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## Human Rights Council

Fifteenth session

Agenda item 1

Organizational and procedural matters

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

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

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## **Part One Resolutions and decisions**

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

**15/1**

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

*The Human Rights Council,*

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

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

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

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

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

1. *Welcomes* the report of the independent international fact-finding mission;<sup>1</sup>
2. *Deeply regrets* the non-cooperation by the occupying Power, Israel, with the mission;
3. *Endorses* the conclusions contained in the report of the mission, and calls upon all concerned parties to ensure their immediate implementation;
4. *Recommends* that the General Assembly consider the report of the mission;
5. *Requests* the United Nations High Commissioner for Human Rights to submit a report on the status of the implementation of paragraph 3 above to the Council at its sixteenth session;
6. *Decides* to follow up the implementation of the present resolution at its sixteenth session.

*30th meeting  
29 September 2010*

[Adopted by a recorded vote of 30 to 1, with 15 abstentions. The voting was as follows:

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<sup>1</sup> A/HRC/15/21.

*In favour:*

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

*Against:*

United States of America

*Abstaining:*

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

**15/2****Special Rapporteur on contemporary forms of slavery***The Human Rights Council,*

*Reaffirming* the Universal Declaration of Human Rights, which states that no one shall be held in slavery or servitude and that slavery and the slave trade shall be prohibited in all their forms,

*Recognizing* the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 and the Forced Labour Convention, 1930 (No. 29), of the International Labour Organization, as well as other relevant international instruments which prohibit all forms of slavery and call upon Governments to eradicate such practices,

*Recalling* that the Durban Declaration and Programme of Action strongly condemned the fact that slavery and slavery-like practices still exist today in parts of the world and urged States to take immediate measures as a matter of priority to end such practices, which constitute flagrant violations of human rights,

*Reaffirming* Council resolution 6/14 of 28 September 2007,

*Condemning* contemporary forms of slavery, while acknowledging that it is a global issue that affects all continents and most countries of the world, and calling upon States to take appropriate measures as a matter of priority to end such practices,

*Deeply concerned* that the minimum estimate of the number of people in slavery is over 12 million and that the problem appears to be increasing,

*Recognizing* that broad international cooperation among States as well as between States and relevant intergovernmental and non-governmental organizations is essential for effectively countering contemporary forms of slavery,

*Recalling* Council resolution 5/1 entitled "Institution-building of the United Nations Human Rights Council" and Council resolution 5/2 entitled "Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council", of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with these resolutions and the annexes thereto,

*Convinced* that the issue of contemporary forms of slavery continues to require the attention of the Council,

*Bearing in mind* the United Nations Voluntary Fund on Contemporary Forms of Slavery and its importance for addressing the issues raised by the Special Rapporteur on contemporary forms of slavery,

1. *Welcomes* the work and takes note with appreciation of the reports of the Special Rapporteur on contemporary forms of slavery,<sup>2</sup> which focus on, inter alia, the issues of bonded labour and domestic servitude;

2. *Also welcomes* the cooperation of those States that have accepted requests for visits by the Special Rapporteur and have responded to her requests for information;

3. *Decides* to renew the mandate of the Special Rapporteur for a period of three years;

4. *Also decides* that the Special Rapporteur shall examine and report on all contemporary forms of slavery and slavery-like practices, but in particular those defined in the Slavery Convention of 1926 and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956, as well as all other issues covered previously by the Working Group on Contemporary Forms of Slavery; in the discharge of his/her mandate, the Special Rapporteur shall:

(a) Promote the effective application of relevant international norms and standards on slavery;

(b) Request, receive and exchange information on contemporary forms of slavery from Governments, treaty bodies, special procedures, specialized agencies, intergovernmental organizations, non-governmental organizations and other relevant sources, including on slavery practices and, as appropriate, and in line with the current practice, respond effectively to reliable information on alleged human rights violations with a view to protecting the human rights of victims of slavery and preventing violations;

(c) Recommend actions and measures applicable at the national, regional and international levels to eliminate slavery practices wherever they occur, including remedies which address the causes and consequences of contemporary forms of slavery, such as poverty, discrimination and conflict, as well as the existence of demand factors and relevant measures to strengthen international cooperation;

(d) Focus principally on aspects of contemporary forms of slavery which are not covered by existing mandates of the Human Rights Council;

5. *Requests* the Special Rapporteur, in carrying out his/her mandate, to continue:

(a) To give careful consideration to specific issues within the scope of the mandate and to include examples of effective practices as well as relevant recommendations;

(b) To take account of the gender and age dimensions of contemporary forms of slavery;

6. *Encourages* the Special Rapporteur to compile and analyse examples of national legislation relating to the prohibition of slavery and slavery-like practices in order to assist States in their national efforts to combat contemporary forms of slavery;

7. *Calls upon* all Governments to cooperate with and assist the Special Rapporteur in the performance of the tasks and duties mandated, to supply all necessary

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<sup>2</sup> A/HRC/9/20, A/HRC/12/21 and Add.1 and A/HRC/15/20 and Add.1-4.



information requested by him/her and to give serious consideration to responding favourably to the Special Rapporteur's requests to visit their countries, so as to enable him/her to fulfil his/her mandate effectively;

8. *Encourages* the United Nations, including its specialized agencies, regional intergovernmental organizations, Governments, independent experts, interested institutions and non-governmental organizations to cooperate to the fullest extent possible with the Special Rapporteur in the fulfilment of his/her mandate;

9. *Encourages* the Special Rapporteur to continue to cooperate fully and effectively with all other relevant existing human rights mechanisms, taking full account of their contribution while avoiding duplication of their work;

10. *Requests* the Special Rapporteur to submit annual reports on the activities of the mandate to the Council, together with recommendations on measures that should be taken to combat and eradicate contemporary forms of slavery and slavery-like practices and to protect the human rights of victims of such practices;

11. *Requests* the Secretary-General to give the Special Rapporteur all necessary human and financial assistance, within existing resources, for the effective fulfilment of his/her mandate.

*30th meeting  
29 September 2010*

[Adopted without a vote.]

### **15/3**

#### **Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers**

*The Human Rights Council,*

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

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

*Convinced* that an independent and impartial judiciary, an independent legal profession, an objective and impartial prosecution able to perform its functions accordingly and the integrity of the judicial system are prerequisites for the protection of human rights and the application of the rule of law and for ensuring fair trials and that there is no discrimination in the administration of justice,

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

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

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

*Recalling* that prosecutors shall, in accordance with the law, perform their duties fairly, consistently and expeditiously, and respect and protect human dignity and uphold human rights, thus contributing to due process and the smooth functioning of the criminal justice system,

*Emphasizing* that judges, prosecutors and lawyers play a critical role in safeguarding the non-derogable right of freedom from torture and other cruel, inhuman or degrading treatment or punishment,

*Recalling* that it is essential to ensure that prosecutors possess the professional qualifications required for the performance of their functions through improved methods of recruitment and legal and professional training, and through the provision of all necessary means for the proper performance of their role in combating criminality,

*Recalling also* that every State should provide an effective framework of remedies to redress human rights grievances or violations and that the administration of justice, including law enforcement and prosecutorial agencies and, especially, an independent judiciary and legal profession in full conformity with applicable standards contained in international human rights instruments, is essential to the full and non-discriminatory realization of human rights and indispensable to the processes of democracy and sustainable development,

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

*Reaffirming* Council resolution 8/6 of 18 June 2008 on the mandate of the Special Rapporteur on the independence of judges and lawyers,

1. *Encourages* States to take into consideration principles and individual and institutional parameters for effectively guaranteeing the independence of the judiciary and the free and independent functioning of lawyers and the legal profession, as contained in previous reports submitted by the Special Rapporteur on the independence of judges and lawyers to the Council<sup>3</sup> and the General Assembly;<sup>4</sup>

2. *Takes note with appreciation* of the latest report of the Special Rapporteur<sup>5</sup> on, inter alia, continuing education and training in international human rights as a crucial factor for the independence of judges and lawyers and for the objectivity and impartiality of prosecutors and their ability to perform their functions accordingly, and invites all Governments and competent national entities, such as bar associations, associations of magistrates and universities, to consider seriously the conclusions and recommendations made therein;

3. *Requests* the Special Rapporteur to carry out, within existing resources and with the support of the Office of the United Nations High Commissioner for Human Rights, a global thematic study to assess the human rights education and continuing training of judges, prosecutors, public defenders and lawyers, with recommendations for appropriate follow-up, and to present it to the Council at its twentieth session;

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<sup>3</sup> A/HRC/11/41.

<sup>4</sup> A/64/181.

<sup>5</sup> A/HRC/14/26.

4. *Also requests* the Special Rapporteur to explore the need for, and where appropriate, elaborate on, additional individual and institutional parameters to ensure and strengthen the objectivity and impartiality of prosecutors and prosecutorial services and their ability to perform their functions accordingly in protecting human rights and promoting the fair administration of justice;

5. *Encourages* States to promote diversity in the composition of the members of the judiciary and to ensure that the requirements for joining the judiciary and the selection process thereof are non-discriminatory;

6. *Also encourages* States and invites competent national entities, such as bar associations, associations of magistrates and universities, to consider promoting the education and training of judges, prosecutors, public defenders and lawyers, and to ensure that the latter are informed as appropriate, on a regular basis, of new developments in international human rights law;

7. *Calls upon* all Governments to respect and uphold the independence of judges and lawyers and the objectivity and impartiality of prosecutors, and their ability to perform their functions accordingly, and, to those ends, take effective legislative, law enforcement and other appropriate measures that will enable them to carry out their professional duties without harassment or intimidation of any kind;

8. *Calls upon* States to protect judges, lawyers and prosecutors and their families against physical violence, threats, retaliation and harassment as a result of discharging their functions;

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

10. *Invites* the Special Rapporteur to collaborate with relevant stakeholders within the United Nations system in the areas pertaining to her mandate, including, where appropriate, the recently established Rule of Law Coordination and Resource Group;

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

12. *Encourages* the Special Rapporteur to continue to make concrete recommendations with regard to the protection and enhancement of the independence of judges, lawyers and court officials, as well as to the objectivity and impartiality of prosecutors and their ability to perform their functions, including through the provision of advisory services or technical assistance, in consultation with the Office of the High Commissioner, when they are requested by the State concerned;

13. *Also encourages* the Special Rapporteur to facilitate the provision of technical assistance, including through engagement with other relevant stakeholders;

14. *Encourages* Governments that face difficulties in guaranteeing the independence of judges and lawyers, the objectivity and impartiality of prosecutors and their ability to perform their functions accordingly, or that are determined to take measures to implement these principles further, to consult and to consider the services of the Special Rapporteur, for instance by inviting her to their country;

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

30th meeting  
29 September 2010

[Adopted without a vote.]

## 15/4

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

*The Human Rights Council,*

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

*Reaffirming also* the human right of everyone to education, which is enshrined in, inter alia, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities and other relevant international instruments,

*Mindful* of recent significant developments and remaining challenges in the promotion and protection of economic, social and cultural rights, in particular the right to education, at the national, regional and international levels,

*Deeply concerned* that, on current trends, some key goals of the Education for All initiative agreed upon at the World Education Forum, held in Dakar in April 2000, will not be achieved by 2015, including the goal of universal primary education, despite progress made in recent years towards achieving such goals, and aware of the need to increase efforts in this regard at all levels,

*Deeply concerned also* that, according to the 2010 Education For All Global Monitoring Report of the United Nations Educational, Scientific and Cultural Organization, the global financial crisis could create a lost generation of children whose chances in life will have been irreparably damaged by a failure to protect their right to education,

*Mindful* of the role that the full realization of the right to education plays in helping to achieve the Millennium Development Goals,

*Welcoming* the “1Goal: Education for All”, a joint initiative of the Global Campaign For Education and Fédération internationale de football association, including the holding of the World Cup Education Summit in Pretoria in July 2010,

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

*Stressing* the need for adequate financial resources so that everyone can realize his or her right to education, and the importance in this regard of national resource mobilization, as well as international cooperation,

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

2. *Takes note with appreciation of:*

(a) The report of the Special Rapporteur on the right to education on the right to education of migrants, refugees and asylum-seekers<sup>6</sup> and his interim report to the General Assembly;<sup>7</sup>

(b) The work of the United Nations treaty bodies in the promotion of the right to education;

(c) The work undertaken by the Office of the United Nations High Commissioner for Human Rights in the promotion of the right to education at the country, regional and headquarters levels;

(d) The contribution of the United Nations Children's Fund and of the United Nations Educational, Scientific and Cultural Organization towards attaining the Millennium Development Goals of achieving universal primary education and eliminating gender disparity in education and the goals of the Education for All initiative, agreed upon at the World Education Forum;

(e) The work undertaken by the Office of the United Nations High Commissioner for Refugees in ensuring access to education for refugees and asylum-seekers in accordance with its mandate and relevant provisions of international refugee law;

3. *Urges* all relevant stakeholders to increase their efforts so that the goals of the Education for All initiative can be achieved by 2015, by, inter alia, tackling persistent economic and social inequalities, including on the basis of such factors as income, gender, location, ethnicity, language and disability, and notes the role that good governance can play in this regard;

4. *Encourages* all States to ensure the right to education, an imperative in its own right, of migrants, refugees and asylum-seekers, as well as of internally displaced persons, including, in accordance with their international obligations, by making every effort:

(a) To eliminate discrimination against such persons in their access to all types and levels of education;

(b) To foster the successful integration of such persons into the regular school system;

(c) To develop educational strategies that address the specific educational needs of such persons, including women, children and persons with disabilities;

(d) To promote and facilitate the access of such persons to education of good quality;

(e) To remove barriers to the education of such persons, including language barriers, by, inter alia, ensuring that education systems promote tolerance and respect diversity, in particular religious and cultural diversity, respect and promote human rights and provide for the necessary flexibility concerning documentation requirements for the purpose of participation or registration in the education system;

(f) To promote research on the educational experience and needs of such persons, and to develop or improve mechanisms to monitor their learning outcomes;

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<sup>6</sup> A/HRC/14/25 and Corr.1 and Add.1-4.

<sup>7</sup> A/64/273.

- (g) To promote the development of regional and international qualification systems;
- (h) To promote the recruitment of teachers from relevant backgrounds;
- (i) To support teachers and other personnel working with such persons, by, inter alia, promoting the integration of intercultural education into teacher training;
- (j) To include in the training of teachers and other education staff training related to dealing with traumatized learners, particularly in refugee and internal displacement contexts, as well as psychosocial support and expert counselling to teachers, refugees, asylum-seekers and internally displaced persons;
- (k) To promote the participation of migrants, refugees, asylum-seekers and internally displaced persons in the planning, design, implementation and evaluation of relevant policies and programmes;
- (l) To share best practices concerning the education of migrants, refugees, asylum-seekers and internally displaced persons;

5. *Urges* States to comply with their obligations under international human rights, refugee and humanitarian law relating to refugees, asylum-seekers and displaced persons, and urges the international community to provide them with protection and assistance in an equitable manner and with due regard to their needs in different parts of the world, in keeping with principles of international solidarity, burden-sharing and international cooperation, to share responsibilities;

6. *Urges* all States to take all measures necessary to promote lifelong education and learning in both formal and informal settings, including human rights education and training;

7. *Encourages* the Office of the High Commissioner, the treaty bodies, the special procedures of the Council and other relevant United Nations bodies and mechanisms, specialized agencies or programmes, within their respective mandates, to continue their efforts to promote the realization of the right to education worldwide and to enhance their cooperation in this regard, and, in this connection, encourages the Special Rapporteur on the right to education to facilitate, including through the engagement with relevant stakeholders, the provision of technical assistance in the area of the right to education;

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

*30th meeting  
29 September 2010*

[Adopted without a vote.]

## **15/5 Forensic genetics and human rights**

*The Human Rights Council,*

*Taking into account* its resolution 10/26 of 27 March 2009 on forensic genetics and human rights,

*Taking into account also* Commission on Human Rights resolution 2005/66 of 20 April 2005, Council decision 2/105 of 27 November 2006, Council resolutions 9/11 of 24

September 2008 and 12/12 of 1 October 2009, as well as the reports of the Office of the United Nations High Commissioner for Human Rights on the right to the truth,<sup>8</sup>

*Noting* the general comment of the Working Group on Enforced or Involuntary Disappearances on the right to the truth with regard to enforced disappearances, in which the Working Group highlighted the importance of identifying the victims of enforced disappearances through, among other methods, DNA analysis,

1. *Encourages* States to consider the use of forensic genetics to contribute to the identification of the remains of victims of serious violations of human rights and of international humanitarian law, and to address the issue of impunity;

2. *Also encourages* States to consider the use of forensic genetics to contribute to the restoration of identity to those persons who were separated from their families, including those taken away from their relatives when they were children, in situations of serious violations of human rights and, in the context of armed conflicts, of violations of international humanitarian law;

3. *Stresses* the importance of providing the results of investigations of forensic genetics to national authorities, in particular, where appropriate, to competent judicial authorities;

4. *Welcomes* the increasing use of forensic genetics in the investigation of serious violations of human rights and international humanitarian law, and calls for further cooperation between States, intergovernmental organizations and non-governmental organizations in planning and conducting such investigations consistent with applicable domestic and international law;

5. *Encourages* States to consider the use of forensic genetics to be applied pursuant to the international standards accepted by the scientific community in relation to quality assurance and control, and to ensure, where appropriate, the utmost respect for the principles of protection and confidentiality of information and restricted access to such information in accordance with domestic law, and recognizes that many States have domestic legislation in place designed to protect the privacy of individuals;

6. *Takes note with appreciation* of the report of the Office of the United Nations High Commissioner for Human Rights on forensic genetics and human rights,<sup>9</sup> in particular its conclusions;

7. *Requests* the High Commissioner to submit a report, within existing resources, to be presented to the Council at its eighteenth session, on the obligation of States to investigate serious violations of human rights and international humanitarian law in accordance with their international legal commitments in terms of identifying victims of such violations, including through the use of forensic genetics, with a view to considering further the possibility of drafting a manual that may serve as a guide for the most effective application of forensic genetics, including, where appropriate, the voluntary creation and operation of genetic banks, with the proper safeguards;

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<sup>8</sup> E/CN.4/2006/91, A/HRC/5/7, A/HRC/12/19 and A/HRC/15/33.

<sup>9</sup> A/HRC/15/26.

8. *Decides* to consider this matter at its eighteenth session under the same agenda item.

30th meeting  
29 September 2010

[Adopted without a vote.]

## 15/6

### **Follow-up to the report of the Committee of independent experts in international humanitarian and human rights law established pursuant to Council resolution 13/9**

*The Human Rights Council,*

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

*Recalling* its relevant resolutions, including resolutions S-9/1 of 12 January 2009, S-12/1 of 16 October 2009 and 13/9 of 25 March 2010, adopted in follow-up to the human rights situation in the Occupied Palestinian Territory, including East Jerusalem, and the report of the United Nations Independent International Fact-Finding Mission on the Gaza Conflict,<sup>10</sup>

*Recalling also* relevant General Assembly resolutions, including resolutions 64/10 of 5 November 2009 and 64/254 of 26 February 2010, adopted in follow-up to the report of the Fact-Finding Mission,

*Recalling further* relevant rules and principles of international law, including international humanitarian law and international human rights law, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, applicable to the Occupied Palestinian Territory, including East Jerusalem,

*Recalling* the Universal Declaration of Human Rights and other international human rights instruments, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child,

*Reaffirming* the obligation of all parties to respect international humanitarian law and international human rights law,

*Reiterating* the importance of the safety and well-being of all civilians, and reaffirming the obligation of the international community to ensure the protection of civilians in armed conflicts,

*Stressing* the need to ensure accountability for all violations of international humanitarian law and international human rights law in order to prevent impunity, ensure justice, deter further violations and promote peace,

1. *Takes note* of the report of the Secretary-General,<sup>11</sup> and requests the Secretary-General to follow up on the implementation of the recommendations contained in the report of the United Nations Independent International Fact-Finding Mission on the Gaza Conflict,<sup>10</sup> in accordance with Human Rights Council resolution S-12/1;

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<sup>10</sup> A/HRC/12/48.

<sup>11</sup> A/HRC/15/51.



2. *Also takes note* of the report of the United Nations High Commissioner for Human Rights,<sup>12</sup> and requests the High Commissioner to follow up on the implementation of the recommendations contained in the report of the Fact-Finding Mission, in accordance with Human Rights Council resolution S-12/1;

3. *Welcomes* the report of the Committee of independent experts in international humanitarian and human rights law to monitor and assess any domestic, legal or other proceedings undertaken by both the Government of Israel and the Palestinian side, including the independence, effectiveness and genuineness of these investigations and their conformity with international standards;<sup>13</sup>

4. *Warmly welcomes* the cooperation of the Palestinian National Authority with the Committee of independent experts, and the report submitted to the Secretary-General on the investigations carried out by the Palestinian Independent Investigation Commission established pursuant to the Goldstone report;<sup>14</sup>

5. *Urges* the Palestinian Independent Investigation Commission to complete its investigations in order to cover the allegations relating to the occupied Gaza Strip, as contained in the report of the Fact-Finding Mission;

6. *Condemns* the non-cooperation by Israel, the occupying Power, which hampered the assessment by the Committee of independent experts of Israel's response to the call by the General Assembly and the Council to conduct investigations that are independent, credible and in conformity with international standards;

7. *Urges* Israel, the occupying Power, in compliance with its duties to complete investigations in conformity with international standards of independence, thoroughness, effectiveness and promptness into the serious violations of international humanitarian law and international human rights law reported by the Fact-Finding Mission;

8. *Decides* to renew and resume the mandate of the Committee of independent experts, established pursuant to Council resolution 13/9, and requests the Committee to submit its report to the Council at its sixteenth session, and requests the High Commissioner to continue to provide the members of the Committee with all administrative, technical and logistic assistance required to enable them to fulfil their mandate promptly and efficiently;

9. *Requests* the High Commissioner to present a report on the implementation of the present resolution to the Council at its sixteenth session;

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

*30th meeting  
29 September 2010*

[Adopted by a recorded vote of 27 to 1, with 19 abstentions. The voting was as follows:

*In favour:*

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

<sup>12</sup> A/HRC/15/52.

<sup>13</sup> A/HRC/15/50.

<sup>14</sup> See A/64/890, annex II.

*Against:*

United States of America

*Abstaining:*

Belgium, Burkina Faso, Cameroon, Chile, France, Guatemala, Hungary, Japan, Mexico, Norway, Poland, Republic of Korea, Republic of Moldova, Slovakia, Spain, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, Zambia]

## 15/7

### **Human rights and indigenous peoples**

*The Human Rights Council,*

*Bearing in mind* that the General Assembly, in its resolution 59/174 of 20 December 2004, proclaimed the Second International Decade of the World's Indigenous People,

*Recalling* Commission on Human Rights resolutions 2001/57 of 24 April 2001, 2002/65 of 25 April 2002, 2003/56 of 24 April 2003, 2004/62 of 21 April 2004 and 2005/51 of 20 April 2005 on human rights and indigenous issues,

*Recalling also* Council resolutions 6/12 of 28 September 2007, 6/36 of 14 December 2007, 9/7 of 24 September 2008 and 12/13 of 1 October 2009,

*Recalling further* the adoption of the United Nations Declaration on the Rights of Indigenous Peoples by the General Assembly in its resolution 61/295 of 13 September 2007,

*Recognizing* the importance to indigenous peoples of revitalizing, using, developing and transmitting to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and designating and retaining their own names for communities, places and persons,

1. *Welcomes* the report of the United Nations High Commissioner for Human Rights on indigenous issues,<sup>15</sup> and requests the High Commissioner to continue to submit to the Council an annual report on the rights of indigenous peoples containing information on relevant developments in human rights bodies and mechanisms and activities undertaken by the Office of the High Commissioner at Headquarters and in the field that contribute to the promotion of, respect for and the full application of the provisions of the United Nations Declaration on the Rights of Indigenous Peoples, and follow-up on the effectiveness of the Declaration;

2. *Also welcomes* the work of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and the official visits he has made during the last year, takes note with appreciation of his report,<sup>16</sup> and encourages all Governments to respond favourably to his requests for visits;

3. *Requests* the Special Rapporteur to report on the implementation of his mandate to the General Assembly at its sixty-sixth session;

4. *Welcomes* the work of the Expert Mechanism on the Rights of Indigenous Peoples, and takes note with appreciation of the report on its third session;<sup>17</sup>

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<sup>15</sup> A/HRC/15/34.

<sup>16</sup> A/HRC/15/37.

<sup>17</sup> A/HRC/15/36.

5. *Also welcomes* the successful completion by the Expert Mechanism of its progress report on the study on indigenous peoples and the right to participate in decision-making,<sup>18</sup> encourages it to finalize the study in accordance with Council resolution 12/13, taking into account the discussions held at its third session, and requests it to give examples of good practices at different levels of decision-making;

6. *Further welcomes* the practice adopted during the third session of the Expert Mechanism to devote specific time to discussion of past mandated thematic studies of the Mechanism, and encourages States to participate in and contribute to these discussions;

7. *Decides*, bearing in mind paragraph 7 of Council resolution 12/13, to hold, on an annual basis, and without prejudice to the outcome of the Council's review of its work and functioning, an interactive dialogue with the Expert Mechanism following the presentation of its report, within existing resources;

8. *Also decides* to hold, within existing resources, at its eighteenth session, a half-day panel on the role of languages and culture in the promotion and protection of the well-being and identity of indigenous peoples;

9. *Further decides*, bearing in mind the need to ensure continuity in the functioning of the Expert Mechanism and pursuant to paragraph 8 of resolution 12/13, that, while the regular mandate of the members of the Expert Mechanism shall continue to be three years in accordance with paragraph 6 of Council resolution 6/36, two out of five members to be elected in 2011 shall serve for two years, and that the staggering of the terms of membership shall be defined by the drawing of lots by the President of the Council after the election of the five members;

10. *Welcomes* the report of the Office of the United Nations High Commissioner for Human Rights on the practical implications of a change in the mandate of the Voluntary Fund for Indigenous Populations,<sup>19</sup> and recommends that the General Assembly approve the expansion of the mandate of the Voluntary Fund so that it can also be used to assist representatives of indigenous communities and indigenous organizations to attend sessions of the Council and of human rights treaty bodies, based on diverse and renewed participation and in accordance with relevant rules and regulations, including Economic and Social Council resolution 1996/31 of 25 July 1996;

11. *Recognizes* the importance of the contributions of all relevant stakeholders, including the Expert Mechanism, to the process of the Council's review of its work and functioning;

12. *Welcomes* the role of national human rights institutions established in accordance with the Paris Principles in advancing indigenous issues, and encourages national human rights institutions to develop and strengthen their capacities to fulfil that role effectively, including with the support of the Office of the High Commissioner;

13. *Also welcomes* the ongoing cooperation and coordination between the Special Rapporteur, the Permanent Forum on Indigenous Issues and the Expert Mechanism, and requests them to continue to carry out their tasks in a coordinated manner;

14. *Encourages* those States that have not yet ratified or acceded to the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization to consider doing so and to consider supporting the United Nations

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<sup>18</sup> A/HRC/15/35.

<sup>19</sup> A/HRC/15/38.

Declaration on the Rights of Indigenous Peoples, and welcomes the increased support by States to that Declaration;

15. *Encourages* States that have endorsed the Declaration on the Rights of Indigenous Peoples to adopt measures to pursue the objectives of the Declaration in consultation and cooperation with indigenous peoples, where appropriate;

16. *Decides* to continue consideration of this question at a future session in conformity with its annual programme of work.

31st meeting  
30 September 2010

[Adopted without a vote.]

## 15/8

### **Adequate housing as a component of the right to an adequate standard of living**

*The Human Rights Council,*

*Reaffirming* all its previous resolutions as well as those adopted by the Commission on Human Rights on the issue of adequate housing as a component of the right to an adequate standard of living, including Council resolution 6/27 of 14 December 2007,

*Reaffirming also* that international human rights law instruments, including the International Covenant on Economic, Social and Cultural Rights and the Universal Declaration of Human Rights, entail obligations and commitments of States parties in relation to access to adequate housing,

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

*Recalling also* the principles and commitments with regard to adequate housing enshrined in the relevant provisions of declarations and programmes adopted by major United Nations conferences and summits and at special sessions of the General Assembly and at their follow-up meetings, inter alia, the Istanbul Declaration on Human Settlements and the Habitat Agenda<sup>20</sup> and the Declaration on Cities and Other Human Settlements in the New Millennium, adopted at the twenty-fifth special session of the Assembly and annexed to its resolution S-25/2 of 9 June 2001,

*Concerned* that any deterioration in the general housing situation disproportionately affects persons living in conditions of poverty, low-income earners, women, children, persons belonging to minorities and indigenous peoples, migrants, the elderly and persons with disabilities,

*Noting* the work of the United Nations treaty bodies, in particular the Committee on Economic, Social and Cultural Rights, in the promotion of the rights related to adequate housing, including its general comments Nos. 4, 7, 9 and 16,

1. *Acknowledges with appreciation* the work of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, including the undertaking of country missions;

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<sup>20</sup> A/CONF.165/14.

2. *Decides* to extend for a period of three years the mandate of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, in order that he or she may, *inter alia*:

- (a) Promote the full realization of the right to adequate housing as a component of the right to an adequate standard of living;
- (b) Identify best practices as well as challenges and obstacles to the full realization of the right to adequate housing, and identify protection gaps in this regard;
- (c) Give particular emphasis to practical solutions with regard to the implementation of the rights relevant to the mandate;
- (d) Apply a gender perspective, including through the identification of gender-specific challenges to the realization of the right to adequate housing;
- (e) Pay special attention to the needs of persons in vulnerable situations as well as those belonging to marginalized groups;
- (f) Facilitate the provision of technical assistance, including through engagement with relevant stakeholders;
- (g) Work in close cooperation, while avoiding unnecessary duplication, with other special procedures and subsidiary organs of the Council, relevant United Nations bodies, the treaty bodies and regional human rights mechanisms;
- (h) Submit a regular report on the implementation of his or her mandate to the Council and the General Assembly in accordance with their annual programme of work;

3. *Notes* the work on the basic principles and guidelines on development-based evictions and displacement and the need to continue to work on them, including through consultations with States and other stakeholders;

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

5. *Notes with appreciation* the cooperation extended to date to the Special Rapporteur by different actors, and calls upon States:

- (a) To continue to cooperate with the Special Rapporteur in the discharge of his or her mandate and to respond favourably to his or her requests for information and visits;
- (b) To enter into a constructive dialogue with the Special Rapporteur with respect to the follow-up to and implementation of his or her recommendations;

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

*31st meeting  
30 September 2010*

[Adopted without a vote.]

