greater independence and autonomy.
604. Egypt had started to work on the establishment of an institutional mechanism to implement the 140 recommendations it had accepted, and this, in consultation with the ministerial committee, the National Council for Human Rights and civil society organisations. More efforts would be undertaken to better evaluate the human rights situation in Egypt. Egypt will continue its consultation with all relevant regional and international human rights organisations, more campaigns will be done by mass media in order to keep the momentum to the human rights culture in Egypt. The delegation thanked the Human Rights Council and its President and saluted the UPR mechanism which offered a chance to review achievements and to listen to advices in an atmosphere of serious dialogue.

#### Bosnia and Herzegovina

605. The review of Bosnia and Herzegovina was held on 17 February 2010 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:
- (a) The national report submitted by Bosnia and Herzegovina in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/7/BIH/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.6/7/BIH/2); and

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/7/BIH/3).

606. At its 26th meeting, on 11 June 2010, the Human Rights Council considered and adopted the outcome of the review on Bosnia and Herzegovina (see section C below).

607. The outcome of the review on Bosnia and Herzegovina comprises the report of the Working Group on the Universal Periodic Review (A/HRC/14/16), together with the views of Bosnia and Herzegovina 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/14/16/Add.1).

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

608. Bosnia and Herzegovina indicated that among the 125 recommendations addressed to it, 26 have been fully accepted, 58 partially accepted and 46 rejected.

609. The 26 fully accepted recommendations concern capacity building for cooperation with associations of peoples with disabilities, establishment of the Council of Persons with Disabilities, enhancement of the protection of children, capacity building of the Children's Council and improvement of the children's education, and continuation of mine disposal campaign in the areas contaminated with mines.

610. Recommendations made with a view to more efficiently suppress discrimination, racial discrimination as well as to build capacity of human rights institutions and harmonizing the legislation have also been accepted. Bosnia and Herzegovina has the intention to set up a suitable national preventive mechanism against torture and expedite the implementation of the anti-discrimination law.

611. Recommendations that have also been accepted concerned the removal of death penalty from the legislation of one entity of Bosnia and Herzegovina (Republika Srpska), targeted courses in human rights law, building capacities for prison services, the need to establish and improve capacities for prevention of hate speech, support to women victims of war and wartime rapes, and support to victims and witnesses in war crimes cases. Recommendations regarding freedom of speech with a view to furthering activities for the prevention of hate speech and dissemination of religious and ethnic intolerance in all the media as well as major recommendations relating to harmonization of the Constitution and Election Law have also been accepted.

612. The 58 partially accepted recommendations concerned more efficient implementation of the ratified Convention on the Rights of Persons with Disabilities and its Optional Protocol, initial activities for the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance, fight against exploitation of children, begging, poverty reduction, concluding activities to design the Strategy for Social Inclusion and eradication of any form of discrimination in the education of children.

613. The delegation noted that over the recent years, Bosnia and Herzegovina had been intensively working on the suppression of discrimination as well as on building its human rights institutional capacity and that it would continue fulfilling its obligations. Furthermore, recommendations concerning gender equality, domestic violence and sexual orientation had been partially accepted as the country had already developed relevant strategies and plans and established appropriate legal mechanisms.