## **15/9**

### **Human rights and access to safe drinking water and sanitation**

*The Human Rights Council,*

*Reaffirming* all previous resolutions of the Council on human rights and access to safe drinking water and sanitation, in particular resolution 7/22 of 28 March 2008 and resolution 12/8 of 1 October 2009,

*Recalling* the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities,

*Recalling also* relevant provisions of declarations and programmes with regard to access to safe drinking water and sanitation adopted by major United Nations conferences and summits, and by the General Assembly at its special sessions and during follow-up meetings, inter alia, the Mar del Plata Action Plan on Water and Development and Administration, adopted at the United Nations Water Conference in March 1977, Agenda 21 and the Rio Declaration on Environment and Development, adopted at the United Nations Conference on Environment and Development in June 1992, and the Habitat Agenda, adopted at the second United Nations Conference on Human Settlements in 1996, Assembly resolutions 54/175 of 17 December 1999 on the right to development, and 58/271 of 23 December 2003 proclaiming the International Decade for Action, “Water for Life” (2005–2015),

*Noting with interest* regional commitments and initiatives promoting the further realization of human rights obligations related to access to safe drinking water and sanitation, including the Protocol on Water and Health, adopted by the Economic Commission for Europe in 1999, the European Charter on Water Resources, adopted by the Council of Europe in 2001, the Abuja Declaration, adopted at the first Africa-South America summit in 2006, the message from Beppu, adopted at the first Asian-Pacific Water Summit in 2007, the Delhi Declaration, adopted at the third South Asian Conference on Sanitation in 2008, and the Sharm el-Sheikh Final Document, adopted at the Fifteenth Summit Conference of Heads of State and Government of the Movement of Non-Aligned Countries in 2009,

*Bearing in mind* the commitments made by the international community to achieve fully the Millennium Development Goals, and stressing, in that context, the resolve of Heads of State and Government, as expressed in the United Nations Millennium Declaration, to halve, by 2015, the proportion of people unable to reach or afford safe drinking water, and to halve the proportion of people without access to basic sanitation, as agreed in the Plan of Implementation of the World Summit on Sustainable Development (“Johannesburg Plan of Implementation”),

*Deeply concerned* that approximately 884 million people lack access to improved water sources as defined by the World Health Organization and the United Nations Children’s Fund in their 2010 Joint Monitoring Programme report, and that over 2.6 billion people do not have access to basic sanitation, and alarmed that approximately 1.5 million children under 5 years of age die and 443 million school days are lost every year as a result of water and sanitation-related diseases,

*Reaffirming* the fact that international human rights law instruments, including the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities entail obligations for States parties in relation to access to safe drinking water and sanitation,

*Recalling* resolution 8/7 of 18 June 2008, in which the Council established the mandate of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises,

1. *Welcomes* the work of the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation, including the progress in collecting good practices for her compendium,<sup>21</sup> and the comprehensive, transparent and inclusive consultations conducted with relevant and interested actors from all regions for her thematic reports, as well as the undertaking of country missions;

2. *Recalls* General Assembly resolution 64/292 of 28 July 2010, in which the Assembly recognized the right to safe and clean drinking water and sanitation as a human right that is essential for the full enjoyment of life and all human rights;

3. *Affirms* that the human right to safe drinking water and sanitation is derived from the right to an adequate standard of living and inextricably related to the right to the highest attainable standard of physical and mental health, as well as the right to life and human dignity;

4. *Calls upon* the independent expert to continue to pursue her work regarding all aspects of her mandate, including to clarify further the content of human rights obligations, including non-discrimination obligations in relation to safe drinking water and sanitation, in coordination with States, United Nations bodies and agencies, and relevant stakeholders;

5. *Acknowledges with appreciation* the second annual report of the independent expert<sup>22</sup> and takes note with interest of her recommendations and clarifications with regard to both the human rights obligations of States and the human rights responsibilities of non-State service providers in the delivery of water and sanitation services;

6. *Reaffirms* that States have the primary responsibility to ensure the full realization of all human rights, and that the delegation of the delivery of safe drinking water and/or sanitation services to a third party does not exempt the State from its human rights obligations;

7. *Recognizes* that States, in accordance with their laws, regulations and public policies, may opt to involve non-State actors in the provision of safe drinking water and sanitation services and, regardless of the form of provision, should ensure transparency, non-discrimination and accountability;

8. *Calls upon* States:

(a) To develop appropriate tools and mechanisms, which may encompass legislation, comprehensive plans and strategies for the sector, including financial ones, to achieve progressively the full realization of human rights obligations related to access to safe drinking water and sanitation, including in currently unserved and underserved areas;

(b) To ensure full transparency of the planning and implementation process in the provision of safe drinking water and sanitation and the active, free and meaningful participation of the concerned local communities and relevant stakeholders therein;

(c) To pay particular attention to persons belonging to vulnerable and marginalized groups, including by respecting the principles of non-discrimination and gender equality;

<sup>21</sup> A/HRC/15/31/Add.1.

<sup>22</sup> A/HRC/15/31.

(d) To integrate human rights into impact assessments throughout the process of ensuring service provision, as appropriate;

(e) To adopt and implement effective regulatory frameworks for all service providers in line with the human rights obligations of States, and to allow public regulatory institutions of sufficient capacity to monitor and enforce those regulations;

(f) To ensure effective remedies for human rights violations by putting in place accessible accountability mechanisms at the appropriate level;

9. *Recalls* that States should ensure that non-State service providers:

(a) Fulfil their human rights responsibilities throughout their work processes, including by engaging proactively with the State and stakeholders to detect potential human rights abuses and find solutions to address them;

(b) Contribute to the provision of a regular supply of safe, acceptable, accessible and affordable drinking water and sanitation services of good quality and sufficient quantity;

(c) Integrate human rights into impact assessments as appropriate, in order to identify and help address human rights challenges;

(d) Develop effective organizational-level grievance mechanisms for users, and refrain from obstructing access to State-based accountability mechanisms;

10. *Stresses* the important role of the international cooperation and technical assistance provided by States, specialized agencies of the United Nations system, international and development partners as well as by donor agencies, in particular in the timely achievement of the relevant Millennium Development Goals, and urges development partners to adopt a human rights-based approach when designing and implementing development programmes in support of national initiatives and action plans related to the enjoyment of access to safe drinking water and sanitation;

11. *Requests* the independent expert to continue to report, on an annual basis, to the Council and to submit an annual report to the General Assembly;

12. *Requests* the United Nations High Commissioner for Human Rights to continue to ensure that the independent expert receives the resources necessary to enable her to discharge her mandate fully;

13. *Decides* to continue its consideration of this matter under the same agenda item and in accordance with its programme of work.

*31st meeting  
30 September 2010*

[Adopted without a vote.]

## **15/10**

### **Elimination of discrimination against persons affected by leprosy and their family members**

*The Human Rights Council,*

*Recalling* Council resolutions 8/13 of 18 June 2008 and 12/7 of 1 October 2009, in which the Council requested the Human Rights Council Advisory Committee to formulate and finalize a draft set of principles and guidelines for the elimination of discrimination against persons affected by leprosy and their family members,



*Welcoming* the submission of views of relevant actors on the draft set of principles and guidelines in accordance with Council resolution 12/7,

*Expressing its appreciation* to the Advisory Committee for finalizing the draft set of principles and guidelines for the elimination of discrimination against persons affected by leprosy and their family members,

*Noting* that the Principles and Guidelines are to be interpreted in a manner consistent with States' obligations under international human rights law, including relevant Conventions,

1. *Takes note with appreciation* of the Principles and Guidelines for the elimination of discrimination against persons affected by leprosy and their family members submitted to the Council by the Advisory Committee;<sup>23</sup>

2. *Requests* the Office of the United Nations High Commissioner for Human Rights to disseminate the Principles and Guidelines as appropriate;

3. *Encourages* Governments, relevant United Nations bodies, specialized agencies, funds and programmes, other intergovernmental organizations and national human rights institutions to give due consideration to the Principles and Guidelines in the formulation and implementation of their policies and measures concerning persons affected by leprosy and their family members;

4. *Encourages* all relevant actors in society, including hospitals, schools, universities, religious groups and organizations, business enterprises, newspapers, broadcasting networks and other non-governmental organizations, to give due consideration, as appropriate, to the Principles and Guidelines, in the course of their activities;

5. *Invites* the General Assembly to consider, as appropriate, the issue of the elimination of discrimination against persons affected by leprosy and their family members, including possible ways to promote further the Principles and Guidelines.

*31st meeting  
30 September 2010*

[Adopted without a vote.]

## **15/11**

### **World Programme for Human Rights Education: adoption of the plan of action for the second phase**

*The Human Rights Council,*

*Reaffirming* that States are duty-bound, as stipulated in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights and in other international human rights instruments, to ensure that education is aimed at strengthening the respect of human rights and fundamental freedoms,

*Recalling* General Assembly resolutions 43/128 of 8 December 1988, by which the Assembly launched the World Public Information Campaign on Human Rights, 59/113 A of 10 December 2004, 59/113 B of 14 July 2005 and 60/251 of 15 March 2006, in which the Assembly decided, inter alia, that the Council should promote human rights education and learning, Commission on Human Rights resolution 2005/61 of 20 April 2005 and

<sup>23</sup> A/HRC/15/30, annex.

Subcommission for the Promotion and Protection of Human Rights resolution 2006/19 of 24 August 2006 on the World Programme for Human Rights Education, structured in consecutive phases,

*Recalling also* Council resolutions 6/9 and 6/24 of 28 September 2007, 9/12 of 24 September 2008, 10/3 of 25 March 2009 and 12/4 of 1 October 2009,

*Recalling further* that the World Programme is structured on an ongoing series of consecutive phases, intended as a comprehensive process, including formal and informal education and training, and that, in accordance with the World Programme, Member States should continue the implementation of human rights education in primary and secondary school systems, while taking the necessary measures to implement the World Programme according to its new focus on human rights education for higher education and on human rights training programmes for teachers and educators, civil servants, law enforcement officials and military personnel at all levels,

1. *Takes notes with appreciation* of the draft plan of action for the second phase of the World Programme for Human Rights Education (2010–2014),<sup>24</sup> prepared by the Office of the United Nations High Commissioner for Human Rights in consultation with Member States and in cooperation with relevant intergovernmental organizations, in particular the United Nations Educational, Scientific and Cultural Organization and non-governmental actors;

2. *Adopts* the plan of action for the second phase (2010–2014) of the World Programme for Human Rights Education;

3. *Encourages* all States and, where appropriate, relevant stakeholders to develop initiatives within the World Programme and, in particular, to implement, within their capabilities, the plan of action;

4. *Requests* the Office of the High Commissioner, in close cooperation with the United Nations Educational, Scientific and Cultural Organization, to promote the national implementation, as appropriate, of the plan of action, provide relevant technical assistance, when requested, and coordinate related international efforts;

5. *Appeals* to relevant organs, bodies or agencies of the United Nations system, as well as all other international and regional intergovernmental and non-governmental organizations, within their respective mandates, to promote and provide technical assistance, when requested, for the national implementation of the plan of action;

6. *Calls upon* all existing national human rights institutions to assist in the implementation of human rights education programmes consistent with the plan of action;

7. *Requests* the Office of the High Commissioner and the United Nations Educational, Scientific and Cultural Organization to disseminate the plan of action widely among States and intergovernmental and non-governmental organizations;

8. *Decides* to follow up on the implementation of the World Programme under the same agenda item in 2012, and requests the Office of the High Commissioner to prepare, within existing resources, a progress report on the implementation of the World Programme and to submit it to the Council at its last session in 2012.

*31st meeting  
30 September 2010*

[Adopted without a vote.]

<sup>24</sup> A/HRC/15/28.

15/12

**The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination**

*The Human Rights Council,*

*Recalling* all previous resolutions adopted by the General Assembly, the Human Rights Council and the Commission on Human Rights on the subject, including General Assembly resolution 64/151 of 18 December 2009 and Council resolution 10/11 of 26 March 2009,

*Recalling also* all relevant resolutions that, inter alia, condemn any State that permits or tolerates the recruitment, financing, training, assembly, transit or use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, or of fighting against national liberation movements, and recalling further the relevant resolutions and international instruments adopted by the General Assembly, the Security Council, the Economic and Social Council, the African Union and the Organization of African Unity, inter alia, the Organization of African Unity Convention for the elimination of mercenarism in Africa,

*Reaffirming* the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, the territorial integrity of States, the self-determination of peoples, the non-use of force or threat of use of force in international relations and non-interference in affairs within the domestic jurisdiction of States,

*Reaffirming also* that, by virtue of the principle of self-determination, all peoples have the right to determine freely their political status and to pursue freely their economic, social and cultural development,

*Reaffirming further* the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,

*Alarmed and concerned* about the threat posed by the activities of mercenaries to peace and security in developing countries in various parts of the world, in particular in areas of conflict,

*Deeply concerned* at the loss of life, the substantial damage to property and the negative effects on the policy and economies of affected countries resulting from mercenary international criminal activities,

*Extremely alarmed and concerned* about recent mercenary activities in developing countries in various parts of the world, in particular in areas of conflict, and the threat they pose to the integrity and respect of the constitutional order of the affected countries,

*Convinced* that, notwithstanding the way in which mercenaries or mercenary-related activities are used or the form they take to acquire a semblance of legitimacy, they are a threat to peace, security and the self-determination of peoples and an obstacle to the enjoyment of human rights by peoples,

1. *Reaffirms* that the use of mercenaries and their recruitment, financing, protection and training are causes for grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations;

2. *Recognizes* that armed conflicts, terrorism, arms trafficking and covert operations by third Powers, inter alia, encourage the demand for mercenaries on the global market;

3. *Urges* all States to take the necessary steps and to exercise the utmost vigilance against the menace posed by the activities of mercenaries, and to take legislative measures to ensure that their territories and other territories under their control, as well as their nationals, are not used for the recruitment, assembly, financing, training, protection and transit of mercenaries for the planning of activities designed to impede the right to self-determination, to overthrow the Government of any State or to dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the right to self-determination of peoples;

4. *Requests* all States to exercise the utmost vigilance against any kind of recruitment, training, hiring or financing of mercenaries by private companies offering international military consultancy and security services, and to impose a specific ban on such companies intervening in armed conflicts or actions to destabilize constitutional regimes;

5. *Calls upon* all States that have not yet become parties to the International Convention against the Recruitment, Use, Financing and Training of Mercenaries to consider taking the necessary action to do so;

6. *Welcomes* the cooperation extended by those countries that received a visit by the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, and the adoption by some States of national legislation that restricts the recruitment, assembly, financing, training and transit of mercenaries;

7. *Invites* States to investigate the possibility of mercenary involvement whenever and wherever criminal acts of a terrorist nature occur;

8. *Condemns* mercenary activities in developing countries in various parts of the world, in particular in areas of conflict, and the threat they pose to the integrity of and respect for the constitutional order of these countries and the exercise of the right to self-determination of their peoples;

9. *Calls upon* the international community and all States, in accordance with their obligations under international law, to cooperate with and assist the judicial prosecution of those accused of mercenary activities in transparent, open and fair trials;

10. *Acknowledges with appreciation* the work and contributions made by the Working Group, and takes note of its latest report;<sup>25</sup>

11. *Decides* to renew, for a period of three years, the mandate of the Working Group, to continue to undertake the tasks contained in resolution 7/21 of 28 March 2008, as well as in all other relevant resolutions on the subject;

12. *Requests* the Working Group to continue the work already done by previous special rapporteurs on the strengthening of the international legal framework for the prevention and sanction of the recruitment, use, financing and training of mercenaries, taking into account the proposal for a new legal definition of a mercenary drafted by the Special Rapporteur in his report submitted to the Commission on Human Rights at its sixtieth session;<sup>26</sup>

13. *Requests* the Office of the United Nations High Commissioner for Human Rights, as a matter of priority, to publicize the adverse effects of the activities of mercenaries and private companies offering military assistance, consultancy and other

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<sup>25</sup> A/HRC/15/25 and Add.1-6.

<sup>26</sup> E/CN.4/2004/15.

military and security-related services on the international market on the right of peoples to self-determination and, when requested and where necessary, to render advisory services to States that are affected by those activities;

14. *Requests* the Working Group to continue to monitor mercenaries and mercenary-related activities in all their forms and manifestations, including private military and security companies, in different parts of the world, including instances of protection provided by Governments to individuals involved in mercenary activities;

15. *Also requests* the Working Group to continue to study and identify sources and causes, emerging issues, manifestations and trends regarding mercenaries or mercenary-related activities and their impact on human rights, particularly on the right of peoples to self-determination;

16. *Expresses its appreciation* to the Office of the High Commissioner for its support for the holding of five regional governmental consultations for States on traditional and new forms of mercenary activities as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, in particular regarding the effects of the activities of private military and security companies on the enjoyment of human rights;

17. *Urges* all States to cooperate fully with the Working Group in the fulfilment of its mandate;

18. *Requests* the Secretary-General and the High Commissioner to provide the Working Group with all the assistance and support necessary for the fulfilment of its mandate, both professional and financial, including through the promotion of cooperation between the Working Group and other components of the United Nations system that deal with countering mercenary-related activities, in order to meet the demands of its current and future activities;

19. *Requests* the Working Group to consult States, intergovernmental organizations, non-governmental organizations and other relevant actors of civil society in the implementation of the present resolution and to report its findings on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination to the General Assembly at its sixty-sixth session and to the Council at its eighteenth session;

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

*31st meeting  
30 September 2010*

[Adopted by a recorded vote of 31 to 13, with 2 abstentions. The voting was as follows:

*In favour:*

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

*Against:*

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

*Abstaining:*  
Maldives, Switzerland]

## **15/13** **Human rights and international solidarity**

*The Human Rights Council,*

*Reaffirming* all previous resolutions adopted by the Commission on Human Rights and the Council on the issue of the human rights and international solidarity, including Commission resolution 2005/55 of 20 April 2005 and Council resolutions 6/3 of 27 September 2007, 7/5 of 27 March 2008, 9/2 of 24 September 2008 and 12/9 of 1 October 2009, and taking note of the reports submitted by the independent expert on human rights and international solidarity, in particular his latest report,<sup>27</sup>

*Underlining* the fact that the processes of promoting and protecting human rights should be conducted in conformity with the purposes and principles of the Charter of the United Nations and international law,

*Recalling* that, at the World Conference on Human Rights, held in June 1993, States pledged to cooperate with each other in ensuring development and eliminating obstacles to development, and stressed that the international community should promote effective international cooperation for the realization of the right to development and the elimination of obstacles to development,

*Reaffirming* the fact that article 4 of the Declaration on the Right to Development states that sustained action is required to promote more rapid development of developing countries and, as a complement to the efforts of developing countries, effective international cooperation is essential in order to provide these countries with the appropriate means and facilities to foster their comprehensive development,

*Taking into account* the fact that article 2 of the International Covenant on Economic, Social and Cultural Rights states that each State party to the Covenant undertakes to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the Covenant by all appropriate means, including, in particular, the adoption of legislative measures,

*Persuaded* that sustainable development can be promoted by peaceful coexistence, friendly relations and cooperation among States with different social, economic or political systems,

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

*Expressing its concern* at the fact that the immense benefits resulting from the process of globalization and economic interdependence have not reached all countries, communities and individuals, and at the increasing marginalization from their benefits of several countries, particularly least developed and African countries,

*Expressing its deep concern* at the number and scale of natural disasters, diseases and agricultural pests and their increasing impact in recent years, which have resulted in a

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<sup>27</sup> A/HRC/15/32.

massive loss of life and long-term negative social, economic and environmental consequences for vulnerable societies throughout the world, in particular in developing countries,

*Reaffirming* the crucial importance of increasing the resources allocated for official development assistance, recalling the pledge of industrialized countries to allocate 0.7 per cent of their gross national product for official development assistance, and recognizing the need for new and additional resources to finance the development programmes of developing countries,

*Reaffirming also* that the achievement of the Millennium Development Goals and the realization of the right to development call for a more enlightened approach, mindset and action based on a sense of community and international solidarity,

*Determined* to take new steps forward in the commitment of the international community with a view to achieving substantial progress in human rights endeavours by an increased and sustained effort of international cooperation and solidarity,

*Asserting* the necessity of establishing new, equitable and global links of partnership and intra-generational solidarity for the perpetuation of humankind,

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

*Resolved* to strive to ensure that present generations are fully aware of their responsibilities towards future ones, and that a better world is possible for both present and future generations,

1. *Reaffirms* the recognition set forth in the declaration adopted by the Heads of State and Government at the Millennium Summit of the fundamental value of solidarity to international relations in the twenty-first century, in stating that global challenges must be managed in a way that distributes costs and burdens fairly, in accordance with basic principles of equity and social justice, and that those who suffer, or who benefit least, deserve help from those who benefit most;

2. *Affirms* that international solidarity is not limited to international assistance and cooperation, aid, charity or humanitarian assistance; it is a broader concept and principle that includes sustainability in international relations, especially international economic relations, the peaceful coexistence of all members of the international community, equal partnerships and the equitable sharing of benefits and burdens;

3. *Expresses its determination* to contribute to the solution of current world problems through increased international cooperation, to create conditions that will ensure that the needs and interests of future generations are not jeopardized by the burden of the past, and to hand over a better world to future generations;

4. *Urges* the international community to consider urgently concrete measures to promote and consolidate international assistance to developing countries in their development endeavours and for the promotion of conditions conducive to the full realization of all human rights;

5. *Calls upon* the international community to promote international solidarity and cooperation as an important tool to help to overcome the negative effects of the current economic, financial and climate crises, particularly in developing countries;

6. *Reaffirms* that the promotion of international cooperation is a duty for States, that it should be implemented without any conditionality and on the basis of mutual respect,

in full compliance with the principles and purposes of the Charter of the United Nations, in particular respect for the sovereignty of States, and taking into account national priorities;

7. *Affirms* that much more is needed, owing to the magnitude of global and local challenges, the alarming increase in natural and man-made disasters, and the continuing rises in poverty and inequality; ideally, solidarity should be preventive rather than simply reactive to massive irreversible damage already caused, and must address both natural and man-made disasters;

8. *Recognizes* that there is an overwhelming manifestation of solidarity by States, individually and collectively, civil society, global social movements, and countless people of goodwill reaching out to others;

9. *Also recognizes* that the so-called “third-generation rights” closely interrelated to the fundamental value of solidarity need further progressive development within the United Nations human rights machinery in order to be able to respond to the increasing challenges of international cooperation in this field;

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

11. *Welcomes* the steps taken by the independent expert to identify the primary areas to be addressed, the main concepts and norms that can form the basis of a framework, and good practices to inform the future development of law and policy with regard to human rights and international solidarity;

12. *Requests* the independent expert to continue his work in the preparation of a draft declaration on the right of peoples and individuals to international solidarity, and in further developing guidelines, standards, norms and principles with a view to promoting and protecting this right, by addressing, inter alia, existing and emerging obstacles to its realization;

13. *Also requests* the independent expert to take into account the outcomes of all major United Nations and other global summits and ministerial meetings in the economic, social and climate fields and to seek views and contributions from Governments, United Nations agencies, other relevant international organizations and non-governmental organizations in the discharge of his mandate;

14. *Reiterates its requests* to the Human Rights Council Advisory Committee to prepare, in close cooperation with the independent expert, inputs to contribute to the elaboration of the draft declaration on the right of peoples and individuals to international solidarity, and to the further development of guidelines, standards, norms and principles with a view to promoting and protecting this right;

15. *Requests* the independent expert to submit a report on the implementation of the present resolution to the Council at its eighteenth session;

16. *Decides* to continue its examination of this issue at its eighteenth session under the same agenda item.

*31st meeting  
30 September 2010*

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



*In favour:*

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

*Against:*

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

**15/14****Human rights and indigenous peoples: mandate of the Special Rapporteur on the rights of indigenous peoples***The Human Rights Council,*

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

*Recalling* resolution 5/1 entitled “Institution-building of the United Nations Human Rights Council” and resolution 5/2 entitled “Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council”, of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with these resolutions and the annexes thereto,

*Recalling also* Commission on Human Rights resolutions 2001/57 of 24 April 2001, 2002/65 of 25 April 2002, 2003/56 of 24 April 2003, 2004/62 of 21 April 2004 and 2005/51 of 20 April 2005 entitled “Human rights and indigenous issues”, and Council resolution 6/12 of 28 September 2007 entitled “Human rights and indigenous peoples: mandate of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people”,

*Recalling further* the adoption of the United Nations Declaration on the Rights of Indigenous Peoples, which addresses the rights of indigenous peoples,

1. *Decides* to extend for a period of three years the mandate of the Special Rapporteur on the rights of indigenous peoples:

(a) To examine ways and means of overcoming existing obstacles to the full and effective protection of the rights of indigenous peoples, in conformity with his/her mandate, and to identify, exchange and promote best practices;

(b) To gather, request, receive and exchange information and communications from all relevant sources, including Governments, indigenous peoples and their communities and organizations, on alleged violations of the rights of indigenous peoples;

(c) To formulate recommendations and proposals on appropriate measures and activities to prevent and remedy violations of the rights of indigenous peoples;

(d) To work in close cooperation and coordination with other special procedures and subsidiary organs of the Council, in particular with the Expert Mechanism on the Rights of Indigenous Peoples, relevant United Nations bodies, the treaty bodies and regional human rights organizations;

(e) To work in close cooperation with the Permanent Forum on Indigenous Issues and to participate in its annual session;

(f) To develop a regular cooperative dialogue with all relevant actors, including Governments, relevant United Nations bodies, specialized agencies and programmes, as well as indigenous peoples, national human rights institutions, non-governmental organizations and other regional or subregional international institutions, including on possibilities for technical cooperation at the request of Governments;

(g) To promote the United Nations Declaration on the Rights of Indigenous Peoples and international instruments relevant to the advancement of the rights of indigenous peoples, where appropriate;

(h) To pay special attention to the human rights and fundamental freedoms of indigenous children and women, and to take into account a gender perspective in the performance of his/her mandate;

(i) To consider relevant recommendations of the world conferences, summits and other United Nations meetings, as well as the recommendations, observations and conclusions of the treaty bodies on matters regarding his/her mandate;

(j) To submit a report on the implementation of his/her mandate to the Council in accordance with its annual programme of work;

2. *Requests* all Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, to furnish all available information requested in his/her communications, and to react promptly to his/her urgent appeals;

3. *Encourages* the United Nations, including its specialized agencies, regional intergovernmental organizations, Governments, independent experts, interested institutions, national human rights institutions, non-governmental organizations and, in particular, indigenous peoples to cooperate to the fullest extent possible with the Special Rapporteur in the fulfilment of his/her mandate;

4. *Encourages* all Governments to give serious consideration to responding favourably to the requests by the Special Rapporteur to visit their countries to enable him/her to fulfil the mandate effectively;

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

6. *Decides* to continue consideration of this question in conformity with its programme of work.

*31st meeting  
30 September 2010*

[Adopted without a vote.]

## **15/15**

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

*The Human Rights Council,*

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

*Recalling* Council resolution 5/1 on institution-building of the United Nations Human Rights Council and resolution 5/2 on the Code of Conduct for special procedures mandate holders of the Human Rights Council, of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with these resolutions and the annexes thereto,

*Recalling also* Commission on Human Rights resolutions 2004/87 of 21 April 2004 and 2005/80 of 21 April 2005, General Assembly resolutions 59/191 of 20 December 2004, 60/158 of 16 December 2005 and 61/171 of 19 December 2006, and Council resolution 6/28 of 14 December 2007 entitled “Protection of human rights and fundamental freedoms while countering terrorism: mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism”,

1. *Takes note* of the work and contributions of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism;

2. *Decides* to extend the mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism for a period of three years, and requests the Special Rapporteur:

(a) To make concrete recommendations on the promotion and protection of human rights and fundamental freedoms while countering terrorism, including, at the request of States, for the provision of advisory services or technical assistance on such matters;

(b) To gather, request, receive and exchange information and communications from and with all relevant sources, including Governments, the individuals concerned and their families, representatives and organizations, including through country visits, with the consent of the State concerned, on alleged violations of human rights and fundamental freedoms while countering terrorism;

(c) To integrate a gender perspective throughout the work of his/her mandate;

(d) To identify, exchange and promote best practices on measures to counter terrorism that respect human rights and fundamental freedoms;

(e) To work in close coordination with other relevant bodies and mechanisms of the United Nations, and in particular with other special procedures of the Council, in order to strengthen the work for the promotion and protection of human rights and fundamental freedoms while avoiding unnecessary duplication of efforts;

(f) To develop a regular dialogue and discuss possible areas of cooperation with Governments and all relevant actors, including relevant United Nations bodies, specialized agencies and programmes, with, inter alia, the Counter-Terrorism Committee of the Security Council, including its Executive Directorate, the Counter-Terrorism Implementation Task Force, the Office of the United Nations High Commissioner for Human Rights, the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime and treaty bodies, as well as non-governmental organizations and other regional or subregional international institutions, while respecting the scope of his/her mandate and fully respecting the respective mandates of the above-mentioned bodies and with a view to avoiding duplication of effort;

(g) To report regularly to the Council and to the General Assembly;

3. *Requests* all Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, including by responding promptly to the Special Rapporteur’s urgent appeals and providing the information requested;

4. *Calls upon* all Governments to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries;

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

6. *Decides* to continue consideration of this question in conformity with its annual programme of work.

*31st meeting  
30 September 2010*

[Adopted without a vote.]

## **15/16**

### **Human rights of migrants**

*The Human Rights Council,*

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

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

*Recalling also* the United Nations Convention against Transnational Organized Crime and the Protocols thereto, reaffirming the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, and recalling the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others,

*Recalling further* previous resolutions of the General Assembly, the Commission on Human Rights and the Council on the protection of the human rights of migrants, the most recent being Council resolution 12/6 of 1 October 2009 and Assembly resolution 64/166 of 18 December 2009, and recalling also the work of various special mechanisms of the Council that have reported on the situation of human rights and fundamental freedoms of migrants,

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

*Concerned* at the large and growing number of migrants, especially women and children, who attempt to cross international borders without the required travel documents, which places them in a particularly vulnerable situation, and recognizing the obligation of States to respect the human rights of those migrants,

*Bearing in mind* the obligations of States under international law, as applicable, to exercise due diligence to prevent crimes against migrants, to investigate and punish perpetrators and, in accordance with applicable law, to rescue victims and to provide for their protection, and that not doing so violates and impairs or nullifies the enjoyment of the human rights and fundamental freedoms of victims,

*Bearing in mind also* that policies and initiatives on the issue of migration, including those that refer to the orderly management of migration, should promote holistic approaches that take into account the causes and consequences of the phenomenon, as well as full respect for the human rights and fundamental freedoms of migrants,

*Affirming* that crimes against migrants and trafficking in persons continue to pose a serious challenge and require a concerted international assessment and response and genuine multilateral cooperation among countries of origin, transit and destination for its eradication,

*Aware* that, as criminals take advantage of migratory flows and attempt to circumvent restrictive immigration policies, migrants become more vulnerable to, inter alia, kidnapping, extortion, forced labour, sexual exploitation, physical assault, debt servitude and abandonment,

*Stressing* the obligation of States to protect the human rights of migrants regardless of their legal status, and expressing its concern at measures which, including in the context of policies aimed at reducing irregular migration, treat irregular migration as a criminal rather than an administrative offence where the effect of doing so is to deny migrants full enjoyment of their human rights and fundamental freedoms,

*Emphasizing* the global character of the migratory phenomenon, the importance of international, regional and bilateral cooperation and the need to protect the human rights of migrants, particularly at a time in which migration flows have increased in the globalized economy and take place in a context of new security concerns,

1. *Takes note with appreciation* of the study of the Office of the United Nations High Commissioner for Human Rights on challenges and best practices in the implementation of the international framework for the protection of the rights of the child in the context of migration,<sup>28</sup> and invites States to take into account the conclusions and recommendations of the study when designing and implementing their migration policies;

2. *Takes note* of the work undertaken by the special procedures on the right to health and adequate housing in the context of migration;

3. *Calls upon* States that have not yet done so to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as a matter of priority, and requests the Secretary-General to continue his efforts to promote and raise awareness of the Convention;

4. *Calls upon* States parties to the United Nations Convention against Transnational Organized Crime and the supplementing protocols thereto, namely, the Protocol against the Smuggling of Migrants by Land, Sea and Air and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, to implement them fully, and calls upon States that have not yet ratified or acceded to them to consider doing so as a matter of priority;

5. *Encourages* Member States that have not already done so to enact domestic legislation and take further effective measures to combat international trafficking in and

<sup>28</sup> A/HRC/15/29.

smuggling of migrants, recognizing that these crimes may endanger the lives of migrants or subject them to harm, servitude or exploitation, which may also include debt bondage, slavery, sexual exploitation or forced labour, and also encourages Member States to strengthen international cooperation to combat such trafficking and smuggling;

6. *Requests* States, recognizing the efforts made in this regard, to ensure respect for the human rights and fundamental freedoms of migrants, and:

(a) To effectively promote and protect the human rights and fundamental freedoms of all migrants, including, in particular, the right to life and physical integrity, especially that of women and children, regardless of their immigration status, in conformity with the Universal Declaration of Human Rights and the international instruments to which they are party;

(b) To adopt concrete measures to prevent violations of the human rights of migrants while in transit, including in ports and airports and at borders and migration checkpoints, to train public officials who work in those facilities and in border areas to treat migrants and their families respectfully and in accordance with the law, and to prosecute, in conformity with applicable law, any act of violation of the human rights of migrants and their families, such as arbitrary detention, torture and violations of the right to life, including extrajudicial executions, during their transit from their country of origin to the country of destination and vice versa, including their transit through national borders;

(c) To undertake, in cooperation with relevant organizations, information campaigns aimed at clarifying prospects, limitations, potential risks and rights in the event of migration in order to enable everyone, in particular women and children and their family members, to make informed decisions and to prevent them from becoming victims of trafficking or falling prey to transnational organized networks of smugglers or organized criminal groups;

7. *Expresses its concern* at legislation and measures adopted by some States that may restrict the human rights and fundamental freedoms of migrants, and reaffirms that, when exercising their sovereign right to enact and implement migratory and border security measures, States have the duty to comply with their obligations under international law, including international human rights law, in order to ensure full respect for the human rights of migrants;

8. *Calls upon* all States to respect the human rights and the inherent dignity of migrants and to put an end to arbitrary arrest and detention and, where necessary, to review detention periods in order to avoid excessive detention of irregular migrants, and to adopt, where applicable, alternative measures to detention;

9. *Reiterates its concern* at:

(a) The increasing activities of transnational and national organized crime and others who profit from crimes against migrants, especially women and children, without regard for dangerous and inhumane conditions and in flagrant violation of domestic laws and international law and contrary to international standards;

(b) The high level of impunity enjoyed by traffickers and their accomplices as well as other members of organized crime and, in this context, the denial of rights and justice to migrants who have suffered from abuse;

10. *Encourages* States to protect victims of national and transnational organized crime, including kidnapping, trafficking and, in some instances, smuggling, through, where applicable, the implementation of programmes and policies that guarantee protection and access to medical, psychosocial and legal assistance;

11. *Recalls* that the Universal Declaration on Human Rights recognizes that everyone has the right to an effective remedy by the competent national tribunals for acts violating their fundamental rights, and therefore:

(a) Requests States to prosecute, in conformity with applicable law, any crime against or violation of the human rights of migrants and their families, inter alia, arbitrary detention, torture and violations of the right to life, including extrajudicial executions, during their transit from their country of origin to the country of destination and vice versa, including through national borders;

(b) Affirms that it is essential to place the protection of human rights at the centre of measures taken to prevent and end abuses against migrants, and to protect, assist and provide access to adequate redress to victims, in accordance with applicable law, including the possibility of obtaining compensation;

12. *Reaffirms* the rights set forth in the Universal Declaration of Human Rights and the obligation of States under the International Covenants on Human Rights, and in this regard strongly condemns the manifestations and acts of racism, racial discrimination, xenophobia and related intolerance against migrants and the stereotypes often applied to them, including on the basis of religion or belief, and urges States to apply and, where needed, reinforce the existing laws when xenophobic or intolerant acts, manifestations or expressions against migrants occur, in order to eradicate impunity for those who commit xenophobic and racist acts;

13. *Stresses* the importance of international, regional and bilateral cooperation in the protection of the human rights of migrants, and therefore:

(a) Encourages States to participate in international and regional dialogues on migration that include countries of origin, transit and destination, and invites them to consider negotiating bilateral and regional agreements on migrant workers within the framework of applicable human rights law and designing and implementing programmes with States of other regions to protect the rights of migrants;

(b) Also encourages States to take the necessary measures to achieve policy coherence on migration at the national, regional and international levels, including by ensuring coordinated child protection policies and systems across borders that are in full compliance with international human rights law;

(c) Further encourages States to strengthen further their cooperation in protecting witnesses and victims of smugglers and traffickers;

(d) Encourages States to allow persons claiming to be in need of protection to enter without delay the applicable national procedure for protection, including the national asylum procedure, in the country where they are present;

14. *Takes note* of actions taken by several special procedures of the Council and treaty bodies towards the effective prevention of violations of the human rights of migrants, including through joint statements and urgent appeals, and encourages them to continue with their collaborative efforts to this end, within their respective mandates;

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

*31st meeting  
30 September 2010*

[Adopted without a vote.]