614. Bosnia and Herzegovina had been continuously working for the implementation and monitoring of the War Crimes Prosecution Strategy. A supervisory body and a system of regular reporting had been established. The number of cases and persons who had committed war crimes and the structure of these cases had been identified. The development of Transitional Justice Strategy was underway.
615. The delegation reported that Bosnia and Herzegovina was aware of the problem of inadequate support and protection of witnesses, in particular in cases relating to war crimes. The country had designed a network of support to witnesses and the Ministry of justice was involved in implementing its activities. The 2008-2012 Justice Reform Strategy and Action Plan for the implementation of the Strategy included a plan to adopt medium-term plans for the training of judges and prosecutors, although it was necessary to upgrade and improve them.
616. In order to ensure high standards in law enforcement, Bosnia and Herzegovina was in the process of developing a curriculum for the on-going training of judges and prosecutors. It had passed the Law on Agency for Prevention of Corruption and adopted the Anti-Corruption Strategy (2009-2014). The Agency which would report to the Parliamentary Assembly was being established. Since April 2007, one entity of Bosnia and Herzegovina, Republika Srpska, had been implementing its own anti-corruption project.
617. The delegation indicated that activities on the freedom of expression and associations of journalists and other civil society organizations would continue. Authorities and the competent Agency advocated for the right to freedom of expression, which implied that the media and journalists could carry out researches, publish information and inform the public. The Agency had regular practice to publicly condemn any attempt to exert pressure and threats on journalist in performing their professional activities.
618. A recommendation regarding attacks against human rights defenders was partially accepted as national institutions denounced attacks against human rights defenders and generally supported freedom of speech and expression. A recommendation concerning rights of national minorities was partially accepted because, through an institutional and legal framework, Bosnia and Herzegovina allowed national minorities, especially Roma, to initiate and implement their own initiatives within the legal framework and in accordance with the capabilities of individual communities. In practice, there had not been major problems in the implementation of laws relating to the protection of minority rights. Moreover, after the inclusion in the Decade of Roma and adoption of the Action Plan to address the issue of housing, employment, health care and education for Roma, and appropriation of funds within the State budget, the country initiated the necessary actions to prevent discrimination against Roma by involving local communities.
619. The delegation indicated that in recent years, in cooperation with UNHCR, UNICEF and the Centres for social Work, Bosnia and Herzegovina had continued to fight against the absence of birth registration of Roma children. The country had prepared an Action Plan on the Educational Needs of Roma and other ethnic minorities with a view to voluntarily including Roma children into the regular education system in both Entities, while there was a notable increase in the number of Roma children in primary schools. Concerning the recommendation in respect of the creation of conditions for the return of displaced persons and refugees, the delegation said that the adoption of the revised strategy for the implementation of Annex VII of the Dayton Peace Agreement was under way.
620. The delegation also indicated that, during the reporting period, Bosnia and Herzegovina had implemented activities that related to recommendations it had not accepted. For example, it had ratified the Convention on the Rights of Persons with Disabilities and its Optional Protocol and completed the procedure for the ratification of the OP-ICESCR. The country continuously carried out activities to curb trafficking in children, child prostitution and child

pornography. Legal regulations were continuously harmonized and efforts had been made to gradually implement recommendations of the CRC. Activities on the harmonization of laws and fundraising for better implementing the rights of the child and projects for the improvement of the position of children have continued.

621. In order to ensure equality for women, appropriate legislation had been adopted. The country continuously implemented strategies related to the protection of children: the Strategy to combat violence against children, the Action Plan for Children and the Strategy against Juvenile Delinquency. In recent years, efforts had been focused on strengthening the capacity of governments, communities and activists to address issues of social exclusion and its effects on children, the youth and women. Authorities at all levels implemented programs of institutional capacity building to establish minimum national standards regarding the rights and welfare of children, as well as mechanisms for quality assurance, monitoring and reporting. There was a system of reporting violence against children, which was regulated by relevant laws and continuously improved in practice.
622. The delegation emphasized that human rights education was present in the curricula and educational standards in all primary and secondary schools and higher education institutions and noted that Bosnia and Herzegovina had extended an outstanding invitation to special procedures.
623. Gynaecological services at the primary, secondary and tertiary levels of health care during pregnancy, childbirth and after childbirth and other health services were available to meet needs of women. Bosnia and Herzegovina was efficiently implementing the third National Action Plan to combat trafficking and illegal migrations.
624. With regard to the judiciary, the Entity-level Judicial and Prosecutorial Training Centres and the Judicial Commission of Brcko District had the capacity to regularly organize training / seminars on the implementation of international standards.
625. The Constitution and laws ensured the principle of the use of language and alphabet, guarantee to parties and other participants in the proceedings who did not know the language of proceedings to follow them through an interpreter (translator) and this rule was rarely violated in practice. Judges and prosecutors were appointed by and subject to disciplinary proceedings before an independent authority (High Judicial and Prosecutorial Council). However, the funding system of justice is still problematic.
626. The Communications Regulatory Agency (CRA) complied with the competencies defined by the Law on Communications, as well as rules and regulations of the Agency. Equal access to all media was ensured to all religious communities.
627. The recommendation concerning violence against human rights defenders in the Republika Srpska had not been accepted because the Republika Srpska police had not recorded any cases of violence against human rights defenders during the reporting period.
628. Bosnia and Herzegovina stated that it considered the UPR process extremely useful and indicated that recommendation No. 80 which was not included in the Addendum was accepted as it was partially implemented.
629. Finally, Bosnia and Herzegovina clarified that partially accepted recommendations were considered as accepted, since they had already been partially implemented.

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

630. Qatar thanked Bosnia and Herzegovina for its statements, replies and comments to the recommendations. It was satisfied by Bosnia and Herzegovina's political will to promote and protect human rights in the legislative area and in reality. It welcomed the enforcement of the rule of law and the support to human rights and encouraged Bosnia and Herzegovina

to make further efforts to come to grips with difficulties encountered by refugees and persons displaced by the war to favour their return and their economic and social reintegration.

631. Algeria made three recommendations during the review of Bosnia and Herzegovina and was pleased to learn that they had been accepted. Algeria took note of the statement that the question of six Algerian nationals was on the verge of being resolved /partially resolved and asked how Bosnia and Herzegovina was considering resolving the remaining pending aspects. Algeria was encouraged by Bosnia and Herzegovina's intention to continue to promote and protect human rights.
632. The United States of America welcomed Bosnia and Herzegovina's acceptance of a number of recommendations made during its review. It appreciated the acceptance of the recommendation regarding press freedom in the country. During 2009, 40 cases of alleged violations of journalists' rights and freedom were registered, and this trend seemed to continue in 2010. The United States of America also underlined its support for the recommendations made to strengthen the Communications Regulatory Agency (CRA). It noted that efforts to undermine the independence of the CRA continued, and that its authority was regularly challenged on political grounds.
633. The former Yugoslav Republic of Macedonia stressed its appreciation for the dialogue during Bosnia and Herzegovina's UPR process and for the appropriate and sincere responses to the recommendations and questions addressed during this dialogue. It indicated that children's health and education, as well as children victims of antipersonnel mines, were and should remain one of the most delicate and important concern of the authorities. It urged the authorities at all levels to continue to follow these issues with the necessary attention.
634. The United Kingdom of Great Britain and Northern Ireland was pleased that Bosnia and Herzegovina had accepted a number of recommendations, including its recommendations to expedite the establishment of a national preventive mechanism for torture, to repeal death penalty from the Constitution of Republika Srpska, and to amend the country's Constitution to prevent discrimination against minorities. It repeated its call for the full implementation of its another recommendation, which was partially accepted, to improve the effectiveness of the State-level Ombudsman to ensure adherence to the Paris Principles. It also emphasised the ongoing needs of assistance for 117,000 displaced persons in Bosnia and Herzegovina.

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

635. Amnesty International welcomed Bosnia and Herzegovina's commitment to women victims of sexual violence war crimes during the 1992-1995 war. It called on the Government to ensure that both draft State law and national programme for the reparation for all civilian victims of war crimes, were adopted without further delay and in consultation with survivors. Survivors should be guaranteed access to justice and reparation, and provided with affordable health services, including psycho-social support centres, as well as housing and employment. It welcomed the commencement of several trials related to sexual violence war crimes before the State Court, while other cases had reached the trial chamber stage or final judgement. It emphasized the importance of the recommendation to establish a comprehensive witness protection scheme. It urged the Government to amend the criminal code to include the definition of sexual violence.
636. Verein Sudwind Entwicklungspolitik stressed the urgent need to improve the safety of refugees returning to Bosnia and Herzegovina and stated that international aid and know-how should be sought, as referred to in recommendations 117 to 122. Human rights defenders must be properly protected and that impunity must end. A new State should rest on the trust of the people in the justice of the basic institutions of State and society, as

accepted in recommendations 88 to 97. As for human trafficking, it advised Bosnia and Herzegovina to speedily implement recommendations of CEDAW and CERD towards elimination of discrimination against women, as accepted in recommendations 34 to 37.