## 15/17 Preventable maternal mortality and morbidity and human rights: follow-up to Council resolution 11/8

*The Human Rights Council,*

*Reaffirming* its resolution 11/8 of 17 June 2007 on preventable maternal mortality and morbidity and human rights,

*Reaffirming also* the Beijing Declaration and Platform for Action, the Programme of Action of the International Conference on Population and Development and its review conferences, including the outcome document of the 15-year review of the Programme of Action contained in Commission on Population and Development resolution 2009/1 of 3 April 2009, Commission on the Status of Women resolution 54/5 of 12 March 2010, and the targets and commitments regarding the reduction of maternal mortality and universal access to reproductive health, including those contained in the 2000 Millennium Declaration (General Assembly resolution 55/2 of 8 September 2000) and the 2005 World Summit Outcome (General Assembly resolution 60/1 of 16 September 2005),

*Welcoming* the recent initiatives relevant to preventable maternal mortality and morbidity and human rights, including the Secretary-General's Global Strategy for Women's and Children's Health, the Group of Eight Muskoka initiative on maternal, newborn and under-five child health, as well as the convening of the fifteenth ordinary session of the summit of the African Union in Kampala, from 19 to 27 July 2010, with the theme "Maternal, infant and child health and development in Africa", the launch of the African Union campaign in accelerated reduction of maternal mortality in Africa and the "Africa cares: no woman should die while giving life" campaign,

*Welcoming also* the outcome document of the High-level Plenary Meeting of the sixty-fifth session of the General Assembly on the Millennium Development Goals, held in New York from 20 to 22 September 2010, entitled "Keeping the promise: united to achieve the Millennium Development Goals", and reaffirming in particular the deep concern expressed therein by the Assembly at the alarming global levels of maternal and child mortality and its grave concern at the slow progress being made on reducing maternal mortality and improving maternal and reproductive health, as well as the commitments to accelerate progress in order to achieve Millennium Development Goal 5 on improving maternal health, and Millennium Development Goal 8 on a global partnership for development,

*Welcoming further* the information contained in the recent report entitled "Trends in maternal mortality", released jointly by the World Health Organization, the United Nations Children's Fund, the United Nations Population Fund and the World Bank, showing a decrease in the number of women and girls dying annually owing to complications during pregnancy and childbirth, but expressing continued grave concern at the still unacceptably high global rate of preventable maternal mortality and morbidity,

*Convinced* that increased political will and commitment, cooperation and technical assistance at the international and national levels are urgently required to reduce the unacceptably high global rate of preventable maternal mortality and morbidity,

*Welcoming* the holding of the interactive panel debate on preventable maternal mortality and morbidity and human rights, on 14 June 2010 at its fourteenth session,

*Recognizing* that gender equality, the empowerment of women, women's full enjoyment of all human rights and the eradication of poverty are essential to economic and social development, and that achieving gender equality and the empowerment of women is



both a key development goal and an important means for achieving all of the Millennium Development Goals,

1. *Welcomes* the thematic study on preventable maternal mortality and morbidity and human rights prepared by the Office of the United Nations High Commissioner for Human Rights,<sup>29</sup> and calls upon all stakeholders to consider the findings and recommendations contained therein;

2. *Reaffirms* its commitment to strengthen national statistical systems, including for effectively monitoring progress towards the Millennium Development Goals, and reiterates the need to increase efforts in support of statistical capacity-building in developing countries;

3. *Calls upon* States to collect disaggregated data, including data disaggregated by age, rural/urban location, disability and other relevant criteria, in relation to maternal mortality and morbidity to ensure effective targeting of policies and programmes to address discrimination and the needs of disadvantaged and marginalized women and adolescent girls, and to permit effective monitoring of policies and programmes, including through the adoption of national-level targets and indicators reflecting the main underlying causes of maternal mortality and morbidity, and through the development of appropriate health programmes;

4. *Encourages* States and other relevant stakeholders, including national human rights institutions and non-governmental organizations, to give greater attention and resources to preventable maternal mortality and morbidity in their engagement with the United Nations human rights system, including with the human rights treaty bodies, the universal periodic review and the special procedures;

5. *Requests* all States to renew their political commitment to eliminate preventable maternal mortality and morbidity at the local, national, regional and international levels, and to redouble their efforts to ensure the full and effective implementation of their human rights obligations, the Beijing Declaration and Platform for Action, the Programme of Action of the International Conference on Population and Development and its review conferences, the Millennium Declaration and the Millennium Development Goals, in particular the goals on improving maternal health and promoting gender equality and empowering women, including through the allocation of necessary domestic resources to health systems;

6. *Requests* States to give renewed emphasis to maternal mortality and morbidity initiatives in their development partnerships and cooperation arrangements, including by honouring existing commitments and considering new ones, and the exchange of effective practices and technical assistance to strengthen national capacities, and to integrate a human rights perspective into such initiatives, addressing the impact that discrimination against women has on maternal mortality and morbidity;

7. *Encourages* States and other relevant stakeholders, including national human rights institutions and non-governmental organizations, to take action at all levels to address the interlinked root causes of maternal mortality and morbidity, such as poverty, malnutrition, harmful practices, lack of accessible and appropriate health-care services, information and education and gender inequality, and to pay particular attention to eliminating all forms of violence against women and girls;

8. *Invites* the Office of the High Commissioner to engage in or, as appropriate, continue dialogue on preventable maternal mortality and morbidity and human rights with

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<sup>29</sup> A/HRC/14/39.

regional organizations, relevant United Nations agencies and organizations, including the World Health Organization, the United Nations Children's Fund, the United Nations Population Fund, the United Nations Entity for Gender Equality and the Empowerment of Women and the Committee for the Elimination of Discrimination against Women, the Special Rapporteur on the right of everyone to the highest attainable standard of physical and mental health and other relevant special procedures, and the World Bank;

9. *Requests* the Office of the High Commissioner to invite States and all other relevant stakeholders, including regional organizations, the World Health Organization, the United Nations Population Fund, the United Nations Entity for Gender Equality and the Empowerment of Women, the Committee on the Elimination of Discrimination against Women, relevant special procedures, the United Nations Children's Fund, the World Bank, civil society and national human rights institutions, to submit information to the Office of the High Commissioner on initiatives that exemplify good or effective practices in adopting a human rights-based approach to eliminating preventable maternal mortality and morbidity;

10. *Also requests* the Office of the High Commissioner to prepare, on the basis of the above-mentioned submissions, an analytical compilation that includes an identification of how such initiatives embody a human rights-based approach, the elements of these initiatives that succeed in achieving reductions in maternal mortality and morbidity through a human rights-based approach, and ways in which similar initiatives could give effect more fully to a human rights-based approach;

11. *Decides* to address the analytical compilation requested in paragraph 10 above within its programme of work at its eighteenth session, and to consider taking further action on preventable maternal mortality and morbidity and human rights.

*31st meeting  
30 September 2010*

[Adopted without a vote.]

## **15/18 Arbitrary detention**

*The Human Rights Council,*

*Reaffirming* articles 3, 9, 10 and 29, as well as other relevant provisions, of the Universal Declaration of Human Rights,

*Recalling* articles 9 to 11 and 14 to 22 of the International Covenant on Civil and Political Rights,

*Recalling also* Commission on Human Rights resolutions 1991/42 of 5 March 1991 and 1997/50 of 15 April 1997, as well as Council resolutions 6/4 of 28 September 2007 and 10/9 of 26 March 2009,

*Recalling further* General Assembly resolution 60/251 of 15 March 2006 entitled "Human Rights Council",

*Recalling* resolution 5/1 entitled "Institution-building of the United Nations Human Rights Council" and resolution 5/2 entitled "Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council", of 18 June 2007, stressing that the mandate holder shall discharge his/her duties in accordance with these resolutions and the annexes thereto,

*Commemorating* the twentieth anniversary of the establishment of the Working Group on Arbitrary Detention, and taking that opportunity to raise awareness about the persistence of arbitrary deprivation of liberty,

1. *Stresses* the importance of the work of the Working Group on Arbitrary Detention;

2. *Takes note with interest* of the latest report of the Working Group,<sup>30</sup> including the recommendations contained therein;

3. *Requests* the States concerned to take account of the Working Group's views and, where necessary, to take appropriate steps to remedy the situation of persons arbitrarily deprived of their liberty and to inform the Working Group of the steps they have taken;

4. *Encourages* all States:

(a) To give due consideration to the recommendations of the Working Group;

(b) To take appropriate measures to ensure that their legislation, regulations and practices remain in conformity with relevant international standards and the applicable international legal instruments;

(c) To respect and promote the right of anyone arrested or detained on a criminal charge to be brought promptly before a judge or other officer authorized by law to exercise judicial power, and to be entitled to trial within a reasonable time or release;

(d) To respect and promote the right of anyone deprived of his or her liberty by arrest or detention to bring proceedings before court, in order that the court may decide without delay on the lawfulness of his or her detention and order his or her release if the detention is not lawful, in accordance with their international obligations;

(e) To ensure that the right referred to in subparagraph (d) above is equally respected in cases of administrative detention, including administrative detentions in relation to public security legislation;

(f) To ensure that anyone who is arrested or detained on a criminal charge has adequate time and facilities for the preparation of his or her defence, including the opportunity to engage and communicate with counsel;

(g) To ensure that the conditions of pretrial detention do not undermine the fairness of the trial;

5. *Also encourages* all States to cooperate with the Working Group, and to give serious consideration to responding favourably to its requests for visits so that it may carry out its mandate even more effectively;

6. *Notes with concern* that a persistent proportion of urgent appeals of the Working Group has been left unanswered, and urges the States concerned to give the necessary attention to the urgent appeals addressed to them by the Working Group on a strictly humanitarian basis and without prejudging its possible final conclusions, as well as to the communication of the same case pursuant to the regular complaint procedure;

7. *Encourages* the Working Group, in accordance with its working methods, to continue to provide the concerned State with relevant and detailed information concerning allegations of arbitrary detention in order to facilitate a prompt and substantive response to these communications without prejudice to the need for the concerned State to cooperate with the Working Group;

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<sup>30</sup> A/HRC/13/30.

8. *Notes with deep concern* that the Working Group has received increasing information on reprisals suffered by individuals who were the subject of an urgent appeal or opinion or who applied a recommendation of the Working Group, and calls upon the States concerned to take appropriate measures to prevent such acts and to combat impunity by investigating promptly and effectively all allegations of intimidation and reprisal in order to bring perpetrators to justice and to provide victims with appropriate remedies;

9. *Expresses its profound thanks* to the States that have extended their cooperation to the Working Group and responded to its requests for information, and invites all States concerned to demonstrate the same spirit of cooperation;

10. *Notes with satisfaction* that the Working Group has been informed of the release of some of the individuals whose situation has been brought to its attention, while deploring the many cases that have not yet been resolved;

11. *Decides* to extend the mandate of the Working Group for a further period of three years, in accordance with Commission on Human Rights resolutions 1991/42 and 1997/50 and with Council resolution 6/4;

12. *Requests* the Secretary-General to provide all necessary assistance to the Working Group, particularly with regard to the staffing and resources needed for the effective fulfilment of its mandate, especially in respect of field missions;

13. *Requests* the Office of the United Nations High Commissioner for Human Rights to organize in 2011, within existing resources, a one-day event to commemorate the twentieth anniversary of the establishment of the Working Group;

14. *Decides* to continue consideration of the question of arbitrary detention in conformity with its programme of work.

*32nd meeting  
30 September 2010*

[Adopted without a vote.]

## **15/19**

### **Draft guiding principles on extreme poverty and human rights**

*The Human Rights Council,*

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

*Recalling also* all previous resolutions on the issue of human rights and extreme poverty adopted by the General Assembly and the importance they attach to giving persons living in extreme poverty the wherewithal to organize and participate in all aspects of political, economic, social and cultural life,

*Recalling further* all previous resolutions adopted by the Commission on Human Rights, as well as relevant Council resolutions, including resolutions 2/2 of 27 November 2006, 7/27 of 28 March 2008 and 8/11 of 18 June 2008, in which it extended the mandate of the independent expert on the question of human rights and extreme poverty, as well as its resolution 12/19 of 2 October 2009, in which it invited the independent expert to submit a progress report presenting her recommendations on how to improve the draft guiding principles on extreme poverty and human rights to the Council at its fifteenth session,

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

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

*Reaffirming* the primary role of States in the fight against extreme poverty and in the promotion and protection of human rights, emphasizing the role of international cooperation in support of such efforts, and emphasizing also the need to enhance international cooperation to raise the capacities of States to eradicate extreme poverty and to fulfil the Millennium Development Goals,

*Stressing* that respect for all human rights, which are universal, indivisible, interdependent and interrelated, is of crucial importance for all policies and programmes to fight extreme poverty at the local, national and regional levels,

*Recalling* the draft guiding principles on extreme poverty and human rights, annexed to resolution 2006/9 adopted by the Subcommission for the Promotion and Protection of Human Rights on 24 August 2006,

1. *Takes note with satisfaction* of the progress report of the independent expert on the question of human rights and extreme poverty on the draft guiding principles on extreme poverty and human rights;<sup>31</sup>

2. *Affirms* that the fight against extreme poverty must remain a high priority for the international community;

3. *Invites* the Office of the United Nations High Commissioner for Human Rights:

(a) To seek the views, comments and suggestions on the progress report on the draft guiding principles submitted by the independent expert of States, relevant United Nations agencies, intergovernmental organizations, United Nations treaty bodies, relevant special procedures, national human rights institutions and non-governmental organizations, especially those working with people living in extreme poverty, and other relevant stakeholders;

(b) To organize, within existing resources, in Geneva before June 2011, a two-day consultation on the progress report on the draft guiding principles with the independent expert and relevant stakeholders, including representatives of States, development and human rights practitioners and organizations at the local, national, regional and international levels;

(c) To prepare and to submit to the Council, no later than its nineteenth session, an analytical compilation on the basis of the submissions received in writing and made at the above-mentioned consultation;

<sup>31</sup> A/HRC/15/41.

4. *Invites* the independent expert, on the basis of the report of the Office of the High Commissioner, to pursue further work on the draft guiding principles on extreme poverty and human rights with a view to submitting a final draft of the revised guiding principles to the Council at its twenty-first session, in order to allow the Council to take a decision on the way forward with a view to the adoption by 2012 of guiding principles on the rights of persons living in extreme poverty.

*32nd meeting  
30 September 2010*

[Adopted without a vote.]

## 15/20

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

*The Human Rights Council,*

*Reaffirming* that all Member States have an obligation to promote and protect human rights and fundamental freedoms as enshrined in the Charter of the United Nations, as reaffirmed in the Universal Declaration of Human Rights, and in accordance with their respective obligations under the International Covenants on Human Rights and other applicable human rights instruments,

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

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

*Recalling further* Council resolution 12/25 of 2 October 2009 and other relevant resolutions,

*Bearing in mind* the report of the Secretary-General on the role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights,<sup>32</sup>

*Recognizing* that the tragic history of Cambodia requires special measures to ensure the protection of human rights and the non-return to the policies and practices of the past, as stipulated in the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict, signed in Paris on 23 October 1991,

*Taking note* of the new developments in Cambodia, especially those associated with recent progress and efforts by the Government of Cambodia to promote and protect human rights, especially in the achievements and improvements of social, economic, political and cultural fields over recent years through its relevant national plans, strategies and frameworks,

#### **I. Khmer Rouge Tribunal**

1. *Reaffirms* the importance of the Extraordinary Chambers in the Courts of Cambodia as an independent and impartial body, and believes it will significantly contribute to eradicating impunity and establishing the rule of law by, inter alia, exploiting its potential as a model court of Cambodia;

<sup>32</sup> A/HRC/15/47.

2. *Welcomes* the progress made with regard to the Extraordinary Chambers in the Courts of Cambodia, including the completion of the trial in the Trial Chamber of case 001 against Kaing Guek Eav on 26 July 2010, and supports the positions of the Government of Cambodia and the United Nations to proceed with the tribunal in a fair, efficient and expeditious manner, given the advanced age and frail health of the persons charged and the long overdue justice for the people of Cambodia;

3. *Also welcomes* the assistance of a number of States to the Extraordinary Chambers in the Courts of Cambodia and, noting the remarks of the Secretary-General to the pledging conference on 25 May 2010, encourages the Government of Cambodia to work with the United Nations and the States providing assistance to ensure the highest standards of administration of the Extraordinary Chambers, and invites further assistance for the Extraordinary Chambers in a prompt manner in order to ensure its successful functioning;

## **II. Democracy and situation of human rights**

4. *Welcomes:*

(a) The positive engagement of the Government of Cambodia in the universal periodic review process and its acceptance of all the recommendations thereon and its intention to follow up on them;

(b) The cooperation extended by the Government of Cambodia and the constructive dialogue with the Special Rapporteur on the situation of human rights in Cambodia during his missions in Cambodia;

(c) The report of the Special Rapporteur on the situation of human rights in Cambodia<sup>33</sup> and the recommendations contained therein;

(d) The efforts and progress made by the Government of Cambodia in promoting legal reform under the leadership of the Council of Legal and Judicial Reform, including adopting and/or enforcing basic laws, such as the civil procedure code, the criminal procedure code and the civil code, as well as the enactment of the criminal code;

(e) The recent affirmations by the Government of Cambodia of its commitment to an independent judicial process;

(f) The efforts made by the Government of Cambodia in combating corruption, including the adoption of the penal code and the anti-corruption law as well as the appointment of the members of the National Council for Anti-Corruption;

(g) The efforts made by the Government of Cambodia in combating trafficking in persons, including the enforcement of the law on the suppression of human trafficking and commercial sexual exploitation, the enactment of the Policy and National Minimum Standards for the Protection of the Rights of Victims of Human Trafficking and participation in the United Nations Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-region;

(h) The efforts made by the Government of Cambodia to resolve land issues through the implementation of land reform;

(i) The commitments made by the Government of Cambodia to adhere to and implement its obligations under the international human rights conventions, including to

<sup>33</sup> A/HRC/15/46.

establish a national human rights institution and to encourage that this be done upon sufficient consultation with relevant stakeholders;

(j) The efforts made by the Cambodian Human Rights Committee, especially in resolving complaints from people;

(k) The efforts made by the Government of Cambodia to adhere to its obligations under international human rights treaties, including the submission of its report to the Committee against Torture in October 2009;

(l) The efforts and progress made by the Government of Cambodia in promoting decentralization and deconcentration reform with the aim of achieving democratic development by strengthening subnational and grass-roots institutions, including the adoption of the National Programme for Sub-National Development 2010–2019 by the Council of Ministers, while recognizing the need to strengthen further the enforcement capacity of the national election committee;

(m) The promulgation of the National Disability Law in December 2009, and the approval of a sub-decree on procedures for the registration of the land of indigenous minority communities and a policy on the development of indigenous minorities by the Council of Ministers in April 2009;

5. *Expresses its concern* about some areas of human rights practices in Cambodia, and urges the Government of Cambodia:

(a) To continue to strengthen its efforts to establish the rule of law, including through the adoption and implementation of essential laws and codes for establishing a democratic society;

(b) To continue its efforts at judicial reform, especially to ensure the independence, impartiality, transparency and effectiveness of the judicial system as a whole, including through the adoption of the law on the status of judges and prosecutors and the law on the organization and the functioning of the courts, as required by the Constitution, and through the transfer of knowledge of court officials at the Extraordinary Chambers in the Courts of Cambodia and the sharing of good practices at the Court;

(c) To continue its efforts to combat corruption, including by the implementation of an anti-corruption law;

(d) To continue to enhance its efforts to investigate urgently and to prosecute, in accordance with due process of law and its obligations under international human rights treaties, all those who have perpetrated serious crimes, including violations of human rights;

(e) To enhance its efforts to resolve equitably and expeditiously land ownership issues in a fair and open manner, in accordance with relevant laws and regulations, by strengthening the implementation of the 2001 Land Law, the Law on Expropriation, the Circular on Settlement of Illegal Temporary Building in Cities and Urban Areas and the National Housing Policy, as well as by strengthening the capacity and effectiveness of relevant institutions, such as the National Authority for Land Dispute Resolution and cadastral committees at the national, provincial and district levels;

(f) To promote an environment conducive to the conduct of legitimate political activity and to support the role of non-governmental organizations and media in order to solidify democratic development in Cambodia;

(g) To make continuous efforts to improve human rights, especially those of women and children, and to make additional efforts, in concert with the international



community, to combat key problems, such as human trafficking, issues related to poverty, sexual violence, domestic violence and the sexual exploitation of women and children;

(h) To take all steps to meet its obligations under international human rights treaties and to strengthen further its cooperation with United Nations agencies, including the Office of the United Nations High Commissioner for Human Rights, including through enhanced dialogue and the development of joint activities;

(i) To continue to promote the rights and dignity of all Cambodians by protecting civil and political rights, including freedom of opinion and expression, as well as economic, social and cultural rights, in accordance with the rule of law, through the continuous and enhanced implementation of the Rectangular Strategy and various reform programmes;

### III. Conclusion

6. *Invites* the Secretary-General, agencies of the United Nations system present in Cambodia and the international community, including non-governmental organizations, to continue to work with the Government of Cambodia in improving democracy as well as ensuring the protection and promotion of the human rights of all people in Cambodia, including by providing assistance in, inter alia, the fields of:

(a) Drafting various laws necessary for protecting and promoting human rights and assisting the establishment of an independent national human rights institution;

(b) Capacity-building to strengthen legal institutions, including by improving the quality of judges, prosecutors, lawyers and court staff, and drawing on the expertise gained by Cambodian nationals working in the Extraordinary Chambers in the Courts of Cambodia;

(c) Capacity-building to strengthen national institutions for criminal investigation and law enforcement, as well as providing equipment necessary for these ends;

(d) Assisting the assessment of progress in human rights issues;

7. *Encourages* the Government of Cambodia and the international community to provide all necessary assistance to the Extraordinary Chambers in the Courts of Cambodia, which would help ensure the non-return to the policies and practices of the past, as envisioned by the 1991 Agreement on a Comprehensive Political Settlement of the Cambodia Conflict;

8. *Takes note* of the need to continue close consultations between the Government of Cambodia and the Special Rapporteur on the situation of human rights in Cambodia towards the further improvement of the situation of human rights in the country and of the continuous technical cooperation of the Office of the High Commissioner with the Government of Cambodia;

9. *Decides* to extend by one year the mandate of the special procedure on the situation of human rights in Cambodia, and requests the Special Rapporteur to report on the implementation of his mandate to the Council at its eighteenth session and to engage in a constructive manner with the Government of Cambodia for the further improvement of the situation of human rights in the country;

10. *Requests* the Secretary-General to report to the Council at its eighteenth session on the role and achievements of the Office of the High Commissioner in assisting the Government and the people of Cambodia in the promotion and protection of human rights;

11. *Decides* to continue its consideration of the situation of human rights in Cambodia at its eighteenth session.

*32nd meeting  
30 September 2010*

[Adopted without a vote.]

## **15/21**

### **The rights to freedom of peaceful assembly and of association**

*The Human Rights Council,*

*Guided* by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and other applicable human rights instruments,

*Reaffirming* the purposes and principles enshrined in the Charter and the human rights and fundamental freedoms enshrined in the Universal Declaration of Human Rights,

*Recalling* that the States Members of the United Nations have pledged to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

*Recalling also* Commission on Human Rights resolution 2005/37 of 19 April 2005 and other relevant resolutions,

*Reaffirming* that everyone has the rights to freedom of peaceful assembly and of association and that no one may be compelled to belong to an association,

*Recognizing* the importance of the rights to freedom of peaceful assembly and of association to the full enjoyment of civil and political rights, and economic, social and cultural rights,

*Recognizing also* that the rights to freedom of peaceful assembly and of association are essential components of democracy, providing individuals with invaluable opportunities to, inter alia, express their political opinions, engage in literary and artistic pursuits and other cultural, economic and social activities, engage in religious observances or other beliefs, form and join trade unions and cooperatives, and elect leaders to represent their interests and hold them accountable,

*Recognizing further* that exercising the rights to freedom of peaceful assembly and of association free of restrictions, subject only to the limitations permitted by international law, in particular international human rights law, is indispensable to the full enjoyment of these rights, particularly where individuals may espouse minority or dissenting religious or political beliefs,

*Recognizing* the critical mandate, role, expertise and specialized supervisory mechanisms and procedures of the International Labour Organization with respect to employers' and workers' rights to freedom of association,

*Recalling* Council resolution 5/1, entitled "Institution-building of the United Nations Human Rights Council", and resolution 5/2, entitled "Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council", of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with these resolutions and the annexes thereto,

1. *Calls upon* States to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law;

2. *Calls upon* the Office of the United Nations High Commissioner for Human Rights to assist States to promote and protect the rights to freedom of peaceful assembly and of association, including through the technical assistance programmes of the Office, at the request of States, and to cooperate with relevant bodies of the United Nations system and other intergovernmental organizations to assist States to promote and protect the rights to freedom of peaceful assembly and of association;

3. *Encourages* civil society, including non-governmental organizations and other relevant stakeholders, to promote the enjoyment of the rights to freedom of peaceful assembly and of association, recognizing that civil society facilitates the achievement of the aims and principles of the United Nations;

4. *Recalls* that, in accordance with the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, the exercise of the rights to freedom of peaceful assembly and of association can be subject to certain restrictions, which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others;

5. *Decides* to appoint, for a period of three years, a special rapporteur on the rights to freedom of peaceful assembly and of association whose tasks will include:

(a) To gather all relevant information, including national practices and experiences, relating to the promotion and protection of the rights to freedom of peaceful assembly and of association, to study trends, developments and challenges in relation to the exercise of these rights, and to make recommendations on ways and means to ensure the promotion and protection of the rights to freedom of peaceful assembly and of association in all their manifestations;

(b) To incorporate in his or her first report an elaboration of the framework, including seeking the views of States, through which the mandate holder will consider best practices, including national practices and experiences, that promote and protect the rights to freedom of peaceful assembly and of association, taking into account in a comprehensive manner the relevant elements of work available within the Council;

(c) To seek, receive and respond to information from Governments, non-governmental organizations, relevant stakeholders and any other parties who have knowledge of these matters, with a view to promoting and protecting the rights to freedom of peaceful assembly and of association;

(d) To integrate a gender perspective throughout the work of the mandate;

(e) To contribute to the provision of technical assistance or advisory services by the Office of the High Commissioner to better promote and protect the rights to freedom of peaceful assembly and of association;

(f) To report on violations, wherever they may occur, of the rights to freedom of peaceful assembly and of association, as well as discrimination, threats or use of violence, harassment, persecution, intimidation or reprisals directed at persons exercising these

rights, and to draw the attention of the Council and the High Commissioner to situations of particularly serious concern;

(g) To undertake his or her activities such that the present mandate will not include those matters of specific competence of the International Labour Organization and its specialized supervisory mechanisms and procedures with respect to employers' and workers' rights to freedom of association, with a view to avoiding any duplication;

(h) To work in coordination with other mechanisms of the Council, other competent United Nations bodies and human rights treaty bodies, and to take all necessary measures to avoid unnecessary duplication with those mechanisms;

6. *Calls upon* States to cooperate fully with and assist the special rapporteur in the performance of his or her tasks, to provide all necessary information requested by him or her, to respond promptly to his or her urgent appeals and other communications and to consider favourably his or her requests for visits;

7. *Invites* the High Commissioner, relevant special procedures of the Council and human rights treaty bodies to pay attention, within the framework of their mandates, to the situation of persons whose right to freedom of peaceful assembly or of association has been violated;

8. *Requests* the special rapporteur to submit an annual report to the Council covering activities relating to his or her mandate;

9. *Requests* the Secretary-General and the High Commissioner to provide all the human and financial resources necessary for the effective fulfilment of the mandate by the special rapporteur;

10. *Decides* to continue its consideration of the issue of the rights to freedom of peaceful assembly and of association in accordance with its programme of work.

*32nd meeting  
30 September 2010*

[Adopted without a vote.]

## **15/22**

### **Right of everyone to the enjoyment of the highest attainable standard of physical and mental health**

*The Human Rights Council,*

*Reaffirming* the Universal Declaration of Human Rights, and recalling the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities,

*Reaffirming also* that the right of everyone to the enjoyment of the highest attainable standard of physical and mental health is a human right as reflected, inter alia, in article 25, paragraph 1, of the Universal Declaration of Human Rights, article 12 of the International Covenant on Economic, Social and Cultural Rights and article 24 of the Convention on the Rights of the Child, as well as, with respect to non-discrimination, in article 5 (e) (iv) of the International Convention on the Elimination of All Forms of Racial Discrimination, article 12, paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women and article 25 of the Convention on the Rights of Persons with Disabilities, and that such a right derives from the inherent dignity of the human person,

*Recalling* its resolutions 6/29 of 14 December 2007, 8/13 of 18 June 2008, 10/24 of 27 March 2009, 11/8 of 17 June 2009, 12/7 of 1 October 2009 and 12/24 and 12/27 of 2 October 2009, its decisions 2/107 and 2/108 of 27 November 2006, and all resolutions on the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health adopted by the General Assembly and the Commission on Human Rights,

*Recalling also* the declarations and programmes of action adopted by the major United Nations conferences and summits and their follow-up meetings,

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

*Taking note with interest* of general comments and general recommendations from treaty bodies that are relevant to the right of everyone to the attainment of the highest attainable standard of physical and mental health,

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

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

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

*Recalling also* the creation, under the aegis of International Action against Hunger and Poverty, of the International Drug Purchase Facility, UNITAID, which facilitates access to drugs for the world's poorest people as part of the fight against the major pandemic diseases, such as HIV/AIDS, malaria and tuberculosis,

*Recalling further* Commission on Narcotic Drugs resolution 53/4 of 12 March 2010 entitled "Promoting adequate availability of internationally controlled licit drugs for medical and scientific purposes while preventing their diversion and abuse",

*Recalling* World Health Assembly resolution WHA63.1 of 19 May 2010 entitled "Pandemic influenza preparedness: sharing of influenza viruses and access to vaccines and other benefits", which recognizes the need to implement a fair and transparent, equitable, efficient and effective system for the sharing of the H5N1 and other influenza viruses with human pandemic potential and access to vaccines and other benefits on an equal footing,

*Concerned* about the lack of health workers and their imbalanced distribution within countries and throughout the world, in particular the shortage in sub-Saharan Africa, which undermines the health systems of developing countries,

*Recalling* World Health Assembly resolution WHA58.33 of 25 May 2005 entitled "Sustainable health financing, universal coverage and social health insurance", which, inter

alia, urges States to ensure that individuals do not face catastrophic health-care expenditure and impoverishment as a result of seeking care,

*Reaffirming* that access to safe and clean water for personal and domestic use, as well as sanitation and nutrition, has a fundamental impact on the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,

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

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

*Recalling* the commitments made by the international community to implement fully the health-related Millennium Development Goals,

*Stressing* that gender equality and the empowerment of women and girls are fundamental elements for their health, including sexual and reproductive health, in the reduction of their vulnerability to HIV/AIDS, and that the advancement of women and girls is a key factor in attaining the health-related Millennium Development Goals, in particular the improvement of maternal health and the reversal of the HIV/AIDS pandemic, and noting the importance of increasing investments in and accelerating research on the development of effective HIV prevention methods, including female-controlled methods and microbicides,

*Recalling* that health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity,

*Recalling also* its resolutions 5/1 on institution-building of the United Nations Human Rights Council and 5/2 on the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

1. *Decides* to extend the mandate of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, as established in paragraph 1 of resolution 6/29, for a further period of three years;

2. *Encourages* the Special Rapporteur, in fulfilling his mandate:

(a) To continue to explore how efforts to realize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health can reinforce poverty reduction strategies;

(b) To continue the analysis of the human rights dimensions of the issues of neglected diseases and diseases particularly affecting developing countries, and also the national and international dimensions of those issues;

(c) To continue to pay particular attention to the identification of good practices for the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, without discrimination;

(d) To explore the ways in which the international community can assist developing countries in promoting the full realization of the right of everyone to the highest attainable standard of physical and mental health, taking into account the renewed

commitments to achieve the Millennium Development Goals as outlined in the outcome document of the Millennium Development Goals review summit, held in New York from 20 to 22 September 2010;

(e) To continue to apply a gender perspective in his work and to pay special attention to the issue of maternal mortality and morbidity and to the needs of children and vulnerable and marginalized groups in the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

(f) To continue to pay due attention to the rights of persons with disabilities in the context of the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

(g) To continue to pay attention to sexual and reproductive health as an integral element of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

(h) To continue to avoid in his work any duplication or overlapping with the work, competence and mandate of other international bodies active in health issues;

(i) To continue to submit proposals which could contribute to the achievement of the health-related Millennium Development Goals;

(j) To take into account the relevant provisions of the Durban Declaration and Programme of Action and of the outcome document of the Durban Review Conference in the context of the enjoyment of the highest attainable standard of physical and mental health;

(k) To continue to explore the issue of strengthening health systems as a contribution to the realization of the right of everyone to the highest attainable standard of physical and mental health;

(l) To pay special attention to equitable and universal access to health services, including the principle of solidarity between the sick and the healthy;

(m) To continue to address the issue of access to medicines that are safe, effective, affordable and of good quality, taking note of the Human Rights Guidelines for Pharmaceutical Companies in relation to Access to Medicines;

(n) To continue to contribute, within the existing mandate, to the analysis of the human rights dimensions of the HIV/AIDS epidemic, which particularly affects developing countries, including the enjoyment of the right to the highest attainable standard of physical and mental health by members of all populations vulnerable to and affected by the epidemic;

(o) To conduct country visits and to respond promptly to invitations from States;

3. *Takes note with appreciation* of the work being carried out by the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health in the discharge of his mandate, and in that regard takes note of the reports of the special procedure;

4. *Calls upon* all States:

(a) To give consideration to the recommendations of the Special Rapporteur;

(b) To guarantee that the right of everyone to the enjoyment of the highest attainable standard of physical and mental health will be promoted and protected without discrimination;

- (c) To ensure that relevant legislation, regulations and national and international policies take due account of the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;
- (d) To take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of their available resources, with a view to achieving progressively the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;
- (e) To consider ratifying the Framework Convention on Tobacco Control adopted at the fifty-sixth World Health Assembly;
- (f) To pay special attention to the situation of the poor and other vulnerable and marginalized groups, including by the adoption of positive measures, in order to safeguard the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;
- (g) To take into account World Health Assembly resolution 61.17 of 24 May 2008 on the health of migrants;
- (h) To place a gender perspective at the centre of all laws, policies and programmes affecting the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;
- (i) To protect and promote sexual and reproductive health as integral elements of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;
- (j) To take into account the rights of the child and to ensure the timely achievement of Millennium Development Goal 4;
- (k) To take into account the fact that access to medicine is a fundamental element for achieving progressively the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;
- (l) To pay due attention to the rights of persons with disabilities in the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including by ensuring equal access for persons with disabilities to the same range, quality and standard of free or affordable health care and programmes as those provided to other persons, and by providing health services specifically needed by persons with disabilities because of their disabilities, including community-based habilitation and rehabilitation services;
- (m) To cooperate fully with the Special Rapporteur in the implementation of his mandate, to provide all information requested and to respond promptly to his communications;
- (n) To give serious consideration to the requests for visits of the Special Rapporteur, so that he may carry out his mandate even more effectively;
- (o) To safeguard informed consent within the health counselling, testing and treatment continuum, including in clinical practice, public health and medical research, as a critical element of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including through training of health workers and by ensuring protection against abuse, including with regard to individuals belonging to vulnerable groups;
- (p) To apply measures and procedures for enforcing intellectual property rights in such a manner as to avoid creating barriers to the legitimate trade of medicines and to provide for safeguards against the abuse of such measures and procedures;



(q) To consider taking the steps necessary for the elimination of criminal and other laws that are counterproductive to HIV prevention, treatment, care and support efforts, including laws directly mandating disclosure of HIV status or that violate the human rights of people living with HIV and members of key populations affected by the epidemic, and to consider the enactment of laws protecting these persons from discrimination in HIV prevention, treatment, care and support efforts;

(r) To promote human rights education and training for health professionals, as appropriate;

5. *Recognizes* that the Doha Ministerial Declaration on the Agreement on Trade-related Aspects of Intellectual Property Rights and Public Health confirms that the Agreement does not and should not prevent States members of the World Trade Organization from taking measures to protect public health and that the Declaration, while reiterating the commitment to the Agreement, affirms that it can and should be interpreted and implemented in a manner supportive of the rights of States members of the World Trade Organization to protect public health and, in particular, to promote access to medicines for all; and further recognizes, in this connection, the right of States members of the World Trade Organization to use, to the full, the provisions of the above-mentioned Agreement, which provide flexibility for this purpose;

6. *Also recognizes* the indispensable role that health professionals play in the promotion and protection of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, and welcomes the adoption at the sixty-third World Health Assembly of the Code of Practice on the International Recruitment of Health Personnel;

7. *Welcomes* the creation of the Medicines Patent Pool Foundation by UNITAID, with a view to improving access to appropriate, affordable antiretrovirals in developing countries;

8. *Recalls* the Global Strategy and Plan of Action on Public Health, Innovation and Intellectual Property of the World Health Assembly, and urges States, relevant international organizations and other relevant stakeholders to actively support its wide implementation;

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

10. *Invites* all international organizations with mandates having a bearing on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health to take into account the national and international obligations of their members related to the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

11. *Requests* the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, with the assistance of the Office of the United Nations High Commissioner for Human Rights, in consultation with States, relevant United Nations agencies, national human rights institutions and other relevant stakeholders, to prepare, within existing resources, a thematic study on the realization of the right to health of older persons, including the main existing challenges and best practices;

12. *Decides* to address the thematic study requested in paragraph 11 above, within existing resources, at a panel discussion within the programme of work of its

eighteenth session, and to consider taking further possible action on the issue, and invites the Office of the United Nations High Commissioner for Human Rights, the World Health Organization, members of the Advisory Committee and other relevant United Nations bodies and agencies to participate in an interactive dialogue on the study in the Council;

13. *Requests* the United Nations High Commissioner for Human Rights to continue to provide all the necessary resources for the effective fulfilment of the mandate of the Special Rapporteur;

14. *Decides* to continue consideration of this matter under the same agenda item, in accordance with its programme of work.

*32nd meeting  
30 September 2010*

[Adopted without a vote.]

## **15/23**

### **Elimination of discrimination against women**

*The Human Rights Council,*

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

*Guided also* by the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the International Convention on the Elimination of All Forms of Racial Discrimination,

*Recalling* the Vienna Declaration and Programme of Action adopted on 25 June 1993 by the World Conference on Human Rights,<sup>34</sup> the Beijing Declaration and Platform for Action adopted on 15 September 1995 by the Fourth World Conference on Women,<sup>35</sup> and their 2005 and 2010 reviews, the Durban Declaration and Programme of Action adopted on 8 September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance<sup>36</sup> and the outcome document of the Durban Review Conference adopted on 24 April 2009,<sup>37</sup>

*Welcoming* the establishment of the United Nations Entity for Gender Equality and the Empowerment of Women, known as UN-Women,

*Bearing in mind* the challenges still faced by all countries throughout the world to overcome inequality between men and women,

*Recalling* the outcome of the twenty-third special session of the General Assembly entitled “Women 2000: gender equality, development and peace for the twenty-first century”, the declaration adopted by the Commission on the Status of Women at its forty-ninth session and the outcome document of the Durban Review Conference,

*Recalling also* Commission on Human Rights resolutions 2000/13 of 17 April 2000, 2001/34 of 23 April 2001 and 2003/22 of 22 April 2003, as well as Council resolution 6/30 of 14 December 2007 on integrating the human rights of women throughout the United

<sup>34</sup> A/CONF.157/24 (Part I), chap. III.

<sup>35</sup> See A/CONF.177/20/Rev.1, chap. I.

<sup>36</sup> See A/CONF.189/12 and Corr.1, chap. I.

<sup>37</sup> See A/CONF.211/8, chap. I.

Nations system and Council resolution 12/17 of 2 October 2009 on the elimination of discrimination against women,

*Bearing in mind* that international human rights treaties, including the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, prohibit discrimination on the basis of gender and include guarantees to ensure the enjoyment by women and men, and girls and boys, of their civil, political, economic, social and cultural rights on a basis of equality,

*Deeply concerned* by the fact that women everywhere are still subject to significant disadvantage as the result of discriminatory laws and practices and that de jure and de facto equality has not been achieved in any country in the world,

*Recognizing* that women face multiple forms of discrimination,

*Reiterating* the need to intensify efforts to eliminate all forms of discrimination against women throughout the world,

*Recognizing* that the full and equal participation of women in all spheres of life is essential for the full and complete economic and social development of a country,

*Recognizing also* that the elimination of discrimination against women, in law and in practice, is primarily the responsibility of States, and that the United Nations human rights system plays an important role in contributing to these efforts,

*Mindful* of the fact that the elimination of discrimination against women requires the consideration of women's specific socio-economic context, and recognizing that laws, policies, customs and traditions that restrict women's equal access to full participation in development processes and public and political life are discriminatory and may contribute to the feminization of poverty,

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

1. *Reaffirms* the obligation of States to take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

2. *Welcomes* the commitments made by the international community to fully implement the Millennium Development Goals, and stresses, in that context, the resolve of Heads of State to promote gender equality and the empowerment of women as effective ways to combat poverty, hunger and disease and to stimulate development that is truly sustainable;

3. *Also welcomes* the efforts made by States around the world to reform their legal systems in order to remove obstacles to women's full and effective enjoyment of their human rights;

4. *Expresses concern* at the fact that, despite the pledge made at the Fourth World Conference on Women and the review conducted by the General Assembly at its twenty-third special session to modify or abolish remaining laws that discriminate against women and girls, many of these laws are still in force and continue to be applied, thereby preventing women and girls from enjoying the full realization of their human rights;

5. *Calls upon* States to fulfil their international obligations and commitments to revoke any remaining laws that discriminate on the basis of sex and remove gender bias in the administration of justice, taking into account the fact that those laws violate the human right of women to be protected against discrimination;

6. *Recognizes* that women's inequality before the law has resulted in the lack of equal opportunities for women in education, access to health, economic participation and access to labour markets and disparities in, inter alia, salaries and compensation, public and political participation, access to decision-making processes, inheritance, ownership of land, financial services, including loans, and nationality and legal capacity, as well as increased vulnerability to discrimination and violence, and that all countries face challenges in these areas;

7. *Acknowledges* the work undertaken by the Commission on the Status of Women, the Committee on the Elimination of Discrimination against Women, the Special Rapporteurs of the Council on violence against women, its causes and consequences, on trafficking in persons, especially in women and children, and on contemporary forms of slavery and other relevant United Nations bodies, agencies and mechanisms to eliminate discrimination in law and in practice throughout the world;

8. *Emphasizes* the significant role that women play in economic development and in the eradication of poverty, and stresses the need for promoting equal pay for equal work or work of equal value and for promoting the recognition of the value of women's unremunerated work, as well as for developing and promoting policies that facilitate the reconciliation of employment and family responsibilities;

9. *Calls upon* States to ensure full representation and full and equal participation of women in political, social and economic decision-making as an essential condition for gender equality and the empowerment of women and girls and a critical factor in the eradication of poverty;

10. *Welcomes*, in particular, the work undertaken by the Committee on the Elimination of Discrimination against Women on women's equality before the law;

11. *Recognizes* the important role played by the Council in addressing the issue of discrimination against women, both in law and in practice;

12. *Welcomes* the convening of a panel on equality before the law during the eleventh session of the Council;

13. *Notes* that, although human rights treaty bodies and special procedures do, to some extent, address discrimination against women within their mandates, their attention to such discrimination is not systematic;

14. *Also notes* the work undertaken by the Office of the United Nations High Commissioner for Human Rights on the issue;

15. *Takes note* of the thematic study on discrimination against women, in law and in practice, and on how the issue is addressed throughout the United Nations human rights system, prepared by the Office of the High Commissioner;<sup>38</sup>

16. *Welcomes* the half-day panel discussion on discrimination against women in law and in practice;

17. *Calls upon* States to pay particular attention to discrimination against women in situations of vulnerability, such as women living in poverty, migrant women, women with disabilities and women belonging to minorities;

18. *Decides* to establish, for a period of three years, a working group of five independent experts, of balanced geographical representation, on the issue of discrimination against women in law and in practice, whose tasks will be:

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<sup>38</sup> A/HRC/15/40.

(a) To develop a dialogue with States, the relevant United Nations entities, national human rights institutions, experts on different legal systems, and civil society organizations to identify, promote and exchange views on best practices related to the elimination of laws that discriminate against women or are discriminatory to women in terms of implementation or impact and, in that regard, to prepare a compendium of best practices;

(b) To undertake a study, in cooperation with and reflecting the views of States and relevant United Nations entities, national human rights institutions and civil society organizations, on the ways and means in which the working group can cooperate with States to fulfil their commitments to eliminate discrimination against women in law and in practice;

(c) To make recommendations on the improvement of legislation and the implementation of the law, to contribute to the realization of the Millennium Development Goals, in particular goal 3 on the promotion of gender equality and the empowerment of women;

(d) To work in close coordination, in the context of the fulfilment of its mandate, with other special procedures and subsidiary organs of the Council, relevant United Nations entities, including the Commission on the Status of Women and UN-Women and, in particular, the Committee on the Elimination of Discrimination against Women and other treaty bodies, within their respective mandates, with a view to avoiding unnecessary duplication;

(e) To take into account the views of other stakeholders, including relevant regional human rights mechanisms, national human rights institutions and civil society organizations;

(f) To submit an annual report to the Council, starting at its twentieth session, on the issue of discrimination against women in law and in practice, and on good practices in eliminating such discrimination, drawing upon the findings of the United Nations human rights machinery and the broader United Nations system;

19. *Calls upon* all States to cooperate with and assist the working group in its task, to supply all necessary available information requested by it and to give serious consideration to responding favourably to the requests of the working group to visit their countries, to enable it to fulfil its mandate effectively;

20. *Invites* relevant United Nations agencies, funds and programmes, treaty bodies and civil society actors, including non-governmental organizations, as well as the private sector, to cooperate fully with the working group in the fulfilment of its mandate;

21. *Requests* the working group to make its reports available to the General Assembly, the Commission on the Status of Women, UN-Women and other relevant United Nations entities;

22. *Also requests* the working group to contribute to the provision of technical assistance or advisory services by the Office of the High Commissioner to better promote the elimination of discrimination against women;

23. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the necessary human resources and financial assistance to the working group for the effective fulfilment of its mandate;

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

*33rd meeting  
1 October 2010*

[Adopted without a vote.]

## **15/24**

### **Human rights and unilateral coercive measures**

*The Human Rights Council,*

*Recalling* the purposes and principles of the Charter of the United Nations,

*Recalling also* all previous resolutions on human rights and unilateral coercive measures adopted by the Commission on Human Rights, the Council and the General Assembly,

*Reaffirming* its resolution 12/22 of 2 October 2009 and General Assembly resolution 64/170 of 18 December 2009,

*Taking note* of the report of the Secretary-General on this issue,<sup>39</sup>

*Stressing* that unilateral coercive measures and legislation are contrary to international law, international humanitarian law, the Charter and the norms and principles governing peaceful relations among States,

*Recognizing* the universal, indivisible, interdependent and interrelated character of all human rights and, in this regard, reaffirming the right to development as a universal and inalienable right and an integral part of all human rights,

*Expressing its concern* at the negative impact of unilateral coercive measures on human rights, development, international relations, trade, investment and cooperation,

*Recalling* the final document of the fifteenth summit of the Heads of State and Government of the Non-Aligned Movement, held in Sharm el-Sheikh, Egypt, in July 2009, in which the States members of the Movement decided to oppose unilateralism and unilaterally-imposed measures by certain States, which can lead to the erosion and violation of the Charter and international law, the use and threat of use of force, and pressure and coercive measures, as a means to achieving their national policy objectives, and to support, in accordance with international law, the claim of affected States, including targeted States, to compensation for damage incurred as a consequence of the implementation of extraterritorial or unilateral coercive measures or laws,

*Recalling also* that the World Conference on Human Rights, held in Vienna from 14 to 25 June 1993, called upon States to refrain from any unilateral measure not in accordance with international law and the Charter and that created obstacles to trade relations among States and impeded the full realization of all human rights, and that also severely threatened the freedom of trade,

*Deeply concerned* that, despite the resolutions adopted on this issue by the General Assembly, the Council, the Commission on Human Rights and at United Nations conferences held in the 1990s and at their five-year reviews, and contrary to norms of international law and the Charter, unilateral coercive measures continue to be promulgated,

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<sup>39</sup> A/HRC/15/43.

implemented and enforced by, inter alia, resorting to war and militarism, with all their negative implications for the social-humanitarian activities and economic and social development of developing countries, including their extraterritorial effects, thereby creating additional obstacles to the full enjoyment of all human rights by peoples and individuals under the jurisdiction of other States,

*Reaffirming* that unilateral coercive measures are a major obstacle to the implementation of the Declaration on the Right to Development,

*Recalling* article 1, paragraph 2, common to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, which provides that, inter alia, in no case may a people be deprived of its own means of subsistence,

1. *Calls upon* all States to stop adopting or implementing unilateral coercive measures not in accordance with international law, international humanitarian law, the Charter of the United Nations and the norms and principles governing peaceful relations among States, in particular those of a coercive nature with extraterritorial effects, which create obstacles to trade relations among States, thus impeding the full realization of the rights set forth in the Universal Declaration of Human Rights and other international human rights instruments, in particular the right of individuals and peoples to development;

2. *Strongly objects* to the extraterritorial nature of those measures which, in addition, threaten the sovereignty of States and, in this context, calls upon all Member States neither to recognize these measures nor to apply them, and to take effective administrative or legislative measures, as appropriate, to counteract the extraterritorial application or effects of unilateral coercive measures;

3. *Condemns* the continued unilateral application and enforcement by certain powers of such measures as tools of political or economic pressure against any country, particularly against developing countries, with a view to preventing these countries from exercising their right to decide, of their own free will, their own political, economic and social systems;

4. *Reiterates* its call upon Member States that have initiated such measures to abide by the principles of international law, the Charter, the declarations of the United Nations and world conferences and relevant resolutions, and to commit themselves to their obligations and responsibilities arising from the international human rights instruments to which they are parties by putting an immediate end to such measures;

5. *Reaffirms*, in this context, the right of all peoples to self-determination, by virtue of which they freely determine their political status and freely pursue their own economic, social and cultural development;

6. *Also reaffirms* its opposition to any attempt aimed at the partial or total disruption of the national unity and territorial integrity of a State, which is incompatible with the Charter;

7. *Recalls* that, according to the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, and to the relevant principles and provisions contained in the Charter of Economic Rights and Duties of States, proclaimed by the General Assembly in its resolution 3281 (XXIX) of 12 December 1974, in particular article 32 thereof, no State may use or encourage the use of economic, political or any other type of measure to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind;

8. *Reaffirms* that essential goods, such as food and medicines, should not be used as tools for political coercion and that under no circumstances should people be deprived of their own means of subsistence and development;

9. *Underlines* the fact that unilateral coercive measures are one of the major obstacles to the implementation of the Declaration on the Right to Development and, in this regard, calls upon all States to avoid the unilateral imposition of economic coercive measures and the extraterritorial application of domestic laws that run counter to the principles of free trade and hamper the development of developing countries;

10. *Rejects* all attempts to introduce unilateral coercive measures, as well as the increasing trend in this direction, including through the enactment of laws with extraterritorial application, which are not in conformity with international law;

11. *Recognizes* that the Declaration of Principles adopted at the first phase of the World Summit on the Information Society, held in Geneva in December 2003, strongly urges States to avoid and refrain from any unilateral measure in building the information society;

12. *Invites* all special rapporteurs and existing thematic mechanisms of the Council in the field of economic, social and cultural rights to pay due attention, within the scope of their respective mandates, to the negative impact and consequences of unilateral coercive measures;

13. *Decides* to give due consideration to the negative impact of unilateral coercive measures in its task concerning the implementation of the right to development;

14. *Requests* the United Nations High Commissioner for Human Rights, in discharging her functions in relation to the promotion and protection of human rights, to pay due attention and give urgent consideration to the present resolution;

15. *Requests* the Office of the High Commissioner to prepare a thematic study on the impact of unilateral coercive measures on the enjoyment of human rights, including recommendations on actions aimed at ending such measures, taking into account all previous reports, resolutions and relevant information available to the United Nations system in this regard, and to present the study to the Council at its eighteenth session;

16. *Decides* to examine this question in accordance with its annual programme of work under the same agenda item.

*34th meeting  
1 October 2010*

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

*In favour:*

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

*Against:*

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



## 15/25 The right to development

*The Human Rights Council,*

*Recalling* the Charter of the United Nations and the core human rights instruments,

*Reaffirming* the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986,

*Reaffirming also* its resolutions 4/4 of 30 March 2007 and 9/3 of 17 September 2008, and recalling all Commission on Human Rights, Council and General Assembly resolutions on the right to development,

*Recognizing* the renewed commitments to achieve the Millennium Development Goals by their target date of 2015, as set out in the outcome document adopted at the High-level Plenary Meeting of the sixty-fifth session of the General Assembly on the Millennium Development Goals,

*Emphasizing* the urgent need to make the right to development a reality for everyone,

*Stressing* the primary responsibility of States for the creation of national and international conditions favourable to the realization of the right to development,

*Recalling* that 2011 marks the twenty-fifth anniversary of the Declaration on the Right to Development,

*Expressing its appreciation* for the efforts of the Chairperson-Rapporteur of the Working Group on the Right to Development and the members of the high-level task force on the implementation of the right to development in completing the 2008–2010 three-phase road map established by the Council in its resolution 4/4,

*Taking note* of the efforts under way in the framework of the Working Group on the Right to Development, with a view to completing the tasks entrusted to it by the Council in resolution 4/4,

1. *Welcomes* the report of the Working Group on the Right to Development;<sup>40</sup>
2. *Takes note with appreciation* of the efforts made by the Office of the United Nations High Commissioner for Human Rights with regard to the promotion, mainstreaming and realization of the right to development, including the support provided to the Working Group;
3. *Decides*:
  - (a) To continue to act to ensure that its agenda promotes and advances sustainable development and the achievement of the Millennium Development Goals and, in this regard, lead to raising the right to development, as set out in paragraphs 5 and 10 of the Vienna Declaration and Programme of Action, to the same level and on a par with all other human rights and fundamental freedoms;
  - (b) To endorse the recommendations of the Working Group as outlined in paragraphs 45 to 47 of its report;

<sup>40</sup> A/HRC/15/23.

(c) To take note of the work of the high-level task force, including its consolidation of findings and the list of right to development criteria and corresponding operational sub-criteria;<sup>41</sup>

(d) To request the Office of the High Commissioner to seek the views of States Members of the United Nations and relevant stakeholders on the work of the high-level task force and the way forward, taking into consideration the essential features of the right to development, using as reference the Declaration on the Right to Development and resolutions of the Commission on Human Rights, the Council and the General Assembly on the right to development;

(e) To request the Office of the High Commissioner to post on its website all written contributions by Member States and other stakeholders;

(f) To request the Chairperson/Rapporteur of the Working Group, assisted by the Office of the High Commissioner, to prepare two compilations of the submissions received from Governments, groups of Governments and regional groups, as well as the inputs received from other stakeholders, and to present both compilations to the Working Group at its twelfth session;

(g) That following the consideration by the Working Group of the above-mentioned compilations of views, the criteria and corresponding operational sub-criteria, mentioned in paragraph 3 (c) above, once considered, revised and endorsed by the Working Group, should be used, as appropriate, in the elaboration of a comprehensive and coherent set of standards for the implementation of the right to development;

(h) That the Working Group shall take appropriate steps to ensure respect for and practical application of the above-mentioned standards, which could take various forms, including guidelines on the implementation of the right to development, and evolve into a basis for consideration of an international legal standard of a binding nature through a collaborative process of engagement;

(i) To request the Office of the High Commissioner, in consultation with States Members of the United Nations and other relevant stakeholders, to launch preparations for the commemoration of the twenty-fifth anniversary of the Declaration on the Right to Development;

(j) To request the Office of the High Commissioner to continue to take all necessary measures and to allocate adequate resources for the effective implementation of the present resolution;

4. *Also decides* to review the progress of the implementation of the present resolution as a matter of priority at its future sessions.

*34th meeting  
1 October 2010*

[Adopted by a recorded vote of 45 in favour, none against, and 1 abstention. The voting was as follows:

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<sup>41</sup> A/HRC/15/WG.2/TF/2 and Add.1 and 2.

*In favour:*

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

*Abstention:*

United States of America]

**15/26**

**Open-ended intergovernmental working group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies**

*The Human Rights Council,*

*Guided by the Charter of the United Nations,*

*Recalling* all previous resolutions adopted by the General Assembly, the Council and the Commission on Human Rights on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, including Assembly resolution 62/145 of 18 December 2007,

1. *Takes note with appreciation* of the broad consultations held by the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, including the various regional governmental consultations for States on traditional and new forms of mercenary activities as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, in particular regarding the effects of the activities of private military and security companies on the enjoyment of human rights;

2. *Also takes note with appreciation* of the broad consultation process undertaken by the Working Group regarding the content and scope of a possible draft convention on private companies offering military assistance, consultancy and other military and security-related services on the international market, including a series of regional governmental consultations and consultations with intergovernmental and non-governmental organizations, academic institutions and experts;

3. *Takes note* of the principles and main elements of the proposed draft convention on private military and security companies presented by the Working Group, as contained in its report;<sup>42</sup>

4. *Decides*, for the purposes of transparency and inclusivity, to establish an open-ended intergovernmental working group with the mandate to consider the possibility of elaborating an international regulatory framework, including, inter alia, the option of elaborating a legally binding instrument on the regulation, monitoring and oversight of the activities of private military and security companies, including their accountability, taking

<sup>42</sup> A/HRC/15/25.

into consideration the principles, main elements and draft text as proposed by the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination;

5. *Also decides* that the open-ended intergovernmental working group shall hold a session of five working days a year for a period of two years, and that its first session shall take place no later than May 2011;

6. *Further decides* that the open-ended intergovernmental working group shall present its recommendations at the twenty-first session of the Council;

7. *Affirms* the importance of providing the open-ended intergovernmental working group with the necessary expertise and expert advice to fulfil its mandate, and decides that the members of the Working Group on the use of mercenaries who were involved in the elaboration of the principles, main elements and draft text for a possible convention shall participate in the open-ended intergovernmental working group as resource persons;

8. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the open-ended intergovernmental working group with all the financial and human resources necessary for the fulfilment of its mandate.

*34th meeting  
1 October 2010*

[Adopted by a recorded vote of 32 to 12, with 3 abstentions. The voting was as follows:

*In favour:*

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

*Against:*

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

*Abstaining:*

Maldives, Norway, Switzerland]

## **15/27**

### **Situation of human rights in the Sudan**

*The Human Rights Council,*

*Guided* by the principles and objectives of the Charter of the United Nations, the Universal Declaration of Human Rights and other relevant instruments,

*Reaffirming* the obligation of States to promote and protect human rights and fundamental freedoms,

*Emphasizing* that States have the primary responsibility for the promotion and protection of all human rights, including the prevention of human rights violations,

*Recognizing* the developments taking place in the Sudan, and the efforts of the Government of the Sudan in the promotion and protection of human rights,

*Reaffirming* Commission on Human Rights resolution 2005/82 of 21 April 2005 and Council resolutions 6/34 and 6/35 of 14 December 2007, 7/16 of 27 March 2008, 9/17 of 24 September 2008 and 11/10 of 18 June 2009, as well as Council decision 14/117 of 10 June 2010, and calling upon the Government of the Sudan to continue to intensify its efforts to implement them,

1. *Takes note* of the report of the independent expert on the situation of human rights in the Sudan and the addenda thereto, submitted to the Council at its fifteenth session;<sup>43</sup>

2. *Expresses its appreciation* to the independent expert for his work and the recommendations he has made relating to the improvement of the situation of human rights in the Sudan;

3. *Commends* the cooperation extended by the Government of the Sudan to the independent expert and to the United Nations and African Union missions in the Sudan in the field of human rights and international humanitarian law, and urges the Government to continue its cooperation;

4. *Urges* all parties to continue their efforts to implement the remaining obligations stipulated in the Comprehensive Peace Agreement, encourages all parties to continue their ongoing efforts to achieve peace in Darfur, and urges non-participating parties to join the negotiations;

5. *Congratulates* the Government and the people of the Sudan for organizing and for widely participating in the April 2010 elections, which, despite logistical and organizational gaps, took place in a peaceful and orderly manner;

6. *Welcomes* the continued work of the Advisory Council for Human Rights in the Sudan and the establishment of the Southern Sudan Human Rights Commission, and calls for the nomination of the members of the National Human Rights Commission, as stipulated in the Comprehensive Peace Agreement;

7. *Welcomes also* the passing of the Southern Sudan Referendum Bill and the establishment of the Southern Sudan Referendum Commission, and calls upon all parties to the Comprehensive Peace Agreement to take urgent action to resolve key remaining post-referendum issues and facilitate peaceful, fair, timely and transparent referendums that reflect the will of the Southern Sudanese people, and to respect their results;

8. *Calls upon* the international community to continue to provide support and technical assistance to the Government of the Sudan and the Government of Southern Sudan in accordance with assessed needs;

9. *Recognizes* the work of the African Union and existing mechanisms, and calls for greater coordination and the elimination of duplication;

10. *Decides* to renew for a period of one year the mandate of the independent expert on the situation of human rights in the Sudan, who shall assume the mandate and responsibilities set out by the Council in its resolutions 6/34, 6/35, 7/16, 9/17 and 11/10, requests the independent expert to engage with the newly created human rights forums in the Sudan as well as the human rights sections of the African Union, the United Nations Mission in the Sudan and the African Union-United Nations Hybrid Operation in Darfur

<sup>43</sup> A/HRC/14/41 and Corr.1 and Add.1 and A/HRC/15/CRP.1.

and to submit a report to the Council for consideration at its eighteenth session, and requests the Secretary-General to provide the independent expert with all the assistance necessary to discharge the mandate fully.