637. In a joint statement, the European Region of the International Lesbian and Gay Federation, and Federatie van Nederlandse Verenigingen tot Integratie Van Homoseksualiteit – COC Nederland welcomed the positive response of Bosnia and Herzegovina to recommendations to guarantee effective protection against all discrimination based on sexual orientation or gender identity and asked what specific plans the Government had to give effect to those commitments. Noting concerns at ongoing discrimination faced by marginalised groups, it urged Bosnia and Herzegovina to implement increased measures to combat hate crimes. It further requested that the Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity be applied as a guide to assist in policy development.
638. International Save the Children Alliance, on behalf of the Bosnia and Herzegovina Working Group on Child Protection, urged the Government to sign and ratify the Council of Europe Convention on the Protection of Children against Sexual Abuse and Sexual Exploitation, to introduce the prohibition of corporal punishment of children into national laws and to promote alternatives to traditional disciplining of children. It called on the Government to implement CRC's recommendations relating to the administration of juvenile justice. It also urged adoption of the Program of Juvenile Criminal Prevention, the Bill on Juvenile Criminal Offenders and the Criminal Law Protection of Children and Juveniles, and undertaking legal reform at all levels to comply with international standards. It reiterated CRC's recommendations to develop quality standards for foster care, decrease the time children spend in institutions and ensure sufficient resources for care institutions and foster care.
639. The Association for Democratic Initiatives stated that the fragmented legal system caused by the different levels of the Government implied that criminal justice policies were not harmonized. Consequently, citizens were not treated equally, and their standing before the judicial bodies was determined by the place of their residence. It invited the Government to harmonise the criminal legislation at all levels and to establish a single national financial source for the entire judiciary in order to ensure its independence. It also requested the Government to ensure equal access of citizens to justice regardless of their ethnic or religious origin or language.
640. Interfaith International noted that after World War II, international consciousness was marked by memory of religious and inter-ethnic conflicts that Bosnia and Herzegovina suffered. The signature of the Dayton Peace Agreement brought peace among different ethnic and religious entities living in this region. Interfaith International noted that there was a delay in the implementation of Annex VII of the Agreement linked to the return of refugees and displaced persons. It encouraged Bosnia and Herzegovina to maintain cooperation with the International Criminal Tribunal for the Former Yugoslavia, adopt appropriate legislative measures to eliminate all forms of racial discrimination and promote a culture of tolerance, indispensable for social cohesion.

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

641. The delegation stated that the country was working for the implementation of all recommendations that were fully and partially accepted during the review and noted that the UPR process enabled countries to focus on the effective implementation of human rights. The process helped Bosnia and Herzegovina to assess the progress achieved in various segments of the implementation of human rights. The process had been a huge challenge for the country which undertook it as a great chance to review its achievements and challenges ahead.

642. Bosnia and Herzegovina thanked all participants, especially members of the troika, Belgium, Nigeria and Slovenia. It renewed its commitment to improve human rights and praised the role of non-governmental organizations.

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

644. At its 26th meeting, on 11 June 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: Bahrain, Brazil, Cuba, France, Japan, Netherlands, Norway, Republic of Korea, Russian Federation, Spain<sup>1</sup> (on behalf of the European Union), United States of America;

(b) Representatives of the following observer States: Algeria, Australia, Austria, Canada, Colombia, Cyprus, Finland, Iran (Islamic Republic of), Israel, Morocco, Singapore, Switzerland, Turkey;

(c) Observer for a national human rights institution: Asia Pacific Forum of National Human Rights Institutions;

(e) Observers for the following non-governmental organizations: Amnesty International (AI), Cairo Institute for Human Rights Studies (CIHRS), Canadian HIV/AIDS Legal Network, Colombian Commission of Jurists (CCJ), Human Rights Watch (HRW), Institute for Women's Studies and Research (IWSR), United Nations Watch (UN Watch).

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

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

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

645. At the 27th meeting, on 14 June 2010, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Richard Falk, presented his report (A/HRC/13/53/Rev.1), the consideration of which had been postponed from the 13th session of the Council to the present session.