34th meeting  
1 October 2010

[Adopted by a recorded vote of 25 to 18, with 3 abstentions. The voting was as follows:

*In favour:*

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

*Against:*

Bahrain, Bangladesh, Burkina Faso, Cameroon, China, Cuba, Djibouti, Ghana, Jordan, Libyan Arab Jamahiriya, Malaysia, Mauritania, Nigeria, Pakistan, Qatar, Russian Federation, Saudi Arabia, Senegal

*Abstaining:*

Kyrgyzstan, Mauritius, Thailand]

## 15/28

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

*The Human Rights Council,*

*Guided* by the Charter of the United Nations, the Universal Declaration of Human Rights, the African Charter on Human and Peoples' Rights and the relevant human rights instruments,

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

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

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

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

*Welcoming* the commitment and efforts made by the African Union to support Somali-led efforts to achieve reconciliation and stability, and the efforts made by international and regional stakeholders to help Somalia re-establish stability, peace and security in its national territory,

*Welcoming also* the decision on the report of the Peace and Security Council on the state of peace and security in Africa, adopted by the Assembly of the African Union at its fifteenth ordinary session, held in Kampala from 25 to 27 July 2010, recognizing the positive contribution of the African Union Mission in Somalia and troop-contributing countries in this regard,

*Reaffirming* the efforts of the Transitional Federal Government of Somalia and its subnational entities,

*Condemning* the despicable terrorist attacks perpetrated in Kampala on 11 July 2010 against innocent civilians watching the final match of the 2010 Soccer World Cup organized by Fédération internationale de football association,

*Seriously concerned* about the impact of the humanitarian and political crisis on the enjoyment of all human rights, including civil, political, economic, social and cultural rights and the right to development,

*Emphasizing* the need to tackle the root causes and effects of the prolonged socio-economic and political crisis, including the increasing number of internally displaced persons and refugees in neighbouring countries, human trafficking and piracy,

*Stressing* the primary responsibility of Somali authorities for the protection and promotion of human rights,

*Reiterating* the fact that humanitarian, human rights and development assistance are of paramount importance to alleviate poverty and to promote a more peaceful, stable, equitable and democratic society in Somalia,

1. *Expresses its serious concern* at the growing negative impact of the prolonged instability of Somalia on neighbouring countries and beyond;

2. *Expresses its deep concern* at the significant civilian casualties caused by ongoing hostilities, the repeated attacks against peacekeeping forces and humanitarian personnel, and the recruitment, training and use of children in the conflict;

3. *Also expresses its deep concern* at the plight of internally displaced persons and refugees and at the vast scale of displacement as a direct consequence of the conflict and of violations of human rights and humanitarian law;

4. *Urges* all parties to refrain from all forms of violence against the civilian population, to actively prevent abuses of human rights and to allow unhindered access to humanitarian assistance, in particular for the most vulnerable groups, such as women and children;

5. *Strongly condemns* the attacks and other acts of violence perpetrated by terrorist groups, especially Al-Shabab, against the Transitional Federal Government, the Somali people and the African Union Mission in Somalia, and also condemns the ongoing takeover by force of several private media houses, especially in Mogadishu, by Al-Shabab and its affiliates;

6. *Welcomes* the recent statement made by the Special Representative of the Secretary-General for Somalia, including on the situation of human rights in Somalia, announcing the re-establishment of the presence of the United Nations inside Somalia;

7. *Recognizes* the call of the Intergovernmental Authority on Development and the African Union to boost the composition of troops of the African Union Mission in Somalia following the killing of innocent civilians in suicide attacks in Kampala;

8. *Urges* the Transitional Federal Government, Member States, stakeholders and the entire international community to continue to isolate and take all required measures against individuals and entities whose actions threaten the peace, security or stability of Somalia and of the region, including those engaged in terrorist acts, while ensuring that any measure taken to counter terrorism complies with international law;

9. *Urges* the international community, in fulfilment of the commitments made, to provide financial and technical assistance to enable the relevant units of the African

Union Mission in Somalia to support stabilization, rehabilitation and reconstruction efforts within its capabilities;

10. *Calls upon* the Office of the United Nations High Commissioner for Human Rights to accord due consideration to any request by Somalia for assistance from the Universal Periodic Review Trust Fund, and requests all stakeholders to take any appropriate measures to assist the Government of Somalia in its preparation for the forthcoming session of the universal periodic review in May 2011;

11. *Requests* Member States, relevant United Nations agencies and stakeholders to provide the much-needed technical assistance to the Government of Somalia to boost its effective participation in the various United Nations processes, and calls upon United Nations agencies to respect fully the Somali institutions at the national and subnational levels both inside and outside the country;

12. *Urges* all parties in Somalia to reject and cease all acts of violence, refrain from engaging in hostilities, prevent any act likely to increase tension and insecurity and respect fully their obligations under international human rights law and international humanitarian law;

13. *Urges* existing United Nations mandate holders, including the independent expert on the situation of human rights in Somalia, the Special Representative of the Secretary-General for Somalia, relevant agencies and programmes, as well as the Somali authorities at the national and subnational levels, to cooperate fully and coordinate among themselves with a view to setting up a sustainable road map with benchmarks, in accordance with Council resolutions 10/32 of 27 March 2009 and 12/26 of 2 October 2009, to lead Somalia to the path of lasting peace, conducive to the effective promotion and protection of human rights;

14. *Calls upon* all stakeholders to assist Somalia to design a sustainable road map with benchmarks, to monitor its implementation on the ground and to report to the Council on a regular basis;

15. *Decides* to extend the mandate of the independent expert for one year with a view to maximizing the provision and flow of technical assistance to Somalia in the field of human rights, in order to support the efforts of the Transitional Federal Government and its subnational authorities to ensure the respect for human rights and strengthen the human rights regime in its work to complete the outstanding task of the transitional mandate, and requests him to report to the Council at its eighteenth session on the situation of human rights and the implementation of technical cooperation in Somalia;

16. *Urges* the Office of the High Commissioner to provide the necessary technical support and training.

*34th meeting  
1 October 2010*

[Adopted without a vote.]



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

### 15/101

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

*The Human Rights Council,*

*Acting* in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Kyrgyzstan on 3 May 2010 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Kyrgyzstan which is constituted of the report of the Working Group on Kyrgyzstan (A/HRC/15/2), together with the views of Kyrgyzstan concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/15/60, chapter VI).

*14th meeting  
21 September 2010*

[Adopted without a vote.]

### 15/102

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

*The Human Rights Council,*

*Acting* in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Guinea on 4 May 2010 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Guinea which is constituted of the report of the Working Group on Guinea (A/HRC/15/4), together with the views of Guinea concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/15/60, chapter VI and A/HRC/15/4/Add.1).

*15th meeting  
21 September 2010*

[Adopted without a vote.]

### 15/103

#### **Outcome of the universal periodic review: Lao People's Democratic Republic**

*The Human Rights Council,*

*Acting* in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Lao People's Democratic Republic on 4 May 2010 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Lao People's Democratic Republic which is constituted of the report of the Working Group on Lao People's Democratic Republic (A/HRC/15/5), together with the views of Lao People's Democratic Republic concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/15/60, chapter VI and A/HRC/15/5/Add.1).

*16th meeting  
21 September 2010*

[Adopted without a vote.]

### 15/104

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

*The Human Rights Council,*

*Acting* in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Spain on 5 May 2010 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Spain which is constituted of the report of the Working Group on Spain (A/HRC/15/6), together with the views of Spain concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/15/60, chapter VI and A/HRC/15/6/Add.1).

*16th meeting  
21 September 2010*

[Adopted without a vote.]

**15/105****Outcome of the universal periodic review: Lesotho**

*The Human Rights Council,*

*Acting* in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Lesotho on 5 May 2010 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Lesotho which is constituted of the report of the Working Group on Lesotho (A/HRC/15/7), together with the views of Lesotho concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/15/60, chapter VI and A/HRC/15/7/Add.1).

*16th meeting  
21 September 2010*

[Adopted without a vote.]

**15/106****Outcome of the universal periodic review: Kenya**

*The Human Rights Council,*

*Acting* in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Kenya on 6 May 2010 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Kenya which is constituted of the report of the Working Group on Kenya (A/HRC/15/8), together with the views of Kenya concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/15/60, chapter VI).

*17th meeting  
22 September 2010*

[Adopted without a vote.]

## 15/107

### Outcome of the universal periodic review: Armenia

*The Human Rights Council,*

*Acting* in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Armenia on 6 May 2010 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Armenia which is constituted of the report of the Working Group on Armenia (A/HRC/15/9), together with the views of Armenia concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/15/60, chapter VI and A/HRC/15/9/Add.1).

*17th meeting  
22 September 2010*

[Adopted without a vote.]

## 15/108

### Outcome of the universal periodic review: Sweden

*The Human Rights Council,*

*Acting* in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Sweden on 7 May 2010 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Sweden which is constituted of the report of the Working Group on Sweden (A/HRC/15/11), together with the views of Sweden concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/15/60, chapter VI and A/HRC/15/11/Add.1).

*18th meeting  
22 September 2010*

[Adopted without a vote.]

**15/109****Outcome of the universal periodic review: Grenada**

*The Human Rights Council,*

*Acting* in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Grenada on 10 May 2010 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Grenada which is constituted of the report of the Working Group on Grenada (A/HRC/15/12), together with the views of Grenada concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/15/60, chapter VI).

*18th meeting  
22 September 2010*

[Adopted without a vote.]

**15/110****Outcome of the universal periodic review: Turkey**

*The Human Rights Council,*

*Acting* in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Turkey on 10 May 2010 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Turkey which is constituted of the report of the Working Group on Turkey (A/HRC/15/13), together with the views of Turkey concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/15/60, chapter VI and A/HRC/15/13/Add.1).

*18th meeting  
22 September 2010*

[Adopted without a vote.]

## 15/111

### Outcome of the universal periodic review: Guyana

*The Human Rights Council,*

*Acting* in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Guyana on 11 May 2010 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Guyana which is constituted of the report of the Working Group on Guyana (A/HRC/15/14), together with the views of Guyana concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/15/60, chapter VI and A/HRC/15/14/Add.1).

*19th meeting  
23 September 2010*

[Adopted without a vote.]

## 15/112

### Outcome of the universal periodic review: Kuwait

*The Human Rights Council,*

*Acting* in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Kuwait on 12 May 2010 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Kuwait which is constituted of the report of the Working Group on Kuwait (A/HRC/15/15), together with the views of Kuwait concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/15/60, chapter VI and A/HRC/15/15/Add.1).

*19th meeting  
23 September 2010*

[Adopted without a vote.]

## 15/113

### Outcome of the universal periodic review: Belarus

*The Human Rights Council,*

*Acting* in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Belarus on 12 May 2010 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Belarus which is constituted of the report of the Working Group on Belarus (A/HRC/15/16), together with the views of Belarus concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/15/60, chapter VI and A/HRC/15/16/Add.1).

*19th meeting*  
23 September 2010

[Adopted without a vote.]

## **15/114**

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

*The Human Rights Council,*

*Acting* in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Kiribati on 3 May 2010 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Kiribati which is constituted of the report of the Working Group on Kiribati (A/HRC/15/3), together with the views of Kiribati concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/15/60, chapter VI and A/HRC/15/3/Add.1).

*33rd meeting*  
1 October 2010

[Adopted without a vote.]

## **15/115**

### **Outcome of the universal periodic review: Guinea Bissau**

*The Human Rights Council,*

*Acting* in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Guinea Bissau on 7 May 2010 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Guinea Bissau which is constituted of the report of the Working Group on Guinea Bissau (A/HRC/15/10), together with the views of Guinea Bissau concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/15/60, chapter VI and A/HRC/15/10/Add.1).

33rd meeting  
1 October 2010

[Adopted without a vote.]

## 15/116

### Human rights and issues related to terrorist hostage-taking

At its 33rd meeting, on 1 October 2010, the Human Rights Council decided to adopt the following text:

*“The Human Rights Council,*

*Recalling* previous resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council on hostage-taking, on human rights and terrorism and on the promotion and protection of human rights while countering terrorism, in particular Assembly resolutions 61/172 of 19 December 2006 and 64/168 of 18 December 2009, Commission resolutions 2004/44 of 19 April 2004 and 2005/31 of 19 April 2005 and Council resolution 13/26 of 26 March 2010,

*Recalling also* all General Assembly resolutions on measures to eliminate international terrorism and on the United Nations Global Counter-Terrorism Strategy, including resolutions 46/51 of 9 December 1991, 60/288 of 8 September 2006 and 64/297 of 8 September 2010,

*Underlining* the importance of the ratification of all relevant international conventions against terrorism, especially the International Convention for the Suppression of the Financing of Terrorism and the International Convention against the Taking of Hostages,

*Reaffirming*, in particular, that peace and security, development and human rights are the interrelated pillars of the United Nations system, and renewing its commitment to strengthen international cooperation to prevent and combat terrorism,

*Reaffirming also* that the promotion and protection of human rights for all and the rule of law are essential to the fight against terrorism, and recognizing that effective counter-terrorism measures and the protection of human rights are not conflicting goals but are complementary and mutually reinforcing,

*Expressing concern* at the increase in incidents of kidnapping and hostage-taking,

*Recognizing*, therefore, the need to reflect on the question of human rights and issues related to terrorist hostage-taking,

1. *Decides* to convene, within existing resources, at its sixteenth session, a panel discussion on the issue of human rights in the context of action taken to address terrorist hostage-taking, with a special focus on the primary responsibility of States to promote and protect human rights for all in their jurisdiction, on the



strengthening of international cooperation to prevent and combat terrorism and on the protection of the rights of all victims of terrorism involved;

2. *Requests* the Office of the United Nations High Commissioner for Human Rights to liaise with the Special Rapporteur on the promotion and protection of human rights while countering terrorism and all concerned parties and stakeholders, including relevant United Nations bodies and agencies, with a view to ensuring their participation in the panel discussion;

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

[Adopted without a vote.]

## 15/117

### Nelson Mandela International Day

At its 34th meeting, on 1 October 2010, the Human Rights Council decided to adopt the following text:

*“The Human Rights Council,*

*Recognizing* the long history of Nelson Rolihlahla Mandela’s leading role in and support for Africa’s struggle for liberation and Africa’s unity, and his outstanding contribution to the creation of a non-racial, non-sexist, democratic South Africa,

*Recognizing also* Nelson Mandela’s values and his dedication to the service of humanity, as a humanitarian, in the fields of conflict resolution, race relations, promotion and protection of human rights, reconciliation, gender equality and the rights of children and other vulnerable groups, as well as the upliftment of poor and underdeveloped communities,

*Welcoming* General Assembly resolution 64/13 of 10 November 2009, in which the Assembly proclaimed 18 July Nelson Mandela International Day, to be observed every year beginning in 2010,

*Welcoming also* General Assembly resolution 64/169 of 18 December 2009, in which the Assembly proclaimed 2011 the International Year for People of African Descent,

*Concerned* by continued acts of racism, racial discrimination, xenophobia and related intolerance, and recognizing the need to focus the world’s attention on building greater resolve and enduring political will to halt the scourges, wherever they may occur,

1. *Decides* to hold, at its eighteenth session, a high-level panel discussion to reflect on current human rights situations worldwide with regard to racism, racial discrimination, xenophobia and related intolerance, drawing inspiration from the example of Nelson Mandela for promoting and protecting human rights without distinction as to race, colour or national or ethnic origin;

2. *Also decides* that the panel discussion will focus on the promotion and protection of human rights through tolerance and reconciliation;

3. *Requests* the Office of the United Nations High Commissioner for Human Rights to take the necessary measures to observe Nelson Mandela International Day;

4. *Encourages* all States Members of the United Nations and relevant stakeholders to engage fully in the panel discussion with a view to guarantee an appropriate balance and diversity of views on the issue.”

[Adopted without a vote.]

### III. President's statements made at the fifteenth session

#### PRST 15/1

#### Technical assistance and capacity-building in Haiti

At the 31st meeting, held on 30 September 2010, the President of the Council read out the following statement:

*"The Human Rights Council,*

1. *Reaffirms* its solidarity with the Haitian people in the wake of the devastating earthquake which struck Haiti on 12 January 2010, and underscores the particular circumstances created by this natural disaster, which resulted in nearly 300,000 casualties, the displacement of more than 2 million people and the destruction of a significant proportion of the country's infrastructure, with serious consequences for the enjoyment by Haitians of their human rights;

2. *Recalls* the special session on Haiti convened on 27 January 2010 and resolution S/13-1, which it adopted on that occasion, and welcomes the report prepared pursuant to that resolution by the United Nations High Commissioner for Human Rights<sup>44</sup> and the recommendations contained therein;

3. *Recognizes* that the crisis caused by the earthquake has had a real impact on the health and security of Haitian women and men, and emphasizes that sufficient resources must be mobilized to facilitate access to basic services in order to improve the quality of life of the population;

4. *Welcomes* the mobilization and contributions of the international community in support of reconstruction, applauds the priorities defined by the Government in its national recovery and development action plan, which focuses on reviving economic, government and social activity, as well as on reducing the country's vulnerability and placing it back on the path to development, and urges donors to honour their commitments without delay;

5. *Also welcomes* the strengthening of the United Nations Stabilization Mission in Haiti, as requested by the Security Council in its resolution 1927 (2010) of 4 June 2010 with a view, in particular, to helping the Haitian Government to provide adequate protection to the population while devoting special attention to the needs of displaced persons and other vulnerable groups, especially women and children;

6. *Stresses* the need to tackle obstacles that are preventing the people from fully exercising their human rights, including access to food, decent housing, health care, drinking water, sanitation, education and employment, and that are jeopardizing the implementation of obligations related to drinking water and sanitation;

7. *Stresses also* the need to rapidly restore the system for the issuance of identity documents, property deeds and other essential documents, so that the people may fully exercise their rights;

<sup>44</sup> A/HRC/14/CRP.3.

8. *Welcomes* the latest political developments in Haiti in respect of preparations for the elections scheduled for November 2010, and stresses the importance of ensuring that these elections are carried out under the proper conditions;

9. *Applauds* the fact that the Haitian authorities have reaffirmed their commitment and determination to improve the quality of life of Haitian women and men by, in particular, ensuring greater respect for human rights and promoting cooperation between the Haitian National Police and the United Nations Stabilization Mission in Haiti in curbing violence, including sexual violence against women, crime and banditry;

10. *Is aware of* the many obstacles to development in Haiti and the difficulties encountered by its leaders in daily governance, recognizes that the full enjoyment of civil and political, economic, social and cultural human rights is a factor of peace, stability and progress in Haiti, and encourages the Government to continue to reform the judicial and prison system and to strengthen the rule of law and efforts to combat impunity;

11. *Strongly encourages* the international community as a whole, and in particular international donors, the group of countries known as the Friends of Haiti, United Nations specialized agencies, and regional and international organizations, to step up their cooperation with the constituted authorities of Haiti for the full realization of human rights;

12. *Invites* the United Nations Stabilization Mission in Haiti, the Interim Haiti Recovery Commission and other competent international bodies to take full account of the recommendations made by the High Commissioner<sup>1</sup> concerning greater protection of the human rights of displaced persons, women, children, persons with disabilities and migrants;

13. *Underscores* the need for heightened awareness of human rights during the reconstruction process through, inter alia, the integration of a human rights-based approach in reconstruction projects, including private and bilateral projects and associated calls for tender;

14. *Welcomes* the request of the Haitian authorities to have the mission of the independent expert on the situation of human rights in Haiti extended until September 2011, and decides to approve that request;

15. *Emphasizes* that the independent expert's mandate falls within the framework of technical assistance and capacity-building and, in the light of that fact, encourages him to collaborate with international institutions, donors and the international community in bringing their expertise to bear and furnishing sufficient resources to support the authorities' efforts to rebuild the country following the earthquake of 12 January 2010, and encourages him to continue the work begun in 2008 and to accomplish his mission by drawing upon his experience to further the cause of human rights in Haiti, with particular emphasis on economic, social and cultural rights, the rights of persons with disabilities, women's and children's rights, and access to justice;

16. *Invites* the independent expert to undertake a mission to Haiti in the near future and to report to it thereon at its seventeenth session, and encourages the Haitian authorities to cooperate fully with the expert."

**PRST 15/2**

At the 34th meeting, held on 1 October 2010, the President of the Council, reaffirming full support for the mandate of the United Nations High Commissioner for Human Rights as contained in General Assembly resolution 48/141 of 20 December 1993, issued a statement prepared in consultation with the High Commissioner reading as follows:

*“The Human Rights Council*

1. *Acknowledges* the ongoing constructive dialogue between the Office of the United Nations High Commissioner for Human Rights and the Human Rights Council, and thanks the High Commissioner, in particular, for her letter dated 3 May 2010 addressed to the President of the Council, asking him to share the Secretary-General's proposed strategic framework for programme 19, Human rights, with the members of the Council and offering to compile and submit to the Committee for Programme and Coordination any comments they might have;

2. *Invites* the High Commissioner to present the Secretary-General's proposed strategic framework for programme 19, Human rights, to the Council prior to its submission to the Committee for Programme and Coordination, for the purpose of the High Commissioner to compile and submit the views of States and relevant stakeholders for transmission to the Committee for its consideration.”

## **Part Two**

### **Summary of proceedings**

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

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

1. The Human Rights Council held its fifteenth session at the United Nations Office at Geneva from 13 September to 1 October 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 fifteenth session was held on 30 August 2010.

3. The fifteenth session consisted of 34 meetings held over 15 days (see paragraph 24 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 13 September 2010, the Council adopted the agenda and programme of work of the fifteenth session.

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

6. At the 1st meeting, on 13 September 2010, the President outlined the modalities for the general debate on the update by the United Nations High Commissioner for Human Rights of the activities of her Office, which would be three minutes for Member States and two minutes for observer States and other observers.

7. At the 3rd meeting, on 14 September 2010, the President outlined the modalities for the interactive dialogue with mandate holders of special procedures, 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 3 minutes for statements by States Members of the Council; 2 minutes for statements by observer States of the Council and other observers, including United Nations entities, specialized agencies and related organizations, intergovernmental organizations and other entities, national human rights institutions and non-governmental organizations; and 5 minutes for concluding remarks by the mandate holder.

8. At the 7th meeting, on 16 September 2010, the President provided the Council with an update on the review of the work and functioning of the Council, as well as on the agenda and programme of work of the intergovernmental working group on the review.
9. At the 8th meeting, on 16 September 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 three minutes for States Members of the Council and two minutes for observer States and other observers.
10. At the 11th meeting, on 17 September 2010, the President outlined the modalities for the general debate on agenda item 4, which would be three minutes for States Members of the Council and two minutes for observer States and other observers.
11. At the 12th meeting, on 20 September 2010, the President outlined the modalities for the panel discussion on the elimination of discrimination against women, which would be seven minutes for panellists, three minutes for States Members of the Council and two minutes for observer States and other observers.
12. At the 14th meeting, on 21 September 2010, the President outlined the modalities for the general debate on agenda item 5, which would be three minutes for States Members of the Council and two minutes for observer States and other observers.
13. At the 14th meeting, on 21 September 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 Member States 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.
14. At the 20th meeting, on 23 September 2010, the President outlined the modalities for the general debate on agenda item 6, which would be three minutes for States Members of the Council and two minutes for observer States and other observers.
15. At the 21st meeting, on 24 September 2010, the President outlined the modalities for the annual discussion on the integration of a gender perspective in the work of the Council, which would be seven minutes for panellists, three minutes for States Members of the Council and two minutes for observer States and other observers.
16. At the 22nd meeting, on 24 September 2010, the President outlined the modalities for the general debate on agenda item 8, which would be three minutes for States Members of the Council and two minutes for observer States and other observers.
17. At the 23rd meeting, on 27 September 2010, the Council observed a minute of silence for Arjun Sengupta, the Chairperson-Rapporteur of the Working Group on the Right to Development, who had passed away.
18. At the 23rd meeting, on 27 September 2010, the President outlined the modalities for the interactive dialogue with the Committee of independent experts in international humanitarian and human rights laws to monitor and assess any domestic, legal or other proceedings undertaken by both the Government of Israel and the Palestinian side, in the light of General Assembly resolution 64/254, which would be three minutes for States Members of the Council and two minutes for observer States, followed by other observers.
19. At the 23rd meeting, on 27 September 2010, the President outlined the modalities for the general debate on agenda item 7, which would be three minutes for States Members of the Council and two minutes for observer States and other observers.

20. At the 24th meeting, on 27 September 2010, the President outlined the modalities for the interactive dialogue on the report of the international fact-finding mission to investigate violations of international law, including international humanitarian and human rights law, resulting from the Israeli attacks on the flotilla of ships carrying humanitarian assistance, which would be three minutes for States Members of the Council and two minutes for observer States and other observers.

21. At the 26th meeting, on 28 September 2010, the President outlined the modalities for the general debate on agenda item 9, which would be three minutes for States Members of the Council and two minutes for observer States and other observers.

22. At the 28th meeting, on 29 September 2010, the President outlined the modalities for the a stand-alone interactive dialogue on assistance to Somalia in the field of human rights, which would be seven minutes for participants, three minutes for States Members of the Council and two minutes for observer States and other observers.

23. At the 29th meeting, on 29 September 2010, the President outlined the modalities for the general debate on agenda item 10, which would be three minutes for States Members of the Council and two minutes for observer States and other observers.

## **E. Meetings and documentation**

24. The Council held 34 fully serviced meetings during its fifteenth session.

25. The resolutions and decisions adopted by the Council are contained in part one of the present report.

26. Annex I contains the list of attendance.

27. Annex II contains the estimated administrative and programme budget implications of Council resolutions and decisions.

28. Annex III contains the agenda of the Council, as included in section V of the annex to Council resolution 5/1.

29. Annex IV contains the list of documents issued for the fifteenth session of the Council.

30. Annex V contains the list of special procedures mandate holders appointed by the Council at its fifteenth session.

## **F. Visits**

31. At the 2nd meeting, on 13 September 2010, the Commissioner for Human Rights, Humanitarian Action and Relations with Civil Society of Mauritania, Mohamed Abdallahi Ould Khatra, delivered a statement to the Council.

32. At the 8th meeting, on 16 September 2010, the Secretary-General of the Organization of the Islamic Conference, Ekmeleddin Ihsanoglu, delivered a statement to the Council.

33. At the 13th meeting, on 20 September 2010, the Minister for Justice and Human Rights of the Democratic Republic of the Congo, Luzolo Bambi Lessa, delivered a statement to the Council.



## **G. Interactive dialogue with members of the international fact-finding mission to investigate violations of international law, including international humanitarian and human rights law, resulting from the Israeli attacks on the flotilla of ships carrying humanitarian assistance**

34. At the 24th meeting, on 27 September 2010, the Chairperson-Rapporteur of the international fact-finding mission to investigate violations of international law, including international humanitarian and human rights law, resulting from the Israeli attacks on the flotilla of ships carrying humanitarian assistance, Justice Karl Hudson-Phillips, presented the mission's report (A/HRC/15/21). The other two members of the mission, Desmond de Silva and Mary Shanti Dairiam, were also present.

35. At the same meeting, the representatives of Israel and Turkey made statements as concerned countries.

36. Also at the same meeting, the representative of Palestine made a statement as a concerned party.

37. During the ensuing discussion at the 25th meeting, on 28 September 2010, the following made statements:

(a) Representatives of States Members of the Council: Bangladesh, Cuba, India<sup>45</sup> (also on behalf of Brazil and South Africa), Japan, Jordan, Libyan Arab Jamahiriya, Malaysia, Maldives, Pakistan (on behalf of the Organization of the Islamic Conference), Qatar, Saudi Arabia, Switzerland, Thailand, United States of America;

(b) Representatives of the following observer States: Algeria, Egypt, Indonesia, Iran (Islamic Republic of), Kuwait, Lebanon, Morocco, South Africa, Sudan, Syrian Arab Republic, United Arab Emirates, Yemen;

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

(d) Observers for the following non-governmental organizations: Mouvement contre le racisme et pour l'amitié entre les peuples, Nord-Sud XXI, United Nations Watch.

38. At the 25th meeting, on 28 September 2010, the members of the mission answered questions and made their concluding remarks.

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

39. At its 30th meeting, on 29 September 2010, the Council appointed special procedures mandate holders in accordance with Council resolutions 5/1 (see annex V).

## **I. Declaration by the President on Ecuador**

40. At the 34th meeting, on 1 October 2010, the President indicated that, in the context of the recent events in Ecuador, he had been empowered by the agreement of all Council members to make the following declaration:

The Human Rights Council stresses that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing, as stated in paragraph 8 of the Vienna Declaration.

<sup>45</sup> Observer of the Council speaking on behalf of Member and observer States.

The Council strongly rejects any attempt to disrupt the democratic institutional system in Ecuador.

The Council firmly supports the constitutional Government of President Rafael Correa of Ecuador in its obligation to preserve the institutional democratic order, the rule of law and the full enjoyment of human rights and fundamental freedoms.

41. At the same meeting, the representative of Ecuador made a statement as the concerned country.

## **J. Adoption of the report on the session**

42. At the 34th meeting, on 1 October 2010, the draft report of the Council (A/HRC/15/L.10) was adopted ad referendum. The Council decided to entrust the Rapporteur with the finalization of the report.

43. Also at the same meeting, observers for the Indian Council of South America, the International Society for Human Rights, Mouvement contre le racisme et pour l'amitié entre les peuples and Nord-Sud XXI made general comments in connection with the session.

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

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

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

45. At the 30th meeting, on 29 September 2010, the representative of Pakistan, on behalf of the Organization of the Islamic Conference, introduced draft resolution A/HRC/15/L.33, sponsored by Pakistan on behalf of the Organization of the Islamic Conference. Subsequently, Bolivia (Plurinational State of) and Venezuela (Bolivarian Republic of) joined the sponsors.

46. At the same meeting, the representative of Pakistan orally revised the draft resolution.

47. Also at the same meeting, the representatives of Palestine and Turkey made statements as concerned parties.

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

49. 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/15/L.33 as orally revised. The draft resolution as orally revised was adopted by 30 votes in favour, 1 against, with 15 abstentions. The voting was as follows:

#### *In favour:*

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

*Against:*

United States of America

*Abstaining:*

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

50. For the text as adopted, see part one, chapter I, resolution 15/1.
51. At the same meeting, the representatives of Norway, Switzerland and Uruguay made statements in explanation of vote after the vote.

**President's statement**

52. At the 34th meeting, on 1 October 2010, the President of the Council made a statement in relation to the dialogue between the OHCHR and the Council (for the text of the statement, see part one, chap. III, PRST/15/2).
53. At the same meeting, the President also informed the States Members of the Council, observer States and other observers that draft resolution A/HRC/15/L.30 had been withdrawn by its co-sponsors.
54. Also at the same meeting, the representatives of Belgium (on behalf of the European Union), Cuba, Nigeria (on behalf of the Group of African States) and the United States of America made general comments in relation to the draft text.
55. At the same meeting, the representative of Algeria also made comments in relation to the text.

## **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**

56. At the 1st meeting, on 13 September 2010, the United Nations High Commissioner for Human Rights made a statement providing an update of the activities of her Office.

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

(a) Representatives of States Members of the Council: Bahrain, Bangladesh, Belgium (on behalf of the European Union, Albania, Bosnia and Herzegovina, Croatia, Iceland, Liechtenstein, Montenegro, the Republic of Moldova, the former Yugoslav Republic of Macedonia and Turkey), Brazil, Chile, China, Cuba, Ecuador, Egypt<sup>45</sup> (on behalf of the Non-Aligned Movement), France, Hungary, Japan, Jordan, Libyan Arab Jamahiriya, Malaysia, Maldives, Mexico, Nigeria (on behalf of the Group of African States), Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Poland, Qatar, Republic of Korea, Republic of Moldova, Russian Federation, Switzerland, Syrian Arab Republic<sup>45</sup> (on behalf of the Group of Arab States), Thailand, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of the following observer States: Algeria, Armenia, Austria, Azerbaijan, Belarus, Canada, Colombia, Costa Rica, Czech Republic, Egypt, Ethiopia, Germany, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Lithuania, Morocco, Nepal, New Zealand, Paraguay, Philippines, Rwanda, Slovenia, South Africa, Sri Lanka, Sudan, Turkey, Viet Nam, Yemen, Zimbabwe;

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

(d) Observers for the following non-governmental organizations: Action internationale pour la paix et le développement dans la région des Grands Lacs, Association for World Education (also on behalf of the World Union for Progressive Judaism), Cairo Institute for Human Rights Studies, Cercle de recherche sur les droits et les devoirs de la personne humaine, CIVICUS – World Alliance for Citizen Participation, Comité international pour le respect et l'application de la Charte Africaine des droits de l'homme et des peuples, France Libertés: Fondation Danielle Mitterrand, Human Rights Watch, International Federation for Human Rights Leagues, International Humanist and Ethical Union, International Islamic Federation of Student Organizations, International Service for Human Rights, Nord-Sud XXI, Society for Threatened Peoples, World Muslim Congress.

58. At the 2nd meeting, on the same day, a statement in exercise of the right of reply was made by the representative of Guatemala.

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

59. At the 7th meeting, on 16 September 2010, on behalf of the Deputy High Commissioner for Human Rights, the Director of the Human Rights Council and Special Procedures Division of OHCHR presented thematic reports prepared by the Office of the High Commissioner and the Secretary-General.

60. At its 8th and 9th meetings, on the same day, the Council held a general debate on thematic reports presented by the Deputy High Commissioner (see paragraphs 94 to 96 below).

61. At its 14th and 15th meetings, on 21 September 2009, the Council held a general debate on thematic reports on indigenous issues (A/HRC/15/34 and A/HRC/15/38) presented by the Director of the Research and Right to Development Division of OHCHR (see chap. V sect. B).

62. At its 29th meeting, on 29 September 2009, the Council held a general debate on thematic reports on technical assistance and capacity-building presented by the Chief of the Africa Branch, Field Operation and Technical Cooperation Division of OHCHR (see chap. X, sect. C).

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

#### **A. Special Representative of the Secretary-General for Children and Armed Conflict**

63. At the 3rd meeting, on 14 September 2010, the Special Representative of the Secretary-General for Children and Armed Conflict, Radhika Coomaraswamy, presented her report (A/HRC/15/58).

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

(a) Representatives of States Members of the Council: Argentina, Bangladesh, Brazil, Chile, China, France, Hungary, Japan, Jordan, Mexico, Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Qatar, Republic of Korea, Russian Federation, Slovakia, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay;

(b) Representatives of the following observer States: Afghanistan, Algeria, Austria, Bosnia and Herzegovina, Colombia, Costa Rica, Denmark, Egypt, Georgia, Greece, Indonesia, Iraq, Israel, Italy, Morocco, Nepal, Philippines, Slovenia, Sri Lanka, Sudan, Viet Nam;

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

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

(e) Observers for the following non-governmental organizations: Action internationale pour la paix et le développement dans la région des Grands Lacs, Colombian Commission of Jurists, International Islamic Federation of Student Organizations, International Save the Children Alliance, World Muslim Congress.

65. At the same meeting, on the same day, the Special Representative answered questions and made her concluding remarks.

66. At the 4th meeting, on the same day, statements in exercise of the right of reply were made by the representative of Georgia and the Russian Federation.

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

##### **Special Rapporteur on contemporary forms of slavery, including its causes and consequences**

67. At the 4th meeting, on 14 September 2010, the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Gulnara Shaninian, presented her report (A/HRC/15/20 and Add.1-4).

68. At the same meeting, the representatives of Brazil, Ecuador and Mauritania made statements as concerned countries.

69. During the ensuing interactive dialogue at the same meeting, on the same day, and at the 5th meeting, on 15 September 2010, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Council: Chile, China, Cuba, Libyan Arab Jamahiriya, Nigeria (on behalf of the Group of African States), Pakistan (on behalf of the Organization of the Islamic Conference), Poland, Republic of Moldova, Saudi Arabia, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay;

(b) Representatives of the following observer States: Algeria, Armenia, Azerbaijan, Egypt, India, Indonesia, Morocco, Nepal, Philippines;

(c) Observer for the United Nations entities, specialized agencies and related organizations: International Labour Organization;

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

(e) Observers for the following non-governmental organizations: Association of World Citizens, Defence for Children International, Global Alliance against Traffic in Women, International Federation Terre Des Hommes.

70. At the 5th meeting, on 15 September 2010, the Special Rapporteur answered questions and made her concluding remarks.

#### **Working Group on the use of mercenaries as a means of violating human rights and impeding the right of peoples to self-determination**

71. At the 4th meeting, on 14 September 2010, the Chairperson of the Working Group on the use of mercenaries as a means of violating human rights and impeding the right of peoples to self-determination, Amada Benavides de Pérez, presented the Working Group's report (A/HRC/15/25 and Add.1-6).

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

73. During the ensuing interactive dialogue at the same meeting, on the same day, and at the 5th meeting, on 15 September 2010, the following made statements and asked the Chairperson of the Working Group questions:

(a) Representatives of States Members of the Council: Argentina, Brazil, Chile, China, Cuba, Ecuador, Libyan Arab Jamahiriya, Nigeria (on behalf of the Group of African States), Pakistan (on behalf of the Organization of the Islamic Conference), Republic of Moldova, Russian Federation, Switzerland, Syrian Arab Republic<sup>46</sup> (on behalf of the Group of Arab States), United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of the following observer States: Algeria, Azerbaijan, Egypt, Morocco, South Africa, Sudan, Venezuela (Bolivarian Republic of);

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

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

(e) Observers for the following non-governmental organizations: Association of World Citizens, Human Rights Advocates Inc.

74. At the 5th meeting, on 15 September 2010, the Chairperson of the Working Group answered questions and made her concluding remarks.

<sup>46</sup> Observer of the Council speaking on behalf of Member and observer States.

**Independent expert on human rights and international solidarity**

75. At the 5th meeting, on 15 September 2010, the independent expert on human rights and international solidarity, Rudi Muhammad Rizki, presented his report (A/HRC/15/32).

76. During the ensuing interactive dialogue at the same meeting, and at the 6th meeting on the same day, the following made statements and asked the independent expert questions:

(a) Representatives of States Members of the Council: Argentina, Bangladesh, Brazil, Burkina Faso, Chile, China, Cuba, Djibouti, Nigeria (on behalf of the Group of African States), Pakistan (on behalf of the Organization of the Islamic Conference), Senegal, Syrian Arab Republic<sup>46</sup> (on behalf of the Group of Arab States), United States of America;

(b) Representatives of the following observer States: Algeria, Egypt, Indonesia, Iran (Islamic Republic of), Iraq, Morocco;

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

(d) Observers for non-governmental organizations: Associazione Comunità Papa Giovanni XXIII (also on behalf of Dominicans for Justice and Peace (Order of Preachers), Caritas Internationalis (International Confederation of Catholic Charities) and New Humanity), Federation of Associations for the Defence and the Promotion of Human Rights, Nord-Sud XXI.

77. At the 6th meeting, on the same day, the independent expert answered questions and made his concluding remarks.

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

78. At the 5th meeting, on 15 September 2010, the Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, Calin Georgescu, presented the report of his predecessor (A/HRC/15/22 and Add.1-3).

79. At the same meeting, the representatives of India and Kyrgyzstan made statements as concerned countries.

80. During the ensuing interactive dialogue at the same meeting, and at the 6th meeting on the same day, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Council: Argentina, Bangladesh, Brazil, China, Djibouti, Nigeria (on behalf of the Group of African States), Pakistan (on behalf of the Organization of the Islamic Conference), Syrian Arab Republic<sup>46</sup> (on behalf of the Group of Arab States), United States of America, Uruguay;

(b) Representatives of the following observer States: Algeria, Côte d'Ivoire, Egypt, Indonesia, Iraq, Israel, Morocco, Peru;

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

(d) Observers for non-governmental organizations: Human Rights Advocates Inc., Indian Council of South America, Permanent Assembly for Human Rights, Planetary Association for Clean Energy.

81. At the 6th meeting, on the same day, the Special Rapporteur answered questions and made his concluding remarks.



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

**Independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation**

83. At the 6th meeting, on 15 September 2010, the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation, Catarina de Albuquerque, presented her report (A/HRC/15/31 and Add.1-3), as well as the report prepared jointly with the independent expert on the question of human rights and extreme poverty (A/HRC/15/55).

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

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

(a) Representatives of States Members of the Council: Brazil, China, Cuba, Djibouti, Ecuador, Hungary, Japan, Maldives, Nigeria (on behalf of the Group of African States), Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Republic of Moldova, Senegal, Spain, Switzerland, Syrian Arab Republic<sup>46</sup> (on behalf of the Group of Arab States), Thailand, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay;

(b) Representatives of the following observer States: Algeria, Austria, Bolivia (Plurinational State of), Canada, Colombia, Egypt, Ethiopia, Germany, Iceland, Indonesia, Morocco, Peru, Portugal, Slovenia, South Africa, Viet Nam;

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

(d) Observer for the United Nations entities, specialized agencies and related organizations: UNICEF;

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

(f) Observers for the following non-governmental organizations: Amnesty International, European Disability Forum, France Libertés: Fondation Danielle Mitterrand (also on behalf of the American Association of Jurists, International Educational Development, Inc. and Mouvement contre le racisme et pour l'amitié entre les peuples).

86. At the 7th meeting, on 16 September 2010, the independent expert answered questions and made her concluding remarks.

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

87. At the 6th meeting, on 15 September 2010, the independent expert on the question of human rights and extreme poverty, María Magdalena Sepúlveda Carmona, presented her report (A/HRC/15/41).

88. At the same meeting, the representative of Bangladesh made a statement as the concerned country.

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

(a) Representatives of States Members of the Council: Brazil, Chile, China, Ecuador, France, Hungary, Nigeria (on behalf of the Group of African States), Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Republic of Moldova, Switzerland, Thailand;

(b) Representatives of the following observer States: Algeria, Colombia, Egypt, Ethiopia, Indonesia, Morocco, Nepal, Paraguay, Peru, Philippines, South Africa, Viet Nam;

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

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

(e) Observers for the following non-governmental organizations: Action internationale pour la paix et le développement dans la région des Grands Lacs, Amnesty International, CIVICUS – World Alliance for Citizen Participation, International Movement ATD Fourth World (also on behalf of Actionaid/Action Aid, Association Points-Cœur, Associazione Comunità Papa Giovanni XXIII, the Baha'i International Community, Caritas Internationalis (International Confederation of Catholic Charities), the Centre on Housing Rights and Evictions, Dominicans for Justice and Peace (Order of Preachers), Franciscans International, the International Catholic Child Bureau, the International Commission of Jurists, the International Council of Women and the World Organization against Torture).

90. At the 7th meeting, on 16 September 2010, the independent expert answered questions and made her concluding remarks.

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

91. At the 7th meeting, on 16 September 2010, the Chairperson of the open-ended Working Group on an optional protocol to the Convention on the Rights of the Child, Drahošlav Štefánek, provided the Council with an update on the progress made in the drafting of the optional protocol.

#### **Working Group on the Right to Development**

92. At the 7th meeting, on 16 September 2010, Craig Mokhiber of OHCHR read out the statement of Arjun Sengupta, the Chairperson-Rapporteur of the Working Group on the right to development, on the Working Group's report (A/HRC/15/23).

93. At the 8th and 9th meetings on the same day, the Council held a general debate on the report of the working group on the right to development (see chap. III, sect. D).

#### **Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people**

94. At the 13th meeting, on 20 September 2010, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, James Anaya, presented his report (A/HRC/15/37 and Add.1-9).

95. At the same meeting, the representatives of Australia, Botswana, Colombia, Ecuador and the Russian Federation made statements as concerned countries.

96. During the ensuing interactive dialogue at the 14th meeting, on 21 September 2010, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Council: Brazil, Chile, China, Guatemala, Malaysia, Mexico, Norway, Russian Federation, United States of America;

(b) Representatives of the following observer States: Bolivia (Plurinational State of), Denmark, Nepal, New Zealand, Zimbabwe;

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

(d) Observer for non-governmental organizations: Asian Forum for Human Rights and Development, Colombian Commission of Jurists, Foundation for Aboriginal and Islander Research Action, Indian Council of South America, International Indian Treaty Council.

97. At the 14th meeting, on 21 September 2010, the Special Rapporteur answered questions and made his concluding remarks.

98. At the 15th meeting, on the same day, a statement in exercise of the right of reply was made by Panama.

## C. Panels

### Panel discussion on the elimination of discrimination against women

99. At the 12th meeting, on 20 September 2010, the Council held a half-day panel discussion on the elimination of discrimination against women, in accordance with Council resolution 12/17. The Deputy High Commissioner made opening remarks for the panel.

100. At the same meeting, the panellists: Victoria Popescu, Rashida Manjoo, Lee Waldorf, María de los Angeles Corte Ríos, Vitit Muntarbhorn and Nyaradzayi Gumbonzvanda, made statements.

101. During the first segment of the ensuing panel discussion, at the same meeting, on the same day, the following made statements and asked the panellists questions:

(a) Representatives of States Members of the Council: Burkina Faso, Chile, China, Costa Rica<sup>47</sup> (on behalf of the Group of Latin American and Caribbean States), Djibouti, Mexico, Nigeria (on behalf of the Group of African States), Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Saudi Arabia, Syrian Arab Republic<sup>47</sup> (on behalf of the Group of Arab States);

(b) Representatives of the following observer States: Algeria, Austria, Colombia, Finland, Timor-Leste;

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

(d) Observers for the following non-governmental organizations: Cairo Institute for Human Rights Studies, Equality Now (also on behalf of the Center for Egyptian Women's Legal Assistance, the Centre for Reproductive Rights, Inc., the Centre for Women's Global Leadership and the Latin American Committee for the Defence of Women's Rights), United Nations Watch.

102. During the second segment of 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 (also on behalf of the Common Market of the South, MERCOSUR), Cuba, Libyan Arab Jamahiriya, Switzerland, United States of America;

<sup>47</sup> Observer of the Council speaking on behalf of Member and observer States.

(b) Representatives of the following observer States: Australia, Canada, Haiti, India, Iran (Islamic Republic of), Lithuania.

103. At the same meeting, on the same day, the panellists answered questions and made their concluding remarks.

#### **Annual discussion on the integration of a gender perspective into the work of the Human Rights Council**

104. At its 21st meeting, on 24 September 2010, the Council held its annual discussion on the integration of a gender perspective into its work, in accordance with Council resolution 6/30. The Deputy High Commissioner made opening remarks for the panel.

105. At the same meeting, the panellists Emmanuel Decaux, Roberto Garretón, Florence Sambiri-Jaoko, Cynthia Rothschild and Jane Hodges made statements.

106. During the first segment of 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, Brazil (also on behalf of MERCOSUR), Chile, Costa Rica<sup>47</sup> (on behalf of the Group of Latin American and Caribbean States), France, Norway, Republic of Korea, Russian Federation, Switzerland, Syrian Arab Republic<sup>47</sup> (on behalf of the Group of Arab States), Thailand, United States of America, Viet Nam<sup>47</sup> (on behalf of the Association of Southeast Asian Nations (ASEAN));

(b) Representatives of the following observer States: Indonesia, Philippines, Turkey;

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

(d) Observers for non-governmental organizations: Centro Regional de Derechos Humanos y Justicia de Género, Corporación Humanas, Worldwide Organization of Women (also on behalf of Business and Professional Women International, the International Federation of University Women and the Women's Federation of World Peace International).

107. During the second segment of the ensuing panel discussion, at the same meeting, on the same day, the following made statements and asked the panellists questions:

(a) Representatives of States Members of the Council: Bangladesh, Japan, Maldives, Mexico, Pakistan (on behalf of the Organization of the Islamic Conference), Ukraine;

(b) Representatives of the following observer States: Australia, Azerbaijan, Iran (Islamic Republic of), Iraq, Lithuania (also on behalf of Cape Verde, Chile, the Czech Republic, El Salvador, India, Italy, Mali, Mexico, Mongolia, Morocco, the Philippines, Poland, the Republic of Korea, South Africa and the United States of America), Morocco, New Zealand, Paraguay, Slovenia, Tunisia;

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

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

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

109. At the 8th and 9th meetings, on 16 September 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: Argentina, Bangladesh, Belgium (also on behalf of the European Union, Albania, Armenia, Bosnia and Herzegovina, Croatia, Iceland, Liechtenstein, Montenegro, the Republic of Moldova, Serbia, the former Yugoslav Republic of Macedonia, Turkey and Ukraine), Brazil (on behalf of MERCOSUR), Burkina Faso, Chile, China, Costa Rica<sup>47</sup> (on behalf of the Group of Latin American and Caribbean States), Cuba, Djibouti, Ecuador, Egypt (on behalf of the Non-Aligned Movement), Guatemala, Hungary, Libyan Arab Jamahiriya, Maldives, Mexico, Nigeria (on behalf of the Group of African States), Norway, Pakistan (also on behalf of the Organization of the Islamic Conference), Republic of Moldova, Russian Federation, Spain, Switzerland, Syrian Arab Republic<sup>47</sup> (on behalf of the Group of Arab States), Thailand, United States of America;

(b) Representatives of the following observer States: Algeria, Armenia, Australia, Costa Rica, Egypt, Honduras, Indonesia, Iran (Islamic Republic of), Iraq, Morocco, Nepal, Philippines, Rwanda, Slovenia, Uzbekistan;

(c) Observers for intergovernmental organizations: African Union, Organisation internationale de la Francophonie;

(d) Observer for national human rights institutions: European Group of national human rights institutions;

(e) Observers for the following non-governmental organizations: Action internationale pour la paix et le développement dans la région des Grands Lacs, Afro-Asian Peoples' Solidarity Organization, Agence des cités unies pour la coopération Nord-Sud, Agence internationale pour le développement, Amnesty International, Asian Forum for Human Rights and Development, Asian Legal Resource Centre, BADIL Resource Center for Palestinian Residency and Refugee Rights, Centrist Democratic International, Charitable Institute for Protecting Social Victims, Colombian Commission of Jurists, Comité international pour le respect et l'application de la Charte Africaine des droits de l'homme et des peuples, Commission to Study the Organization of Peace, Conectas Direitos Humanos, European Union of Public Relations, Freedom House, Indian Council of South America, International Club for Peace Research, International Educational Development, Inc., International Humanist and Ethical Union, International Institute for Peace, International Islamic Federation of Student Organizations, International Movement Against All Forms of Discrimination and Racism, Liberation, Mbororo Social and Cultural Development Association, Organisation mondiale des associations pour l'éducation prénatale, Organisation pour la communication en Afrique et de promotion de la coopération économique internationale – OCAPROCE Internationale, Organization for Defending Victims of Violence, Permanent Assembly for Human Rights, Rencontre africaine pour la défense des droits de l'homme, Society for Threatened Peoples, Soka Gakkai International (also on behalf of the Al-Hakim Foundation, the Asian Forum for Human Rights and Development, the Asia-Pacific Human Rights Information Center, Association Points-Cœur, CIVICUS – World Alliance for Citizen Participation, Equitas centre international d'éducation aux droits humains, Human Rights Education Associates, the Institute for Planetary Synthesis, the International Alliance of Women, the International Catholic Child Bureau, the International Movement Against All Forms of Discrimination and Racism, the International Network for the Prevention of Elder Abuse, the International Organization for the Elimination of All Forms of Racial Discrimination, the International Organization for the Right to Education and Freedom of Education, Pax Christi International, the Planetary Association for Clean Energy, Soroptimist International, the Sovereign Military Order of the Temple of Jerusalem, the Women's World Summit Foundation and the Worldwide Organization for Women), Union de l'action féminine, United Nations Watch, World Muslim Congress (also on behalf of the International Human Rights Association of American Minorities).

110. At the 9th meeting, on 16 September 2010, statements in exercise of the right of reply were made by the representatives of Armenia, Azerbaijan and the Libyan Arab Jamahiriya.

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

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

### **Special Rapporteur on contemporary forms of slavery**

112. At the 30th meeting, on 29 September 2010, the representative of the United Kingdom of Great Britain and Northern Ireland introduced draft resolution A/HRC/15/L.9, sponsored by the United Kingdom of Great Britain and Northern Ireland and co-sponsored by Armenia, Australia, Austria, Azerbaijan, Belarus, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Croatia, Cyprus, the Czech Republic, Denmark, Ecuador, Estonia, Finland, France, Germany, Greece, Guatemala, Hungary, Ireland, Italy, Japan, Kazakhstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, the Netherlands, Norway, Peru, Portugal, the Republic of Moldova, Romania, Saint Kitts and Nevis, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia and Uruguay. Subsequently, Argentina, Belgium, Brazil, Costa Rica, Cuba, Ghana, Iceland, Israel, Mauritius, Mexico, New Zealand, Nicaragua, Poland, the Republic of Korea, Somalia, Turkey, Ukraine, the United States of America and Venezuela (Bolivarian Republic of) joined the sponsors.

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

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

115. Also at the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 15/2).

### **Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers**

116. At the 30th meeting, on 29 September 2010, the representative of Hungary introduced draft resolution A/HRC/15/L.16, sponsored by Hungary and co-sponsored by Albania, Austria, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, Germany, Greece, Guatemala, Italy, Latvia, Lebanon, Lithuania, Luxembourg, Malta, Mexico, the Netherlands, Norway, Panama, Paraguay, Peru, Poland, Portugal, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland and Uruguay. Subsequently, Andorra, Australia, Azerbaijan, Belgium, Burundi, Colombia, Eritrea, Estonia, Finland, France, Gabon, Guinea, Iceland, Ireland, Israel, Japan, Kenya, Maldives, Morocco, New Zealand, the Republic of Moldova, the Russian Federation, Turkey, Ukraine, the United Republic of Tanzania, the United States of America and Zambia joined the sponsors.

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

118. Also at the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 15/3).

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

119. At the 30th meeting, on 29 September 2010, the representative of Portugal introduced draft resolution A/HRC/15/L.19, sponsored by Portugal and co-sponsored by Argentina, Austria, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Bulgaria, Chile, Costa Rica, Croatia, Cuba, Cyprus, the Czech Republic, Denmark, Ecuador, Estonia, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Mexico, Morocco, the Netherlands, Norway, Panama, Paraguay, Peru, Poland, Rwanda, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Venezuela (Bolivarian Republic of). Subsequently, Andorra, Azerbaijan, Canada, Cape Verde, Japan, Monaco, Nicaragua, the Republic of Moldova, Romania, Senegal, Thailand and Uruguay joined the sponsors.

120. Also at the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 15/4).

### **Forensic genetics and human rights**

121. At the 30th meeting, on 29 September 2010, the representative of Argentina introduced draft resolution A/HRC/15/L.29, sponsored by Argentina and co-sponsored by Armenia, Austria, Azerbaijan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Denmark, Ecuador, Egypt, France, Germany, Greece, Guatemala, Hungary, Italy, Latvia, Mexico, Morocco, the Netherlands, Norway, Panama, Paraguay, Peru, Poland, Portugal, Serbia, South Africa, Spain, Switzerland, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela (Bolivarian Republic of). Subsequently, Andorra, Belgium, Brazil, Finland, Ireland, Israel, Japan, Palestine, the Republic of Korea, Saudi Arabia, Slovenia and the United States of America joined the sponsors.

122. Also at the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 15/5).

### **Human rights and indigenous peoples**

123. At the 31st meeting, on 30 September 2010, the representative of Guatemala introduced draft resolution A/HRC/15/L.5, sponsored by Guatemala and co-sponsored by Australia, Austria, Bolivia (Plurinational State of), Bosnia and Herzegovina, Canada, Chile, Colombia, Costa Rica, Croatia, Denmark, the Dominican Republic, Ecuador, Estonia, Finland, Greece, Haiti, Honduras, Hungary, Mexico, New Zealand, Norway, Panama, Paraguay, Peru, the former Yugoslav Republic of Macedonia and Venezuela (Bolivarian Republic of). Subsequently, Andorra, Armenia, Brazil, Cuba, Nicaragua, Poland, the United States of America and Uruguay joined the sponsors.

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

125. At the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 15/7).

126. At the 34th meeting, on 1 October 2010, the representative of Norway made a statement in explanation of vote after the vote.

**Adequate housing as a component of the right to an adequate standard of living**

127. At the 31st meeting, on 30 September 2010, the representatives of Finland (also on behalf of Germany and the other co-sponsors) and Germany introduced draft resolution A/HRC/15/L.13, sponsored by Finland and Germany and co-sponsored by Argentina, Austria, Belarus, Benin, Bosnia and Herzegovina, Brazil, Canada, Chile, Costa Rica, Croatia, Cyprus, Estonia, France, Greece, Guatemala, Hungary, Ireland, Italy, Jordan, Kazakhstan, Latvia, Lithuania, Mexico, Morocco, Netherlands, Norway, Panama, Peru, Portugal, Serbia, Slovenia, Spain, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Venezuela (Bolivarian Republic of). Subsequently, Belgium, Burundi, Djibouti, Guinea, Iceland, Ireland, Japan, Maldives, Nicaragua, Poland, Republic of Moldova, Romania, Saint Kitts and Nevis, Turkey, Uruguay and Yemen joined the sponsors.

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

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

130. At the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 15/8).

**Human rights and access to safe drinking water and sanitation**

131. At the 31st meeting, on 30 September 2010, the representatives of Germany and Spain introduced draft resolution A/HRC/15/L.14, sponsored by Germany and Spain and co-sponsored by Armenia, Azerbaijan, Andorra, Belgium, Bosnia and Herzegovina, Bulgaria, Chile, Colombia, Croatia, Cyprus, Denmark, Djibouti, Estonia, France, Greece, Hungary, Italy, Jordan, Latvia, Luxembourg, Morocco, the Netherlands, Norway, Panama, Peru, Portugal, Serbia, Slovakia, Slovenia, Tunisia, Uruguay, Viet Nam and Yemen. Subsequently, Algeria, Burundi, Cameroon, Costa Rica, Egypt, Eritrea, Finland, Iceland, Ireland, Japan, the Lao People's Democratic Republic, Lithuania, Maldives, Monaco, Palestine, Poland, Qatar, Romania, Saint Kitts and Nevis, Senegal and Switzerland joined the sponsors.

132. At the same meeting, the representatives of Argentina, Ecuador, France, Mauritania and Norway made general comments in relation to the draft resolution.

133. Also at the same meeting, the representatives of Cuba, Guatemala and the United States of America made statements in explanation of vote before the vote.

134. At the same meeting, the representative of the United Kingdom of Great Britain and Northern Ireland made a statement in explanation of vote before the vote, disassociating the delegation from consensus in relation to the draft resolution.

135. Also at the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 15/9).

136. At the same meeting, the representatives of Algeria and Bolivia (Plurinational State of) made comments in relation to the resolution.

**Elimination of discrimination against persons affected by leprosy and their family members**

137. At the 31st meeting, on 30 September 2010, the representative of Japan (also on behalf of the co-sponsors) introduced draft resolution A/HRC/15/L.18, sponsored by Japan and co-sponsored by Andorra, Australia, Austria, Bosnia and Herzegovina, Brazil, Chile,



Colombia, Croatia, Denmark, France, Germany, Greece, Hungary, Italy, Norway, Panama, Paraguay, Peru, Portugal, Serbia, Singapore, Slovakia, the former Yugoslav Republic of Macedonia, Ukraine, the United Kingdom of Great Britain and Northern Ireland, Viet Nam and Venezuela (Bolivarian Republic of). Subsequently, Belgium, Cyprus, the Czech Republic, Egypt, Estonia, Indonesia, Ireland, the Libyan Arab Jamahiriya, Mexico, Nicaragua, the Philippines, Poland, the Republic of Korea, Romania, Slovenia, Spain, Sri Lanka, Thailand, Turkey and the United States of America joined the sponsors.

138. At the same meeting, the representative of Japan orally revised the draft resolution.

139. Also at the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 15/10).

#### **World Programme for Human Rights Education: adoption of the plan of action for the second phase**

140. At the 31st meeting, on 30 September 2010, the representative of Costa Rica, also on behalf of Italy, Morocco, the Philippines, Senegal, Slovenia and Switzerland, introduced draft resolution A/HRC/15/L.26, sponsored by Costa Rica and co-sponsored by Argentina, Armenia, Austria, Burkina Faso, Chile, Colombia, Congo, Croatia, Cyprus, the Dominican Republic, Ecuador, Estonia, France, Germany, Greece, Guatemala, Honduras, Hungary, Indonesia, Italy, Japan, Latvia, Lebanon, Maldives, Mexico, Morocco, Norway, Panama, Paraguay, Peru, the Philippines, Poland, Portugal, Senegal, Slovenia, Spain, Switzerland, Uganda and Venezuela (Bolivarian Republic of). Subsequently, Andorra, Australia, Cameroon, Canada, Ireland, Mauritius, Monaco, the Republic of Korea, the Republic of Moldova, Romania, Serbia, Slovakia, Thailand, Turkey and Ukraine joined the sponsors.

141. At the same meeting, the representative of Costa Rica orally revised the draft resolution.

142. Also at the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 15/11).

#### **The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination**

143. At the 31st meeting, on 30 September 2010, the representative of Cuba introduced draft resolution A/HRC/15/L.31, sponsored by Cuba and co-sponsored by Algeria, Azerbaijan, Belarus, Bolivia (Plurinational State of), the Democratic People's Republic of Korea, Djibouti, the Russian Federation, South Africa, the Sudan, the Syrian Arab Republic, Venezuela (Bolivarian Republic of), Viet Nam and Zimbabwe. Subsequently, the Libyan Arab Jamahiriya and Nicaragua joined the sponsors.

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

145. At the same meeting, the representatives of Argentina, Belgium (on behalf of States members of the European Union that are members of the Council) and the United Kingdom of Great Britain and Northern Ireland made statements in explanation of vote before the vote.

146. Also at the same meeting, at the request of the representative of Belgium, on behalf of States members of the European Union that are members of the Council, a recorded vote was taken on draft resolution A/HRC/15/L.31. The draft resolution was adopted by 31 votes in favour, 13 against, with 2 abstentions. The voting was as follows:

*In favour:*

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

*Against:*

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

*Abstaining:*

Maldives, Switzerland

147. For the text as adopted, see part one, chapter I, resolution 15/12.

### **Human rights and international solidarity**

148. At the 31st meeting, on 30 September 2010, the representative of Cuba introduced draft resolution A/HRC/15/L.32, sponsored by Cuba and co-sponsored by Angola, Algeria, Bahrain, Bangladesh, Belarus, Bolivia (Plurinational State of), China, Congo, the Democratic People's Republic of Korea, Djibouti, Ecuador, Haiti, Indonesia, Iran (Islamic Republic of), the Libyan Arab Jamahiriya, Nicaragua, Nigeria, Panama, Somalia, Sri Lanka, the Sudan, the Syrian Arab Republic, Venezuela (Bolivarian Republic of), Viet Nam and Zimbabwe. Subsequently, Brazil and Tunisia joined the sponsors.

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

150. Also at the same meeting, the representative of Belgium, on behalf of States members of the European Union that are members of the Council, made a statement in explanation of vote before the vote.

151. At the same meeting, at the request of the representative of Belgium, on behalf of States members of the European Union that are members of the Council, a recorded vote was taken on draft resolution A/HRC/15/L.32 as orally revised. The draft resolution as orally revised was adopted by 32 votes in favour, 14 against, with no abstentions. The voting was as follows:

*In favour:*

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

*Against:*

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

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

### **Human rights and indigenous peoples: mandate of the Special Rapporteur on the rights of indigenous peoples**

153. At the 31st meeting, on 30 September 2010, the representative of Mexico (also on behalf of Guatemala) introduced draft resolution A/HRC/15/L.6, sponsored by Mexico and co-sponsored by Austria, Bolivia (Plurinational State of), Brazil, Colombia, Costa Rica,

Croatia, Denmark, the Dominican Republic, Ecuador, Estonia, Finland, Guatemala, Honduras, Norway, Panama, Paraguay, Peru, Sweden and Venezuela (Bolivarian Republic of). Subsequently, Andorra, Chile, Cuba, France, Greece, Iceland, New Zealand, Nicaragua, Poland, the Russian Federation, Spain and Uruguay joined the sponsors.

154. At the same meeting, the representative of Mexico orally revised the draft resolution.

155. 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).

156. Also at the same meeting, the representatives of the United Kingdom of Great Britain and Northern Ireland and the United States of America made statements in explanation of vote before the vote.

157. At the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 15/14).

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

158. At the 31st meeting, on 30 September 2010, the representative of Mexico introduced draft resolution A/HRC/15/L.7, sponsored by Mexico and co-sponsored by Argentina, Australia, Austria, Azerbaijan, Bosnia and Herzegovina, Brazil, Canada, Chile, Costa Rica, Croatia, Cyprus, Denmark, Estonia, France, Greece, Guatemala, Ireland, Latvia, Liechtenstein, Luxembourg, Malta, Norway, Panama, Peru, Portugal, Slovakia, Sweden, Switzerland, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Venezuela (Bolivarian Republic of). Subsequently, Belgium, Brazil, Bulgaria, the Czech Republic, Finland, Israel, Japan, Lithuania, New Zealand, Poland, the Russian Federation, Slovenia and the United States of America joined the sponsors.

159. At the same meeting, the representative of Mexico orally revised the draft resolution.

160. 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).

161. At the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 15/15).

162. At the 34th meeting, on 1 October 2010, the representatives of Nigeria and Norway made statements in explanation of vote after the vote.