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

647. 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: Bangladesh, Brazil (also on behalf of India and South Africa), Cuba, Egypt, Indonesia, Japan, Jordan, Pakistan (on behalf of the Organization of the Islamic Conference), Saudi Arabia, Sudan<sup>1</sup> (also on behalf of the Group of Arab States), United States of America;

(b) Representative of an observer State: Algeria, Iran (Islamic Republic of), Iraq, Lebanon, Libyan Arab Jamahiriya, Malaysia, Syrian Arab Republic, Tunisia, Yemen;

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

(d) Observers for the following non-governmental organizations: BADIL Resource Center for Palestinian Residency and Refugee Rights (also on behalf of the Al-Haq, Law in the Service of Man), Coordinating Board of Jewish Organizations (CBJO) (also on behalf of the B'nai B'rith International (BBI)), Defence for Children International (DCI), Nord-Sud XXI (also on behalf of the Arab Lawyers Union (ALU), General Arab Women Federation (GAWF) and Union of Arab Jurists), United Nations Watch (UN Watch).

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

### **B. Follow-up to Human Rights Council resolutions S-9/1 and S-12/1**

649. At the 27th meeting, on 14 June 2010, the High Commissioner for Human Rights introduced her progress report on the follow-up to the report of the United Nations Independent International Fact-Finding Mission on the Gaza Conflict (A/HRC/14/37), in accordance with Council resolution 13/9.

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

650. At its 27th and 28th meetings, on 14 June 2010, the Council held a general debate on agenda item 7, during which the following made statements:

(a) The representatives of Israel and the Syrian Arab Republic, as concerned countries, and the representative of Palestine, as a concerned party;

(b) Representatives of States Members of the Council: Bahrain, Brazil, China, Cuba, Egypt (also on behalf of Non-Aligned Movement), Indonesia, Italy, Japan, Jordan,



Nigeria (on behalf of the Group of African States), 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, Montenegro, the Republic of Moldova, the former Yugoslav Republic of Macedonia and Serbia), Sudan<sup>1</sup> (also 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, Venezuela (Bolivarian Republic of), 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, Association for World Education (AWE), Association of World Citizens (AWC), BADIL Resource Center for Palestinian Residency and Refugee Rights, Cairo Institute for Human Rights Studies (CIHRS), Charitable Institute for Protecting Social Victims, Commission of the Churches on International Affairs of the World Council of Churches (CCIA/WCC), Coordinating Board of Jewish Organizations (CBO) (also on behalf of the B'nai B'rith International (BBI)), European Union of Jewish Students (EUJS), General Arab Women Federation (GAWF), Indian Movement Tupaj Amaru (MITA), Institute for Women's Studies and Research (IWSR), International NGO Forum on Indonesian Development (INFID), Nord-Sud XXI, Organization for Defending Victims of Violence (ODVV), Union of Arab Jurists (also on behalf of the Arab Lawyers Union (ALU)), United Nations Watch (UN Watch), World Union of Progressive Judaism (WUPJ).

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

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

### A. General debate on agenda item 8

652. At its 30th and 31st meetings, on 15 June 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, Brazil, Colombia, Chile, Ecuador, Paraguay, Peru, Uruguay and Venezuela (Bolivarian Republic of)), Brazil, China, Colombia<sup>1</sup> (also on behalf of the Czech Republic, Ireland, the Netherlands and the United States of America), Cuba, Indonesia, Italy, Nigeria (on behalf of the Group of African States), Norway (also on behalf of Albania, Andorra, Argentina, Australia, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Costa Rica, Croatia, the Czech Republic, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Mexico, Monaco, Montenegro, the Netherlands, New Zealand, Panama, Peru, Poland, Portugal, the Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Timor-Leste, Tonga, United Kingdom of Great Britain and Northern Ireland, United States of America and Vanuatu), Pakistan (on behalf of the Organization of the Islamic Conference), Russian Federation (also on behalf of Algeria, Angola, Armenia, Bangladesh, Belarus, Bolivia, Bosnia and Herzegovina, Brazil, Cuba, Cyprus, Egypt, Ethiopia, France, the Holy See, India, Jordan, Kazakhstan, Kyrgyzstan, Montenegro, Nicaragua, Norway, Pakistan, Palestine, the Philippines, Poland, the Republic of Moldova, Serbia, Singapore, Sri Lanka, Tajikistan, Turkey, Uzbekistan, Ukraine and Venezuela (the Bolivarian Republic of)), Spain<sup>1</sup> (on behalf of the European Union), Sweden<sup>1</sup> (also on behalf of Chile, the Czech Republic, France, Jordan, Mauritius, the Republic of Moldova, the United Arab Emirates and the United States of America), United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of the following observer States: Algeria, Australia (also on behalf of Canada and New Zealand), Azerbaijan, Lebanon, Morocco, Switzerland, Syrian Arab Republic;