**Human rights of migrants**

163. At the 31st meeting, on 30 September 2010, the representative of Mexico introduced draft resolution A/HRC/15/L.8/Rev.1, sponsored by Mexico and co-sponsored by Argentina, Belarus, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Chile, Colombia, Costa Rica, the Dominican Republic, Guatemala, Honduras, Lebanon, Nicaragua, Panama, Paraguay, Peru, the Philippines, Serbia, Turkey, Uruguay and Venezuela (Bolivarian Republic of). Subsequently, Cuba, Djibouti, Ecuador, Egypt, Indonesia, Kyrgyzstan, Nigeria and Portugal joined the sponsors.

164. At the same meeting, the representative of Mexico orally revised the draft resolution.

165. Also at the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 15/16).

**Preventable maternal mortality and morbidity and human rights: follow-up to Human Rights Council resolution 11/8**

166. At the 31st meeting, on 30 September 2010, the representative of New Zealand, also on behalf of Burkina Faso and Colombia, introduced draft resolution A/HRC/15/L.27, sponsored by New Zealand and co-sponsored by Algeria, Andorra, Australia, Austria, Azerbaijan, Bolivia (Plurinational State of), Brazil, Burkina Faso, Canada, Chad, Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, the Czech Republic, Denmark, Djibouti, the Dominican Republic, Ecuador, Estonia, Finland, France, Germany, Greece, Guatemala, Hungary, Indonesia, Italy, Japan, Kenya, Latvia, Liechtenstein, Lithuania, Luxembourg, Maldives, Morocco, the Netherlands, Norway, Panama, Paraguay, Peru, Portugal, Rwanda, Senegal, Serbia, Slovakia, Slovenia, Somalia, Sri Lanka, Sweden, Thailand, the former Yugoslav Republic of Macedonia, Tunisia, Turkey, Uganda, Ukraine, the United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam and Zimbabwe. Subsequently, Angola, Argentina, Bangladesh, Belgium, Bosnia and Herzegovina, Bulgaria, Cambodia, Cameroon, Cuba, Ghana, Iceland, India, Ireland, Israel, Jordan, Lebanon, Malaysia, Mauritius, Mexico, Monaco, Nicaragua, Poland, the Republic of Korea, the Republic of Moldova, Romania, Singapore, Spain, Switzerland, Trinidad and Tobago, The United Republic of Tanzania, the United States of America and Zambia joined the sponsors.

167. At the same meeting, the representative of New Zealand orally revised the draft resolution.

168. Also at the same meeting, the representative of Pakistan moved for an adjournment of the debate on the draft resolution as orally revised until the afternoon.

169. At the same meeting, the representative of Burkina Faso, also on behalf of the co-sponsors of the draft resolution, opposed the motion for an adjournment of the debate.

170. In accordance with rule 116 of the rules of procedure of the General Assembly, the representatives of the Libyan Arab Jamahiriya and Uganda made statements in favour of, and the representatives of Belgium and Mexico made statements against, the motion for an adjournment of the debate on draft resolution A/HRC/15/L.27 as orally revised, following which a recorded vote was taken on the motion. The motion was rejected by 32 votes against, 14 in favour, and no abstentions. The voting was as follows:

*In favour:*

Bahrain, Bangladesh, Djibouti, Gabon, Kyrgyzstan, Libyan Arab Jamahiriya, Malaysia, Mauritania, Nigeria, Pakistan, Qatar, Saudi Arabia, Thailand, Uganda

*Against:*

Angola, Argentina, Belgium, Brazil, Burkina Faso, Cameroon, Chile, China, Ecuador, France, Ghana, Guatemala, Hungary, Japan, Jordan, Maldives, Mauritius, Mexico, Norway, Poland, Republic of Korea, Republic of Moldova, Russian Federation, Senegal, Slovakia, Spain, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Zambia

171. Also at the same meeting, the representative of Pakistan made a statement in explanation of vote before the vote on draft resolution A/HRC/15/L.27 as orally revised.

172. At the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 15/17).

173. At the 34th meeting, on 1 October 2010, the representative of Saudi Arabia made a statement in explanation of vote after the vote.

174. Also at the same meeting, the representatives of Algeria, Egypt and Malta made comments in relation to the resolution.

#### **Arbitrary detention**

175. At the 32nd meeting, on 30 September 2010, the representative of France introduced draft resolution A/HRC/15/L.24, sponsored by France and co-sponsored by Argentina, Austria, Bulgaria, Canada, Chile, Croatia, Cyprus, the Czech Republic, Denmark, Ecuador, Estonia, Germany, Greece, Guatemala, Hungary, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, the Netherlands, Norway, Peru, Poland, Portugal, Romania, Slovenia, Sweden, Switzerland, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Uruguay. Subsequently, Andorra, Belgium, Bosnia and Herzegovina, Finland, Iceland, Israel, Monaco, Nicaragua, the Republic of Moldova, Spain and the United States of America joined the sponsors.

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

177. 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).

178. At the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 15/18).

#### **Draft guiding principles on extreme poverty and human rights**

179. At the 32nd meeting, on 30 September 2010, the representative of France, also on behalf of Albania, Belgium, Chile, Morocco, Peru, the Philippines, Romania and Senegal, introduced draft resolution A/HRC/15/L.25, sponsored by France and co-sponsored by Albania, Andorra, Austria, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Ecuador, Estonia, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Italy, Latvia, Lebanon, Lithuania, Luxembourg, Malta, Mexico, Morocco, the Netherlands, Nigeria, Norway, Panama, Paraguay, Peru, the Philippines, Portugal, Romania, Senegal, Serbia, Slovakia, Slovenia, Spain, Sweden, Thailand, the former Yugoslav Republic of Macedonia, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Uruguay. Subsequently, Australia, Belgium, Finland, Ghana, Iceland, Ireland, Japan, Kyrgyzstan, Monaco, Nicaragua, Poland, the Republic of Moldova, Rwanda and Turkey joined the sponsors.

180. Also at the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 15/19).

#### **The rights to freedom of peaceful assembly and of association**

181. At the 32nd meeting, on 30 September 2010, the representatives of Maldives (also on behalf of the Czech Republic, Indonesia, Lithuania, Mexico, Nigeria and the United States of America) and the United States of America (also on behalf of the Czech Republic, Indonesia, Lithuania, Maldives, Mexico and Nigeria) introduced draft resolution A/HRC/15/L.23, sponsored by the Czech Republic, Indonesia, Lithuania, Maldives, Mexico, Nigeria and the United States of America and co-sponsored by Albania, Argentina, Australia, Austria, Benin, Burkina Faso, Canada, Chile, Colombia, Croatia, Denmark, Estonia, Finland, France, Germany, Hungary, Ireland, Israel, Italy, Latvia, Liechtenstein, Luxembourg, Malta, Morocco, the Netherlands, New Zealand, Norway, Panama, Peru,

Poland, Portugal, the Republic of Moldova, Romania, Serbia, Slovakia, Slovenia, Somalia, Spain, Switzerland, Turkey, Ukraine and the United Kingdom of Great Britain and Northern Ireland. Subsequently, Albania, Belgium, Benin, Bosnia and Herzegovina, Bulgaria, Burkina Faso, Estonia, Finland, Georgia, Ghana, Guatemala, Iceland, India, Japan, Mongolia, the Republic of Korea, Senegal, Sweden, the former Yugoslav Republic of Macedonia, Turkey, Uganda and the United Kingdom of Great Britain and Northern Ireland joined the sponsors.

182. At the same meeting, the representative of the United States of America orally revised the draft resolution.

183. Also at the same meeting, the representatives of Bangladesh, China, Cuba, Ecuador, the Libyan Arab Jamahiriya, Pakistan, the Russian Federation and the United Kingdom of Great Britain and Northern Ireland made general comments in relation to the draft resolution.

184. 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).

185. At the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 15/21).

186. At the 34th meeting, on 1 October 2010, the representatives of Japan and Saudi Arabia made statements in explanation of vote after the vote.

#### **Right of everyone to the enjoyment of the highest attainable standard of physical and mental health**

187. At the 32nd meeting, on 30 September 2010, the representative of Brazil introduced draft resolution A/HRC/15/L.28, sponsored by Brazil and co-sponsored by Austria, Bolivia (Plurinational State of), Bosnia and Herzegovina, Chile, Colombia, Costa Rica, Croatia, Cuba, Greece, Guatemala, Haiti, Hungary, India, Kazakhstan, Kenya, Luxembourg, Malta, Mexico, Norway, Panama, Paraguay, Peru, Portugal, Senegal, Serbia, South Africa, Spain, the Sudan, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Tunisia and Uganda. Subsequently, Argentina, Belarus, Burkina Faso, Burundi, Canada, Chad, China, Djibouti, the Dominican Republic, Ecuador, Eritrea, Guinea, Honduras, Iceland, Mali, Nicaragua, Slovenia, Turkey, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela (Bolivarian Republic of) joined the sponsors.

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

189. Also at the same meeting, the representative of Pakistan made general comments in relation to the draft resolution as orally revised.

190. 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).

191. At the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 15/22).

#### **Elimination of discrimination against women**

192. At the 33rd meeting, on 1 October 2010, the representatives of Colombia (also on behalf of Mexico) and Mexico introduced draft resolution A/HRC/15/L.15, sponsored by Colombia and Mexico and co-sponsored by Albania, Andorra, Argentina, Austria, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Burundi, Cameroon, Canada, Chile, Congo, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, Djibouti, the

Dominican Republic, Ecuador, France, Germany, Guatemala, Haiti, Hungary, Ireland, Italy, Kenya, Latvia, Liechtenstein, Lithuania, Luxembourg, Mauritania, New Zealand, Norway, Panama, Paraguay, Peru, Poland, Portugal, Rwanda, Serbia, Slovakia, Slovenia, Somalia, Spain, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, the United States of America and Uruguay. Subsequently, Australia, Belgium, Benin, Bulgaria, Burkina Faso, Finland, Iceland, India, Maldives, the Netherlands, Nicaragua, the Republic of Korea, the Republic of Moldova, Sweden, Thailand, the United Republic of Tanzania, Venezuela (Bolivarian Republic of) and Zambia joined the sponsors.

193. At the same meeting, the representative of Mexico orally revised the draft resolution.

194. Also at the same meeting, the representative of Saudi Arabia moved to amend the first paragraph of the draft resolution as orally revised.

195. At the same meeting, the representative of Mexico opposed the motion for the proposed amendment.

196. Also at the same meeting, the representatives of Bahrain, China, Djibouti, Jordan, the Libyan Arab Jamahiriya, Mauritania, Mexico, Nigeria (on behalf of States members of the Group of African States), Norway, Pakistan, Qatar, the United Kingdom of Great Britain and Northern Ireland and the United States of America made general comments in relation to the draft resolution as orally amended and on the proposed amendment.

197. At the same meeting, the representatives of Belgium (on behalf of States members of the European Union that are members of the Council) and Mexico made statements in explanation of vote before the vote.

198. Also at the same meeting, at the request of the representative of Mexico, a recorded vote was taken on the proposed amendment to the draft resolution A/HRC/15/L.15 as orally revised. The motion for amendment was rejected by 22 votes against and 18 in favour, with 4 abstentions. The voting was as follows:

*In favour:*

Angola, Bahrain, Bangladesh, China, Djibouti, Jordan, Kyrgyzstan, Libyan Arab Jamahiriya, Malaysia, Mauritania, Mauritius, Nigeria, Pakistan, Qatar, Russian Federation, Saudi Arabia, Thailand, Uganda

*Against:*

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

*Abstaining:*

Cameroon, Gabon, Ghana, Senegal

199. 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).

200. At the same meeting, the representative of Saudi Arabia, on behalf of the Organization of the Islamic Conference, made a statement in explanation of vote before the vote on draft resolution A/HRC/15/L.15 as orally revised.

201. Also at the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 15/23).

202. At the 34th meeting, on 1 October 2010, the representatives of Japan and Saudi Arabia made statements in explanation of vote after the vote.

203. Also at the same meeting, the representatives of Algeria and Egypt made comments in relation to the resolution.

#### **Human rights and issues related to terrorist hostage-taking**

204. At the 33rd meeting, on 1 October 2010, the representative of Nigeria, on behalf of the Group of African States, introduced draft decision A/HRC/15/L.20, sponsored by Nigeria (on behalf of the Group of African States) and co-sponsored by Cuba and Yemen. Subsequently, Turkey and Venezuela (Bolivarian Republic of) joined the sponsors.

205. At the same meeting, the representative of Nigeria orally revised the draft decision.

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

207. At the same meeting, the representative of the United States of America made a statement in explanation of vote before the vote on the draft decision as orally revised.

208. At the same meeting, the draft decision, as orally revised, was adopted without a vote (for the text as adopted, see part one, chap. II, decision 15/116).

#### **Human rights and unilateral coercive measures**

209. At the 34th meeting, on 1 October 2010, the representative of Egypt, on behalf of the Non-Aligned Movement, introduced draft resolution A/HRC/15/L.11, sponsored by Egypt on behalf of the Non-Aligned Movement.

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

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

212. 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/15/L.11. The draft resolution was adopted by 32 votes in favour, 14 against, with no abstentions. The voting was as follows:

*In favour:*

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

*Against:*

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

213. For the text as adopted, see part one, chapter I, resolution 15/24.

#### **The right to development**

214. At the 34th meeting, on 1 October 2010, the representative of Egypt, on behalf of the Non-Aligned Movement, introduced draft resolution A/HRC/15/L.12, sponsored by Egypt, on behalf of the Non-Aligned Movement. Subsequently, China joined the sponsors.



215. At the same meeting, the representative of Egypt orally revised the draft resolution.
216. Also at the same meeting, the representatives of Belgium, on behalf of States members of the European Union that are members of the Council, and the United States of America made statements in explanation of vote before the vote.
217. 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/15/L.12, as orally revised. The draft resolution was adopted by 45 votes in favour and 1 abstention. The voting was as follows:

*In favour:*

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

*Abstaining:*

United States of America

218. For the text as adopted, see part one, chapter I, resolution 15/25.
219. At the same meeting, on the same day, the representative of Uruguay made a statement in explanation of vote after the vote.<sup>48</sup>

**Open-ended intergovernmental working group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies**

220. At the 34th meeting, on 1 October 2010, the representative of the representative of Nigeria, on behalf of the Group of African States, introduced draft resolution A/HRC/15/L.22, sponsored by South Africa (on behalf of the Group of African States) and co-sponsored by Cuba. Subsequently, the Russian Federation and Venezuela (Bolivarian Republic of) joined the sponsors.
221. At the same meeting, the representative of Nigeria orally revised the draft resolution.
222. 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).
223. Also at the same meeting, the representatives of Argentina, Belgium (on behalf of States members of the European Union that are members of the Council), Norway, the United Kingdom of Great Britain and Northern Ireland and the United States of America made statements in explanation of vote before the vote.
224. 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/15/L.22 as orally revised. The draft resolution as orally revised was adopted by 32 votes in favour, 12 against, with 3 abstentions. The voting was as follows:

<sup>48</sup> The representative stated that, had the delegation been present at the time action was taken on the draft resolution, it would have voted in favour.

*In favour:*

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

*Against:*

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

*Abstaining:*

Maldives, Norway, Switzerland

225. For the text as adopted, see part one, chapter I, resolution 15/26.
226. At the same meeting, on the same day, the representative of Switzerland made a statement in explanation of vote after the vote.
227. Also at the same meeting, the representative of South Africa made comments in relation to the resolution.

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

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

#### Independent expert on the situation of human rights in the Sudan

228. At the 10th meeting, on 17 September 2010, the independent expert on the situation of human rights in the Sudan, Mohammed Chande Othman, presented his reports (A/HRC/14/41, Corr.1 and Add.1 and A/HRC/15/57 and Corr.1).

229. At the same meeting, the representative of the Sudan made a statement as the concerned country.

230. During the ensuing interactive dialogue at the same meeting and at the 11th meeting, on the same day, the following made statements and asked the independent expert questions:

(a) Representatives of States Members of the Council: Argentina, Bahrain, China, France, Japan, Libyan Arab Jamahiriya, Malaysia, Nigeria (on behalf of the Group of African States), Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Qatar, Saudi Arabia, Switzerland, Syrian Arab Republic<sup>49</sup> (on behalf of the Group of Arab States), Thailand, United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of the following observer States: Algeria, Australia, Canada, Democratic People's Republic of Korea, Egypt, Honduras, Iran (Islamic Republic of), Iraq, Ireland, Israel, Lebanon, Netherlands, Slovenia, Sri Lanka, Sweden, Syrian Arab Republic, Tunisia, United Arab Emirates, Yemen;

(c) Observer for Palestine;

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

(e) Observers for non-governmental organizations: Amnesty International, Cairo Institute for Human Rights Studies, Human Rights Watch, International Federation for Human Rights Leagues, Society Studies Centre.

231. At the 11th meeting, on 17 September 2010, the independent expert answered questions and made his concluding remarks.

### B. General debate on agenda item 4

232. At its 11th meeting, on 17 September 2010, and at the 13th meeting, on 20 September 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 (on behalf of the European Union, Albania, Bosnia and Herzegovina, Croatia, Iceland, Montenegro and the former Yugoslav Republic of Macedonia), China, Cuba, France, Japan, Norway, Pakistan (also on behalf of the Organization of the Islamic Conference), Russian Federation,

<sup>49</sup> Observer of the Council speaking on behalf of Member and observer States.

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

(b) Representatives of the following observer States: Algeria, Australia, Austria, Czech Republic, Denmark, Iran (Islamic Republic of), Ireland, Israel, Luxembourg, Morocco, Myanmar, Sudan, Sweden, Syrian Arab Republic, Yemen;

(c) Observer for Palestine;

(d) Observers for the following non-governmental organizations: Action internationale pour la paix et le développement dans la région des Grands Lacs, Afro-Asian Peoples' Solidarity Organization, Agence des cités unies pour la coopération Nord-Sud, Amnesty International, Asian Forum for Human Rights and Development, Asian Legal Resource Centre, Association for World Education, Baha'i International Community, Cairo Institute for Human Rights Studies, Centre for Human Rights and Peace Advocacy, Centre on Housing Rights and Evictions, Centrist Democratic International, Charitable Institute for Protecting Social Victims (also on behalf of the Organization for Defending Victims of Violence), CIVICUS – World Alliance for Citizen Participation, Comité international pour le respect et l'application de la Charte Africaine des droits de l'homme et des peuples, Commission to Study the Organization of Peace, Coordinating Board of Jewish Organizations, European Union of Public Relations, France Libertés: Fondation Danielle Mitterrand (also on behalf of the American Commission of Jurists, International Educational Development, Inc. and Mouvement contre le racisme et pour l'amitié entre les peuples), Freedom House, Hawa Society for Women (also on behalf of the Eastern Sudan Women Development Organization, the Izza Peace Foundation, the Maarj Foundation for Peace and Development and the Sudan Council of Voluntary Agencies), Human Rights Watch, Indian Council of South America, International Club for Peace Research, International Educational Development, Inc., International Federation for Human Rights Leagues, International Human Rights Association of American Minorities, International Humanist and Ethical Union, International Institute for Peace, International Islamic Federation of Student Organizations, International Society for Human Rights, Liberation, Mbororo Social and Cultural Development Association, Mouvement contre le racisme et pour l'amitié entre les peuples (also on behalf of the Asian Indigenous and Tribal Peoples Network, France Libertés: Fondation Danielle Mitterrand, International Educational Development, Inc. and the Society for Threatened Peoples), Nord-Sud XXI, Rencontre africaine pour la défense des droits de l'homme, Sudan Council of Voluntary Agencies (also on behalf of the Al Zubair Charitable Foundation, the Eastern Sudan Women Development Organization, the Hawa Society for Women and the Izza Peace Foundation), Verein Sudwind Entwicklungspolitik, Women's International League for Peace and Freedom, World Federation of Democratic Youth, World Muslim Congress, World Union for Progressive Judaism (also on behalf of the Association for World Education).

233. At the 11th meeting, on 17 September 2010, statements in exercise of the right of reply were made by the representatives of Algeria, Bahrain, Belarus, Cuba, the Democratic People's Republic of Korea, Eritrea, Iran (Islamic Republic of), Japan, Myanmar, Sri Lanka, the Sudan, Venezuela (Bolivarian Republic of) and Zimbabwe.

234. 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 and Japan.

235. At the 13th meeting, on 20 September 2010, statements in exercise of the right of reply were made by the representatives of Cambodia, China and the Libyan Arab Jamahiriya.

236. At the same meeting, a statement in exercise of a second right of reply was made by the representative of the Libyan Arab Jamahiriya.

## C. Consideration of and action on draft proposals

### Situation of human rights in the Sudan

237. At the 34th meeting, on 1 October 2010, the representative of Nigeria, on behalf of the Group of African States, introduced draft resolution A/HRC/15/L.3, sponsored by Nigeria, on behalf of the Group of African States.

238. At the same meeting, the representative of the United States of America (also on behalf of Japan and Norway) introduced draft resolution A/HRC/15/L.35, amending draft resolution A/HRC/15/L.3, and sponsored by the United States of America and co-sponsored by Japan, Norway and Switzerland. Subsequently, Iceland, Ireland and Israel joined the sponsors.

239. Also at the same meeting, the representatives of China, Cuba, Jordan, the Libyan Arab Jamahiriya, Mauritania, Norway, Pakistan (also on behalf of the Organization of the Islamic Conference) and Uganda made general comments in relation to draft resolution A/HRC/15/L.3 and on the proposed amendment as contained in draft resolution A/HRC/15/L.35.

240. At the same meeting, the representative of the Sudan made a statement as the concerned country.

241. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of draft resolution A/HRC/15/L.35 (see annex II).

242. Also at the same meeting, the representatives of Belgium (on behalf of States members of the European Union that are members of the Council), Brazil and Nigeria made statements in explanation of vote before the vote.

243. Also at the same meeting, at the request of the representative of Nigeria, a recorded vote was taken on the proposed amendment to draft resolution A/HRC/15/L.3, as contained in draft resolution A/HRC/15/L.35. Draft resolution A/HRC/15/L.35 was adopted by 25 votes in favour, 19 against, with 3 abstentions. The voting was as follows:

*In favour:*

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

*Against:*

Angola, Bahrain, Bangladesh, Burkina Faso, Cameroon, China, Cuba, Djibouti, Ghana, Jordan, Libyan Arab Jamahiriya, Malaysia, Mauritania, Nigeria, Pakistan, Qatar, Russian Federation, Saudi Arabia, Senegal

*Abstaining:*

Kyrgyzstan, Mauritius, Thailand

244. At the same meeting, the representatives of Belgium (on behalf of States members of the European Union that are members of the Council), China, Cuba and Nigeria (on behalf of the States members of the Group of African States) made statements in explanation of vote before the vote on draft resolution A/HRC/15/L.3 as amended.

245. Also at the same meeting, at the request of the representative of Nigeria, on behalf of States members of the Group of African States, a recorded vote was taken on draft

resolution A/HRC/15/L.3 as amended. Draft resolution A/HRC/15/L.3 as amended was adopted by 25 votes in favour, 18 against, with 3 abstentions. The voting was as follows:

*In favour:*

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

*Against:*

Bahrain, Bangladesh, Burkina Faso, Cameroon, China, Cuba, Djibouti, Ghana, Jordan, Libyan Arab Jamahiriya, Malaysia, Mauritania, Nigeria, Pakistan, Qatar, Russian Federation, Saudi Arabia, Senegal

*Abstaining:*

Kyrgyzstan, Mauritius, Thailand

246. For the text as adopted, see part one, chapter I, resolution 15/27.

247. At the 34th meeting, on 1 October 2010, the representatives of Maldives and Thailand made statements in explanation of vote after the vote.

248. Also at the same meeting, the representative of the Sudan made comments in relation to the resolution as amended.

## V. Human rights bodies and mechanisms

### A. Expert Mechanism on the Rights of Indigenous Peoples

249. At the 14th meeting, on 21 September 2009, the Chairperson-Rapporteur of the Expert Mechanism on the Rights of Indigenous Peoples, José Carlos Morales Morales, presented the reports of the Expert Mechanism (A/HRC/15/35 and 36).

### B. General debate on agenda item 5

250. At its 14th and 15th meetings, on 21 September 2010, the Council held a general debate on agenda item 5, during which the following made statements:

(a) Representatives of States Members of the Council: Argentina, Belgium (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, Turkey and Ukraine), Chile, China, Finland<sup>49</sup> (also on behalf of Denmark, Iceland, Norway and Sweden), Guatemala, Japan, Mexico, Russian Federation, United States of America;

(b) Representatives of the following observer States: Australia, Denmark, Honduras, Latvia (also on behalf of Albania, Australia, Austria, Armenia, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Italy, Kazakhstan, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Monaco, the Netherlands, New Zealand, Norway, Paraguay, Peru, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Uruguay);

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

(d) Observer for national human rights institutions: International Coordinating Committee of national human rights institutions;

(e) Observers for the following non-governmental organizations: Amnesty International, Cairo Institute for Human Rights Studies, Centre for Human Rights and Peace Advocacy, Colombian Commission of Jurists, Commission to Study the Organization of Peace, European Union of Public Relations, Foundation for Aboriginal and Islander Research Action, France Libertés: Fondation Danielle Mitterrand (also on behalf of International Educational Development, Inc. and Mouvement contre le racisme et pour l'amitié entre les peuples), Indian Council of South America, International Club for Peace Research, International Committee for the Indians of the Americas (Incomindios Switzerland), International Indian Treaty Council, International Institute for Peace, International Service for Human Rights, International Work Group for Indigenous Affairs, Liberation, Mbororo Social and Cultural Development Association, Nord-Sud XXI, Permanent Assembly for Human Rights, Rencontre africaine pour la défense des droits de l'homme, Society for Threatened Peoples, Syriac Universal Alliance, World Association for the School as an Instrument of Peace.

251. At the 15th meeting, on the same day, a statement in exercise of the right of reply was made by Paraguay.

## VI. Universal periodic review

252. Pursuant to General Assembly resolution 60/251, Council resolution 5/1 and President's statements PRST/8/1 and PRST/9/2 on modalities and practices for the universal periodic review process, the Council considered the outcome of the reviews conducted during the eighth session of the Working Group on the Universal Periodic Review, held from 3 to 14 May 2010.

### A. Consideration of universal periodic review outcomes

253. 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.

#### Kyrgyzstan

254. The review of Kyrgyzstan was held on 3 May 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 Kyrgyzstan in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/8/KGZ/1);
- (b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/8/KGZ/2);
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/8/KGZ/3).

255. At its 14th meeting, on 21 September 2010, the Council considered and adopted the outcome of the review of Kyrgyzstan (see section C below).

256. The outcome of the review of Kyrgyzstan comprises the report of the Working Group on the Universal Periodic Review (A/HRC/15/2), the views of Kyrgyzstan concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group.

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

257. The delegation of Kyrgyzstan gave a brief overview of the recent events of April and June 2010. It mentioned a number of causes leading to the mass demonstrations in April, in particular the decline in the level of social security, the high corruption rate and the persecution of the opposition and journalists. After the events of April, the country had been shaken by inter-ethnic clashes in June that resulted in the death of hundreds of people and the destruction of properties in the south of the country. The situation was being stabilized and the Government had taken measures to repair the damage caused and to restore business.

258. Kyrgyzstan had established a number of bodies with the aim of stabilizing the situation, including an inter-agency commission to develop a programme to strengthen inter-ethnic relations and a State commission to conduct a comprehensive study on the events of April and June 2010. In addition, the Government had accepted an initiative of a



number of Scandinavian countries to conduct an investigation by international actors regarding the events in the south. In this respect, the delegation thanked the United Nations and the European Union for the technical support provided, as well as to all other international organizations and donors for their assistance during these difficult times.

259. The Government intended to focus its efforts on building a democratic and economically prosperous State; a nationwide referendum had been held on 27 June 2010 to adopt a new Constitution geared at establishing a parliamentary republic and mechanisms to protect human rights and ensure political diversity and Government accountability. The delegation highlighted the expansion of the human rights section in the new Constitution, which had been positively evaluated by the Venice Commission of the Council of Europe, the European Union, the United Nations, and the Organization for Security and Cooperation in Europe (OSCE).

260. The delegation referred to a number of international human rights treaties that Kyrgyzstan had ratified since its independence, including the United Nations conventions relating to women's rights. It noted that the monitoring of the implementation of the national human rights programme for the period of 2002–2010 was in progress, and that the outcome of the monitoring would be used to develop a new human rights concept for the period 2011–2020. The delegation also mentioned that conditions were in place for a constructive dialogue with civil society.

261. The Government had been considering the establishment of a national preventive mechanism to ensure access by national and international human rights organizations to places of detention. The delegation also referred to a number of legal acts adopted to ensure protection of rights of children and of women, and to combat domestic violence.

262. The delegation noted that 168 recommendations had been put forward during the review in the Working Group. Kyrgyzstan expressed its readiness to accept 127 recommendations as voluntary commitments. A draft national plan of action had been developed with the participation of representatives of civil society and international organizations to implement the recommendations. The Government had also given consideration to the 41 recommendations left pending.

263. With regard to recommendation 1 concerning the ratification of the second Optional Protocol to the International Covenant on Civil and Political Rights, Kyrgyzstan had already acceded to the Protocol in March 2010. Regarding the recommendation on implementation of Council resolution 9/12, the delegation noted that Kyrgyzstan supported the norms thereon. Kyrgyzstan accepted part of recommendations 1, 2, 4, 9 and 11 concerning the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance.

264. The delegation stated that recommendation 4 on the ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural rights could only be considered after the parliamentary elections. The same applied to recommendation 10 on accession to the General Agreement on Privileges and Immunities of the Council of Europe, and recommendations 8, 10 and 11 on the ratification of the Rome Statute of the International Criminal Court.

265. Kyrgyzstan accepted recommendations 1, 3, 5, 6, 7 and 9 on ratification of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto. In that regard, the delegation emphasized that, in order to comply with the requirements of the Convention, important financial investments would be needed. Kyrgyzstan also accepted recommendations 12, 14, 15 and 38, as well as all recommendations on bringing the law on the Ombudsman into line with United Nations standards.

266. Kyrgyzstan did not accept recommendations 18, 20 and 21 on the establishment of a separate body on gender issues, explaining that the Ministry of Labour, Employment and Migration had been already assigned the task of addressing the issue of gender equality.

267. The delegation stated that Kyrgyzstan had postponed consideration of recommendations 22 to 24 and 26 to 30, on the issuance of a standing invitation to special procedures mandate holders, until the holding of parliamentary elections. Kyrgyzstan accepted recommendations 13 and 32, 34 to 36 on combating discrimination against women, domestic violence and forced marriages, and on national minorities. Kyrgyzstan considered that, in view of the financial and technical resources needed to implement adequately the recommendations on freedom of movement, and the more flexible requirements for equitable access to social security, health care, education and pensions for persons changing residence within the country, it would need time to study them further.

268. The delegation reported that Kyrgyzstan accepted recommendation 25, to extend an invitation to the Special Rapporteur against torture to visit the country in 2010, and recommendation 39 on human rights training for the military and police forces. Kyrgyzstan also accepted recommendation 31 regarding the implementation of the principle of non-refoulement, and recommendation 41 on the respect in all circumstances of the principle of non-refoulement and guarantees of asylum procedures in accordance with international standards. Kyrgyzstan accepted recommendation 37 relating to the review of the law on religion, to ensure that the rights to freedom of religion is upheld in compliance with international standards, and recommendation 40, to request cooperation and technical assistance from relevant United Nations agencies in order to remove landmines and demarcate border areas, as well as to improve access to drinking water and sanitation services.

269. Kyrgyzstan followed a course of action aimed at the protection and promotion of all basic human rights and freedoms in accordance with international standards, and stood by the established practice of peaceful coexistence of traditional religious groups and strove to protect religious and cultural peculiarities. The delegation expressed Kyrgyzstan's commitment to implement its international obligations and to participate in international organizations, with a special emphasis on the Council.

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

270. Morocco expressed its appreciation for Kyrgyzstan's acceptance of 127 recommendations in the Working Group. Morocco commended Kyrgyzstan for its efforts in favour of vulnerable groups, including women and children. It also welcomed the legislative reforms implemented in accordance with international human rights standards. Morocco noted the provisional Government's commitment to democratic reform, including the adoption of a new constitution.

271. China thanked Kyrgyzstan for accepting most of the recommendations and for its active engagement in the follow-up work. China appreciated Kyrgyzstan's measures to restore social stability, to strengthen national solidarity and to establish human rights bodies for the promotion of social, economic and cultural rights, and for the considerable progress achieved in promoting the rights to social security, health and education. China acknowledged the challenges faced by Kyrgyzstan as a developing country in ensuring economic development and the protection of human rights.