(c) Observers for the following non-governmental organizations: Action internationale pour la paix et le développement dans la région des Grands Lacs (AIPD), Amnesty International (AI), Association of World Citizens (AWC), Canadian HIV/AIDS Legal Network (also on behalf of the International Commission of Jurists (ICJ)), Centrist Democratic International (CDI), France Libertés : Fondation Danielle Mitterrand (also on behalf of the American Association of Jurists (AAJ) and Mouvement contre le racisme et pour l'amitié entre les peuples (MRAP)), Indian Council of South America (CISA), International Club for Peace Research (ICPR), International Committee for the Respect and Application of the African Charter on Human and People's Rights (ICRAC), International Educational Development (IED), Inc., International Humanist and Ethical Union (IHEU), Marangopoulos Foundation for Human Rights (MFHR) (also on behalf of the Inter-African Committee on Traditional Practices Affecting the Health of Women and Children (IAC), Interfaith International, International Alliance of Women (IAW), International Council of Women (ICW-CIF) and International Educational Development (IED), Inc.), Union de l'action féminine, United Nations Watch (UN Watch), World Federation of Trade Unions (WFTU), World Union of Progressive Judaism (WUPJ).

653. At the 31st meeting, on 15 June 2010, the President, referring to the divergences of opinion about the scope of discussions under item 8, stated that these differences should be recognized and that a common understanding about item 8 should be found in the future, particularly in the context of the Council's review. The discussion proceeded on the understanding that that would not serve as a precedent.

654. Also at the same meeting, the representative of the Islamic Republic of Iran made a statement in exercise of the right of reply.

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

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

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

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

655. At the 32nd meeting, on 16 June 2010, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Githu Muigai, presented his reports (A/HRC/14/43 and Add. 1-3).

656. At the same meeting, the representatives of Germany and the United Arab Emirates made statements, as concerned countries.

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

(a) Representatives of States Members of the Council: Brazil, China, Cuba, Egypt, France, Indonesia, Nigeria (on behalf of Group of African States), Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Russian Federation, Senegal, South Africa, Sudan<sup>1</sup> (also on behalf of the Group of Arab States), United States of America;

(b) Representatives of the following observer States: Algeria, Armenia, Azerbaijan, Côte d'Ivoire, Libyan Arab Jamahiriya, Sweden;

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

(d) Representative of a national human rights institution: German Institute for Human Rights;

(e) Observers for the following non-governmental organizations: Indian Movement Tupaj Amaru (MITA), Interfaith International (also on behalf of the Al-Hakim Foundation and Rencontre Africaine pour la défense des droits de l'homme (RADDHO)), Mouvement contre le racisme et pour l'amitié entre les peuples (MRAP), United Nations Watch (UN Watch).

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

659. Also at the same meeting, the representative of the Israel made a statement in exercise of the right of reply.

#### **Working Group of Experts on People of African Descent**

660. At the 32nd meeting, on 16 June 2010, the member of the Working Group of Experts on People of African Descent, Verene Shepherd, presented report of the Working Group (A/HRC/14/18).

661. 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: Brazil, China, Cuba, Nigeria (on behalf of Group of African States), Senegal, South Africa, Sudan<sup>1</sup> (also on behalf of the Group of Arab States), United States of America;

- (b) Representatives of observer States: Algeria, Jamaica;
- (c) Observer for an intergovernmental organization: African Union;
- (d) Observer for a non-governmental organization: Interfaith International (also on behalf of the Al-Hakim Foundation and Rencontre Africaine pour la défense des droits de l'homme (RADDHO)), International Youth and Student Movement for the United Nations (ISMUN).

662. At the same meeting, the member of the Working Group answered questions and made her concluding remarks.

## **B. General debate on agenda item 9**

663. At its 31st meeting, on 15 June 2010, the Council held a general debate on agenda item 9, during which the following made statements:

(a) Representatives of States Members of the Council: Chile, Egypt, 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), United States of America;

(b) Representatives of the following observer States: Ethiopia, Venezuela (Bolivarian Republic of);

(c) Observers for the following non-governmental organizations: Action internationale pour la paix et le développement dans la région des Grands Lacs (AIPD), Association for World Education (AWE), Cercle de Recherche sur les Droits et les Devoirs de la Personne Humaine (CRED), France Libertés : Fondation Danielle Mitterrand (also on behalf of the American Association of Jurists (AAJ), International Educational Development (IED), Inc. and Mouvement contre le racisme et pour l'amitié entre les peuples (MRAP)), Indian Council of South America (CISA), International Committee for the Respect and Application of the African Charter on Human and People's Rights (ICRAC), International Educational Development (IED), Inc., International Humanist and Ethical Union (IHEU), International Movement Against All Forms of Discrimination and Racism (IMADR), International Youth and Student Movement for the United Nations (ISMUN), Liberation, Mouvement contre le racisme et pour l'amitié entre les peuples (MRAP), Nord-Sud XXI, United Nations Watch (UN Watch), World Union for Progressive Judaism (WUPJ).

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

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

### **A. Follow-up to Human Rights Council resolution S-13/1**

664. At the 33rd meeting, on 16 June 2010, the Deputy High Commissioner for Human Rights introduced the report on the support of the OHCHR for the recovery and reconstruction process in Haiti (A/HRC/14/CRP.3), in accordance with Council resolution S-13/1.
665. At the same meeting, Gulanara Shahinian, the Special Rapporteur on the contemporary forms of slavery, including its cause and consequences, delivered a statement on the situation of human rights in Haiti, on behalf of the Special Procedures mandate-holders of the Council.

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

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

666. At the 33rd meeting, on 16 June 2010, the independent expert on the situation of human rights in Haiti, Michel Forst, presented his reports (A/HRC/14/44 and Add.1).
667. At the same meeting, the representative of Haiti made a statement, as the concerned country.
668. During the ensuing interactive dialogue at the same meeting, the following made statements and asked the independent expert questions:
- (a) Representatives of States Members of the Council: Argentina, Brazil, Chile, China, Cuba, France, Japan, Mexico, Norway, Russian Federation, Senegal, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay;
  - (b) Representatives of the following observer States: Algeria, Australia, Canada, Costa Rica, Peru, Sweden, Switzerland, Venezuela (Bolivarian Republic of);
  - (c) Observer for an intergovernmental organization: European Union;
  - (d) Observer for a national human rights institution: International Coordinating Committee of national human rights institutions;
  - (d) Observers for the following non-governmental organizations: European Disability Forum (EDF), Human Rights Watch (HRW), Interfaith International (also on behalf of the Al-Hakim Foundation and Rencontre Africaine pour la défense des droits de l'homme (RADDHO)), International Federation for Human Rights Leagues (FIDH), International Save the Children Alliance, Istituto Internazionale Maria Ausiliatrice (IIMA) delle Salesiane di Don Bosco.

669. At the same meeting, the independent expert answered questions and made his concluding remarks.

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

670. At the 31st meeting, on 15 June 2010, the President informed the States Members of the Council, observer States and other observers that the independent expert on the situation of human rights in Burundi, Akich Okola, was not in a position to make his presentation to the present session. The President further informed that the Independent Expert had suggested handing over to his successor a report covering the period of his activities and findings since the renewal of his mandate in 2008, and that the delegation of Burundi had no objection to deferring the interactive dialogue to the Council's next session in September in the presence of the new mandate holder who would be nominated during the present session.

## C. General debate on agenda item 10

671. At its 33rd meeting, on 16 June 2010, the Council held a general debate on agenda item 10, during which the following made statements:

(a) Representatives of States Members of the Council: Spain<sup>1</sup> (on behalf of the European Union, Albania, Armenia, Bosnia and Herzegovina, Croatia, Georgia, Montenegro, the Republic of Moldova, Serbia, the former Yugoslav Republic of Macedonia, Turkey and Ukraine), United States of America;

(b) Representatives of observer States: Algeria, Denmark;

(c) Observers for non-governmental organizations: Asian Forum for Human Rights and Development (Forum – Asia), Association for World Education (AWE) (also on behalf of the World Union of Progressive Judaism (WUPJ)), Cairo Institute for Human Rights Studies (CIHRS), Human Rights Watch (HRW), International Educational Development (IED), Inc., United Nations Watch (UN Watch).

## Annexes