272. The Islamic Republic of Iran commended Kyrgyzstan's constructive engagement in the universal periodic review. It noted that Kyrgyzstan's responsible approach to the recommendations made was a clear indication of the country's commitment to human rights. It noted that Kyrgyzstan supported or had examined nearly 130 of 140

recommendations. Particular satisfaction was expressed at Kyrgyzstan's support for recommendations to take steps to eradicate poverty and improve living standards, to develop the education system and to strengthen and promote national capacities in human rights. Iran encouraged Kyrgyzstan to take effective measures to fulfil its international obligations and to speed up its efforts to protect citizens' rights.

273. The Russian Federation stated that Kyrgyzstan's participation in the universal periodic review at such a difficult time demonstrated the country's commitment to human rights protection. It noted with satisfaction that most of the recommendations made in May were already in the process of implementation. The Russian Federation found it necessary for the international community, and in particular the Council, to continue to provide expert and technical assistance to Kyrgyzstan for it to implement the recommendations made during the review and to ensure the stabilization of the situation in the country.

274. The Democratic People's Republic of Korea thanked Kyrgyzstan for its constructive approach to the universal periodic review, including through its acceptance of a large number of recommendations. It expressed its appreciation for Kyrgyzstan's consistent policy aimed at the protection and promotion of human rights for all people, despite difficulties and challenges. It also noted Kyrgyzstan's efforts to ensure equal rights and freedoms for all ethnic and religious minorities and to achieve women's rights and gender equality, as well as children's rights. It noted the achievements made in the area of economic, social and cultural rights, such as compulsory and free basic education, and further improvements in people's livelihoods.

275. Algeria expressed its appreciation to Kyrgyzstan for having accepted two recommendations made by Algeria, regarding the representation of women in decision-making bodies and the ratification of the Convention on the Rights of Persons with Disabilities. It was not clear whether the recommendation made by Algeria to establish a national human rights institution had been accepted by Kyrgyzstan, but Algeria took note that the mandate of the ombudsman had been adopted. Algeria regarded the constitutional referendum held in June 2010 and the parliamentary elections planned for October as positive developments. It expressed the hope that the constitutional order and stability, respect for human rights and economic development would be restored.

276. Kazakhstan welcomed the fact that Kyrgyzstan had accepted a significant number of recommendations and paid equal attention to the realization of civil, political, economic, social and cultural rights. Kazakhstan expressed its support for Kyrgyzstan in overcoming its challenges and achieving stability, and extended its cooperation in the implementation of the recommendations made at the review.

277. Azerbaijan thanked Kyrgyzstan for its participation in the review despite the difficult political situation in the country. It noted with appreciation Kyrgyzstan's acceptance of a significant number of recommendations and that it considered adopting a plan of action to implement them. Azerbaijan encouraged Kyrgyzstan to accelerate its efforts to promote inter-ethnic harmony and was pleased by the establishment of a commission to look into the events of June 2010. Azerbaijan welcomed the constitutional referendum and expressed its hope that parliamentary elections to be held in October would be successful and open new avenues for building democracy and strengthening the rule of law.

278. The Lao People's Democratic Republic noted Kyrgyzstan's cooperation with the Council despite the difficult political and economic situation. It noted Kyrgyzstan's efforts to resolve the situation, including ethnic tension, and to reinforce social cohesion with the aim of ensuring political stability and economic development for all ethnic groups. The Lao People's Democratic Republic commended Kyrgyzstan for its efforts to comply with

universal human rights principles and for the acceptance of more than 130 of the 140 recommendations made.

279. Egypt commended Kyrgyzstan for its commitment to the universal periodic review, which was demonstrated by its acceptance of 127 recommendations and its cooperative spirit towards the remaining 41. It encouraged Kyrgyzstan to continue its efforts to ensure human rights protection, in particular with regard to the rights of women and children and poverty alleviation, and to ensure appropriate follow-up to the accepted recommendations. Egypt reiterated the importance of creating and sustaining a robust human rights infrastructure.

280. The United Kingdom of Great Britain and Northern Ireland was pleased to note the large number of recommendations accepted by Kyrgyzstan, particularly those that it had made on a national preventive mechanism and the organization of elections and referendums in accordance with international standards. The United Kingdom of Great Britain and Northern Ireland requested clarification of Kyrgyzstan's position on the recommendation relating to the freedom and security of human rights defenders. The recommendation was especially important given the recent developments concerning A. Askarov. Voicing its dismay about the recent verdict, the United Kingdom of Great Britain and Northern Ireland urged Kyrgyzstan to review this case and to ensure that all future trials were conducted in accordance with international standards.

281. The United States of America supported Kyrgyzstan's efforts to restore law, order and the Government's legitimacy, and to address social tensions. It supported the recommendations made to promote and encourage reconciliation in the wake of recent ethnic violence, and hoped that Kyrgyzstan would make these efforts with the participation of civil society. The United States of America remained concerned about potential further violence and supported the recommendations to investigate land seizures targeting citizens of any ethnicity, and encouraged the efforts towards reconciliation.

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

282. Amnesty International referred to reports indicating that, during the violent events of June 2010 that targeted ethnic Uzbeks, the security forces either failed to prevent or colluded in the commission of human rights abuses. It expressed alarm at continuing reports that the authorities had attempted to obstruct the work of human rights defenders, lawyers and other civil society actors in documenting or otherwise responding to the events. Amnesty International welcomed Kyrgyzstan's support for recommendations on condemning torture and strengthening safeguards against it, ensuring accountability for human rights violations, and for guaranteeing that all human rights defenders, journalists and other civil society activists may work without fear of intimidation, harassment, detention and torture. It welcomed Kyrgyzstan's invitation to the Special Rapporteur against torture to visit the country in 2010. It noted that Kyrgyzstan would consider further the recommendations to extend a standing invitation to special procedures. This would be a welcome indication that Kyrgyzstan was prepared to fully cooperate with the United Nations.

283. Human Rights Watch noted that the implementation of accepted recommendations should address the violent incidents of June 2010. The Government's investigations into those events had been carried out in violation of national and international standards, and human rights defenders had faced harassment by authorities and attacks by private individuals. It referred to the case of A. Askarov, an ethnic Uzbek human rights defender allegedly subjected to ill-treatment in custody and who had been sentenced to life imprisonment in a trial which apparently lacked due process and fair trial guarantees. While welcoming Kyrgyzstan's acceptance of many important recommendations, Human Rights Watch called upon international partners to assist Kyrgyzstan to implement them. It noted

the importance of encouraging Kyrgyzstan to sign a memorandum of understanding with OSCE on the deployment of an international police advisory group.

284. Rencontre africaine pour la défense des droits de l'homme stated that the violence in the country has caused widespread instability and given rise to human rights violations affecting ethnic and religious minorities. It remained alarmed at the restrictive measures affecting the media and journalists and the threats to human rights defenders and opponents. It was imperative that Kyrgyzstan reform the juvenile justice system. It hoped that Kyrgyzstan would continue to pursue a national dialogue to implement the vital recommendations for the return to normality in the country.

285. The Canadian HIV/AIDS Legal Network thanked Kyrgyzstan for accepting the recommendations on the protection of women against discrimination on the basis of sexual orientation and for having included this in the draft national plan of action for implementation of universal periodic review recommendations. It recommended that Kyrgyzstan take measures to punish those responsible for sexual violence against women and to provide support for victims. It called upon Kyrgyzstan to accept the recommendation made by the Czech Republic, to bring legislation into line with international standards regarding the rights of sexual and ethnic minorities.

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

286. The delegation stated that recommendations 1, 4, 11 and 36 should be regarded as partially accepted and partially noted; recommendations 8, 10, 22 to 24 and 26 to 30 had been noted. In response to a question addressed by a representative of the United Kingdom of Great Britain and Northern Ireland, the delegation noted again that recommendation 38 had been accepted by Kyrgyzstan.

287. In response to the case of A. Askarov, the delegation informed the Council that A. Askarov had been involved in a local officials' hostage-taking attempt, with the aim of crossing the border. He had also publicly insulted the Kyrgyz nation during the mass unrest in June that had led to violence and the death of people. According to the delegation, Mr. Askarov was accused of organizing the murder of a law enforcement officer. The first instance court had sentenced him to life imprisonment; he was entitled to appeal the court ruling to a court of higher instance.

288. In conclusion, the delegation thanked the Council for the constructive dialogue during the review and expressed its belief that the discussion would contribute to the work aimed at further improving the human rights protection in the country, which would be carried out in close cooperation with the Council.

#### Guinea

289. The review of Guinea was held on 6 May 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 Guinea in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/8/GIN/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/8/GIN/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/8/GIN/3).

290. At its 15th meeting, on 21 September 2010, the Council considered and adopted the outcome of the review of Guinea (see section C below).

291. The outcome of the review of Guinea comprises the report of the Working Group on the Universal Periodic Review (A/HRC/15/4), the views of Guinea concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/15/4/Add.1).

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

292. The Minister for Justice of Guinea, Siba Loholamou, congratulated the President of the Council and its Bureau on their recent election.

293. The Minister stated that his country was pleased to have completed the peer review of the universal periodic review. He referred to the announcements made by Guinea during the eighth session of the Working Group in May 2010 in relation to the adoption of a new Constitution and organic law as solid bases for a new era in the promotion and protection of human rights. Guinea was pleased to participate in the final phase of the process, which had been prepared in broad consultation among various administrations and civil society.

294. Since May 2010, a number of initiatives and measures have been taken; first, the promulgation of a new Constitution, including new laws such as the electoral code, a law on the freedom of the press and the creation of a high authority for communication. Second, a process of national reconciliation had been initiated by the transitional president, General Sekouba Konaté, who took this opportunity to apologize on behalf of all his predecessors for the violations of human rights committed in the past. Third, an office of OHCHR had been opened, a new development in the area of cooperation between Guinea and the United Nations system. Fourth, the holding of the first round of elections on 27 June 2010 reflected the will of the transitional Government and the population to turn a new page. The Minister stated that the postponement of the second round of election by the National Independent Electoral Commission was due to logistics and technicalities, and also in order to ensure the transparency and accuracy of the process.

295. In this context, a number of conferences and seminars had been organized to publicize the new Constitution, which contained a human rights charter with 22 articles under title 2. The involvement of non-governmental organizations in the preparation of the laws was also highlighted. Several non-governmental organizations had already commenced the translation and publication of the texts in various national languages.

296. The new law regarding the freedom of the press was a breakthrough to protect journalists from arbitrary arrest and illegal detention, as it reduced any penal sanction against journalist to a simple fine.

297. The Minister referred to the nine pending recommendations mentioned in the addendum to the Working Group's report and to the forum held on 7 July 2010. The forum had brought together members of the administration in charge of human rights, and non-governmental organizations, in order to acquaint with the 114 recommendations made at the session of the Working Group, including the 105 recommendations accepted and the 9 others for which reservations were expressed. A document was drafted following these consultations.

298. The recommendations related to the timely submission of periodic reports to treaty bodies, the establishment of a national human rights institution in accordance with the Paris Principles, the establishment of a national plan of action for the rights of children and women, the formulation of a national strategy of reconciliation and pardon together with a mechanism to fight against impunity, access to international instruments, the withdrawal of reservations, strengthening the power of the civil forces of defence and security, the

promotion of a culture of knowledge in the field of human rights, the reform of the judicial system and the improvement of governance and democracy.

299. Guinea noted all nine pending recommendations. Regarding the abolition of the death penalty and the adoption of a moratorium, the Minister highlighted the fact that, following high-level consultations, it was decided that it was premature to include this question in the national debate, especially during such a delicate transitional phase. The solution would be to have a de facto moratorium.

300. With regard to the invitation to special procedures mandate holders, the Minister stressed that, while not opposed to the spirit of the recommendations, it would be preferable first to strengthen cooperation with OHCHR in Conakry, to help promote these procedures and to set up the basis for their implementation. The invitation to special procedures would thus be considered on a case-by-case basis.

301. The Minister reiterated that the recommendations made at the Working Group session were of a different nature; some were implementable in the short term, while others required coordination among various public administration bodies and departments. Deadlines and budget constraints were linked to their implementation.

302. Given that the promotion and protection of human rights was the cornerstone of Guinea's new constitutional Government and an ongoing challenge requiring constant vigilance and commitment, an inclusive and participative framework of dialogue needed to be established to ensure proper space and freedom for human rights defenders. Guinea was committed to the universal periodic review process and to the work of the treaty bodies and that of the African Union.

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

303. Morocco thanked the delegation for the update provided on developments in the country since the Working Group session in May 2010, and welcomed the holding of the first round of the presidential elections in June 2010. Morocco noted that the high number of Guinean people participating in the elections was testament to the determination of the people to move forward with development, security and democracy. Morocco also noted that the *Protocol d'entente pour une élection apaisée en Guinée*, signed in Ougadougou on 3 September 2010, reaffirmed that the independent national election commission was the only electoral organ and committed both candidates to accepting the results of the second round of the presidential elections and to resorting to legal channels in the event of disputes.

304. China expressed thanks to the delegation of Guinea for its replies and commended Guinea's attitude towards the universal periodical review. In recent years, Guinea had made efforts to stabilize its society and had ratified many human rights conventions. China noted that the Government had already accepted many recommendations, although it faced special difficulties and challenges in promoting and protecting human rights. China called on the international community to provide the necessary financial and technical support to Guinea. China recommended that Guinea continue to promote social stability and economic development, especially in the agricultural sector.

305. The United Kingdom of Great Britain and Northern Ireland was pleased to note that its recommendations on the ratification of the Optional Protocol to the Convention against Torture, the guarantee that security forces comply with international human rights law, the judicial prosecution of State agents who commit human rights violations, the safety of journalists and a free and independent media in the run-up to elections, the implementation of the Ouagadougou Agreement all enjoyed the support of Guinea. The United Kingdom of Great Britain and Northern Ireland strongly supported all efforts to ensure that Guinea held

the postponed second round of presidential elections as soon as possible, and encouraged the Government to maintain an atmosphere of peace and stability during this period. It welcomed the commitments of Guinea to improve the human rights situation through its universal periodic review, and also its commitment to address the recommendations in a timely and focused manner.

306. France noted that Guinea had accepted almost all recommendations made at the session of the Working Group. France recalled that the tragic events of September 2009 had led the international community to take action to assist in the fight against impunity. In this connection, France recalled Council resolution 13/21 of 26 March 2010, and the opening of an office by OHCHR in Guinea, which France supported financially. The priority was now the holding of the second round of presidential elections as soon as possible. France renewed its support for the efforts made by the Security Council, African organizations and especially the joint mission of the United Nations and the Economic Community of West African States. France reiterated its call for a peaceful electoral campaign free of incitement to hate and violence. It welcomed the message of President Konaté that the military would remain neutral, and France renewed its call to candidates and all political parties to conduct the electoral process in a congenial and peaceful atmosphere.

307. Senegal noted that, by accepting the majority of recommendations, the transitional Government had confirmed Guinea's determination to continue its efforts to improve its human rights situation despite a very difficult national context. In this connection, Senegal was in favour of the holding, as soon as possible, of the second round of elections in a peaceful atmosphere. Senegal welcomed the adoption of the draft new Constitution, the establishment of a national human rights institution and that of an inter-ministerial commission responsible for considering the possibility for Guinea to accede to optional protocols, as well as the establishment of a favourable environment for the development of civil society organizations. Senegal appealed to the international community to increase its assistance to Guinea to guarantee the rapid and effective implementation of the recommendations that Guinea had accepted.

308. Norway welcomed the Minister for Justice and his delegation to the Council. It welcomed the expressed commitment to the principles of international human rights law in the ongoing process in Guinea, including through the adopted recommendations and the establishment of the OHCHR office in the country, and the cooperation between the Government and the High Commissioner's office. Norway was pleased to have been able to provide, through contributions to the High Commissioner, \$770,000 to the OHCHR office in Guinea.

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

309. Rencontre africaine pour la défense des droits de l'homme stated that Guinea was at a decisive stage in its history with the postponement of the elections. The constraints on the implementation of the recommendations were due to a culture of impunity, the release of drug traffickers, unfair trials, overcrowded prisons, the use of torture to obtain confessions, child abduction and exploitation, the mistreatment of women, the lack of dialogue and cooperation among the different stakeholders, the failure to prosecute those responsible for crimes, such as killings and rape, in the events during the period 2006–2008 and the massacres of September 2009. The organization congratulated Guinea on having opened the OHCHR office, the current reform of the army, the revision of the Constitution, the elaboration of an electoral code and of a press law, and on the organization of the first round of elections in a peaceful atmosphere. It pleaded for the right and the duty of memory for victims of 50 years of dictatorship, torture and arbitrary detention. It called on the Government to establish a political climate favourable to the holding of a second round of



elections as soon as possible, to elaborate an education programme of human rights, and ensure that Guinea was up to date with its treaty body reporting obligations.

310. The Canadian HIV/AIDS Legal Network and Pan Africa ILGA urged Guinea to give serious consideration to the recommendations in relation to decriminalizing sexual activity between consenting adults of the same sex. They noted the statement of the Secretary-General at the high-level panel discussions held on 17 September 2010 that cultural considerations should not stand in the way of basic human rights. Guinea was also urged to promote policies that ensure equality of access to public health services by all marginalized populations.

311. The African Commission of Health and Human Rights Promoters stated that it was very active in Guinea, where a transition council was working to implement a new democratic order. The Commission had attempted to identify organizations that could work together with the Government, particularly in the field of education, to overcome the problems that had beset the country in the recent past. In this critical period, the political decision makers should focus on traditional education and teaching. Today, the Commission and other non-governmental organizations were struggling to ensure that Africans sufficiently focused on African culture. It encouraged Guineans of all political affiliations to overcome domestic divisions and partisan personal interests and try to have an enlightened vision, and help Guinea steer a steady course.

312. Amnesty International noted with appreciation Guinea's acceptance of more than 100 recommendations, although it highlighted two points as essential elements for a democratic State respectful of human rights. It called on the Guinean authorities to implement all the recommendations accepted in relation to combating impunity with regard to the violations committed during the events of September 2009. This would allow the victims, and particularly victims of sexual violence, and their families to obtain reparation. It was important that Guinea use this period of transition to effect real changes in the human rights situation. Noting that Guinea had not carried out executions since 2002, it called on Guinea to join the abolitionist group.

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

313. The delegation noted with satisfaction the intense interactive dialogue, and commended the comments made by the Member States and non-governmental organizations as encouraging in their frankness and in-depth analysis. It assured that progress would be made in all areas under discussion, and referred to the new Constitution and the recent set-up of rules and institutions, including the Constitutional Court, the national independent human rights institution and the public mediator as positive developments.

314. The delegation thanked the President, the members of the Bureau for their calm guidance of the discussion, and the secretariat for its assistance, and appealed to the international community to provide technical financial assistance on a greater scale not only to the Government but also to civil society, including human rights defenders.

315. The Minister for Justice reaffirmed Guinea's will to cooperate fully with the Council, and thanked it for the amicable environment in which the proceedings had taken place.

#### **Lao People's Democratic Republic**

316. The review of the Lao People's Democratic Republic was held on 4 May 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 Lao People's Democratic Republic in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/8/LAO/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/8/LAO/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/8/LAO/3).

317. At its 16th meeting, on 21 September 2010, the Council considered and adopted the outcome of the review of the Lao People's Democratic Republic (see section C below).

318. The outcome of the review of the Lao People's Democratic Republic comprises the report of the Working Group on the Universal Periodic Review (A/HRC/15/5), the views of the Lao People's Democratic Republic concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/15/5/Add.1).

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

319. The Lao People's Democratic Republic informed the Council of recent developments contributing to the promotion of human rights, noting that it was in the process of preparing the seventh national socio-economic development plan and other plans of action, which included economic, social, cultural, civil and political rights aspects. The Government had made progress in the implementation of the master plan on the rule of law and training for village lawyers and law enforcement officers. Referring to its international engagement, it intended to sign the Convention against Torture during the forthcoming annual United Nations treaty event in New York in September 2010. It was also considering acceding to the Convention on the Rights of Migrant Workers. With regard to other accepted recommendations, the Lao People's Democratic Republic would continue to implement them in good faith and share the results in the next review cycle.

320. Recalling that the country had positively responded to 56 of the 107 recommendations made at the May 2010 session, the delegation stated that it had conducted a broad public relations campaign for Government agencies, mass organizations, civil society, the diplomatic corps and others on the results of the Lao engagement in the universal periodic review. Of the 48 pending recommendations, it supported 15 fully and 15 in part, as set out in an addendum to the Working Group report. With regard to the remaining 18 recommendations, the Lao People's Democratic Republic could not support them, as some of them did not reflect the real situation in the country.

321. The Lao People's Democratic Republic attached great importance to the recommendations concerning its accession to international conventions, but would need more time to study and prepare the conditions necessary to accede to some treaties, including the Rome Statute of the International Criminal Court and the Ottawa Convention on Landmines.

322. With regard to recommendations to invite special procedures, the Lao People's Democratic Republic would proceed on a case-by-case basis and was in the process of considering invitations to certain mandate holders. However, owing to limited resources, it was not in a position to extend a standing invitation to all mandate holders.

323. The death penalty was maintained only to deter the most serious crimes, in particular drug trafficking. At present, the State was not ready to consider ratifying the second Optional Protocol to the International Covenant on Civil and Political Rights. However, no

execution had taken place for many years and rights of appeal were ensured. The State also indicated that it would consider revising the Penal Code for it to be in line with the obligations under the Covenant and other treaties to which it was a party.

324. Religious freedom was guaranteed by the Constitution and a specific decree; all necessary measures had been taken to solve the misunderstanding of religious freedom in Katen village. The Lao People's Democratic Republic pursued a consistent policy to guarantee freedom of speech, the press, expression and assembly, rights which were enshrined in the national legislation.

325. With regard to the situation of Hmong returnees, the Lao People's Democratic Republic acknowledged the important role of the Office of the United Nations High Commissioner for Refugees (UNHCR) in providing humanitarian assistance, but noted that the returnees were not persons of concern under international law and that the Government would handle the issue.

326. The Lao People's Democratic Republic concluded by expressing its appreciation to the international community for its valuable support for the development of the country, and its hope that the international community would continue to do so, including with regard to the implementation of universal periodic review recommendations.

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

327. Viet Nam took note with appreciation of the openness, active cooperation and serious commitment displayed by the Lao People's Democratic Republic in the universal periodic review process. Viet Nam recalled that the State had widely disseminated the outcome of its review, and was encouraged by its acceptance of the majority of recommendations, including those made by Viet Nam. Viet Nam noted that the State's readiness to take concrete steps and measures to follow up on the recommendations was admirable, given the difficulties and hardship encountered by the country. It welcomed the master plan on the rule of law and the seventh national socio-economic development plan, among others.

328. Bhutan expressed its appreciation for the constructive manner in which the Lao People's Democratic Republic had engaged in the universal periodic review mechanism, and was encouraged by its acceptance of most recommendations. Bhutan welcomed the realistic approach to implementing the recommendations in a progressive manner. It made reference to the acceptance of the recommendation to expedite the reform of governance, public administration and the legal system with the aim of deepening and broadening democratic principles and standards. Bhutan called on the international community to continue to extend support and assistance to the Lao People's Democratic Republic in the implementation of the recommendations.

329. Malaysia was pleased to note that the State had accepted a large number of recommendations and started taking necessary steps to implement many of them, including those focusing on promoting employment, economic growth and poverty alleviation. Malaysia shared the view that poverty alleviation and human resource development were important for the protection and fulfilment of fundamental human rights. It also noted the Government's preparedness to continue and strengthen its constructive engagement with international human rights mechanisms.

330. Cambodia commended the Lao People's Democratic Republic for its achievements in advancing the socio-economic development of its people. It was pleased to note that the State had accepted a large number of recommendations, including recommendations to consider accession to some important international instruments. Cambodia viewed this approach as a step towards further progress. It welcomed the continued commitment of the

Government to address remaining challenges, and called on the international community to assist the State in this regard.

331. Venezuela (Bolivian Republic of) welcomed the spirit of openness and the constructive approach demonstrated by the Lao Government during the universal periodic review process. It had provided specific answers to the questions raised, particularly concerning achievements made in implementing socio-economic policies and in promoting the rights of women. It noted that the Lao People's Democratic Republic had spared no effort to overcome the consequences of colonialism and foreign aggression that it had suffered, and that it had managed to reduce poverty by 50 per cent over the past two decades.

332. Cuba congratulated the Lao People's Democratic Republic on its acceptance of many recommendations, including those made by Cuba. It also welcomed the presentation of an addendum to the Working Group report that indicated the State's position on some of the recommendations and information on voluntary commitments. Cuba and the Lao People's Democratic Republic shared dreams, aspirations, achievements and challenges, as well as the common goal of achieving development with social justice. Cuba wished success to the Government and the people, and reiterated its solidarity and respect.

333. Myanmar noted with satisfaction that the Lao People's Democratic Republic had accepted a large number of recommendations, and had also agreed to consider acceding to the Convention on Migrant Workers and to take measures to improve the situation of vulnerable people despite the numerous challenges faced as a developing country. In particular, Myanmar noted the efforts to develop proper national mechanisms to promote the rights of women and children. It expressed the hope that the State would continue to implement programmes to enhance access to education and health services for women and girls living in rural and border areas. Myanmar also noted with appreciation the commitment to implement internal reforms aiming at good governance and socio-economic development.

334. Thailand was pleased to learn that the Lao People's Democratic Republic had accepted its recommendations made during the Working Group session with regard to poverty alleviation and the incorporation of international human rights conventions into domestic laws. Thailand commended in particular the efforts to combat trafficking in persons through a national plan of action and regional cooperation. Thailand was ready to support the Lao People's Democratic Republic in assisting victims of cluster munitions. It urged the Council to provide technical cooperation and support to the State in its efforts to implement the recommendations. It reiterated its readiness to strengthen its partnership with the State in this regard.

335. Indonesia commended the Lao People's Democratic Republic for its efforts to promote good governance and improve living standards. It recognized that a history of regional conflict had hindered more rapid improvements in these and other critical areas, but was encouraged to learn that socio-economic development, poverty eradication and economic growth were key priorities on the agenda of the Government. Indonesia also commended the State for its ratification of the Convention on the Rights of Persons with Disabilities. It thanked the State for accepting two of its recommendations, and expressed the hope that the Lao Government would continue to engage constructively with the ASEAN Intergovernmental Commission on Human Rights as well as the Human Rights Council. The recent invitation to the Special Rapporteur on freedom of religion and the intention to invite other rapporteurs in the future were positive steps.

336. China expressed its appreciation for the detailed responses provided by the Lao People's Democratic Republic to the recommendations. China made reference to the tremendous achievements made by the State in promoting economic and social

development, as well as in the protection of human rights. As a neighbouring country, China understood the unique problems and challenges faced in promoting and protecting human rights. China urged the international community to provide the necessary financial and technical support.

337. The Islamic Republic of Iran applauded the Lao People's Democratic Republic for supporting most recommendations, including the recommendations made by Iran. It expressed its appreciation for the positive achievements in the field of poverty eradication, the rights to work, education and health, the rights of women and children, the right to life, the right to participate in public affairs, cultural rights and the right to information. It hoped that future reports would reflect a continuation of its efforts to promote the rights of women and children and to implement existing programmes and projects to enhance socio-economic rights, with a view to achieving the Millennium Development Goals.

338. The Democratic People's Republic of Korea appreciated the efforts made by the Lao People's Democratic Republic in promoting and protecting human rights. The State had intensified its efforts to implement strategies and measures, particularly in the areas of poverty eradication, education and human resources. It reiterated its appreciation for the commitment demonstrated by the State to the universal periodic review process.

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

339. The International Federation for Human Rights Leagues deplored the fact that the Lao People's Democratic Republic had rejected two recommendations on the creation of an independent human rights commission and the release of persons detained for their participation in a peaceful demonstration. The release of persons who had participated in a peaceful demonstration, particularly those persons arrested in October 1999, would be a major step towards freedom of expression and assembly. It regretted that a number of countries had praised the State for its achievements in economic, social and cultural rights, as well as women's rights, without making any specific recommendations in this regard. It also regretted that the participation of civil society in the preparation of the Lao report had been limited. It called upon the State to accept the principle of universality of human rights and to allow for the emergence of an independent civil society.

340. The Asian Indigenous and Tribal Peoples Network remained deeply concerned about continued human rights violations against the Hmong people, and urged the international community to monitor their situation. It was also concerned about the trafficking of almost 30 Hmong children in 2005, and urged the authorities to prosecute promptly those responsible and ascertain the whereabouts and well-being of these children. The Network believed that United Nations human rights experts should be given the opportunity to visit victims in the Xaysombune special zone, who were confronted with daily military operations.

341. Amnesty International welcomed the engagement by the Lao People's Democratic Republic with the universal periodic review, but regretted that the State had rejected the recommendation to release detained peaceful demonstrators. It urged the Lao authorities to release, immediately and unconditionally, the three men arrested on 26 October 1999 for attempting to hold a peaceful demonstration in Vientiane, and thus to demonstrate its commitment to protect human rights in practice. Amnesty International welcomed the acceptance by the State of recommendations calling for full implementation of the provisions of the ICCPR related to freedom of speech, but was disappointed that the recommendations to revoke laws that suppress the right to freedom of expression and assembly had been rejected. It made reference to several recommendations concerning the Lao Hmong, including refugees and asylum-seekers returned from Thailand in December 2009, and regretted that the State had only partially accepted these recommendations. It urged the Government to ensure unhindered and independent access by UNHCR and

humanitarian agencies to all returnees in resettlement sites at Phalak and Nongsan, in Vientiane Province, and Phonkham, in Borikhamsay Province.

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

342. The Lao People's Democratic Republic expressed its appreciation to all delegates and all representatives of international organizations and non-governmental organizations for their active participation in its review. In spite of the overwhelmingly positive feedback by the international community on the human rights situation, a few non-governmental observers had tried to paint a false, negative picture of the State. This was contrary to the principle of the review, and it firmly refuted these allegations.

343. The Lao People's Democratic Republic had learned much through the universal periodic review process, which created an opportunity to move forward and promote human rights at the national level, while cooperating with others at the regional level and with the international community so as to advance human rights globally. The State was fully committed to the Charter of the United Nations and the promotion and protection of human rights through the implementation of the Universal Declaration of Human Rights and the treaties to which it was a party, or would become in the future.

344. The Lao People's Democratic Republic looked forward to continuing cooperation and exchange of experience on human rights with the international community, and hoped that the latter would continue to support its efforts, including with regard to the implementation of recommendations. The Lao People's Democratic Republic would continue to engage in the process in a responsible way and play an active role in the international human rights community with a view to making a greater contribution to international human rights development.

#### **Spain**

345. The review of Spain was held on 5 May 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 Spain in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/8/ESP/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/8/ESP/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/8/ESP/3).

346. At its 16th meeting, on 21 September 2010, the Council considered and adopted the outcome of the review of Spain (see section C below).

347. The outcome of the review of Spain comprises the report of the Working Group on the Universal Periodic Review (A/HRC/15/6), the views of Spain concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/15/6/Add.1).

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

348. The delegation of Spain stated that its Government paid significant importance to the universal periodic review mechanism, which provided an opportunity to take stock of achievements and to identify pending challenges and areas of improvement. The exercise

also allowed Spain to compare and contrast its experience with that of other States Members of the United Nations.

349. The delegation welcomed the role played by civil society in the preparation of the national report and by the 55 States that intervened during the interactive dialogue and which submitted 137 recommendations, 98 of which were accepted by Spain.

350. Spain pledged to clarify its position not only in relation to the 34 pending recommendations, but also to those it could not accept. A detailed account of Spain's position was available in the addendum to the Working Group report, which includes the reasons why Spain could accept only 13 of the pending recommendations.

351. The delegation gave explanations of its position in relation to recommendations for which it felt delegations had a particular interest, such as racism, xenophobia and the integration of immigrants; human trafficking; the right to asylum; and equality and the fight against violence against women. The delegation also acknowledged the support it received for its campaign for the abolition of the death penalty and for the alliance of civilizations.

352. The delegation recalled the national plan on human rights of December 2008, which was based on two main components: equality, non-discrimination and integration; and human rights guarantees. A follow-up commission, composed of representatives of the Government and civil society, had been set up. The Commission held regular meetings and provided progress reports to the Congress. Although Spain was committed to the promotion of human rights, it was not in a position to accept all recommendations, and provided explanations in that regard. Spain had not signed the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families because it considered it an unbalanced instrument. The Convention gave priority to the interests of the countries of origin, and its provisions did not make a distinction between migrant workers in a regular situation and those in an irregular situation. Furthermore, Spanish legislation provides broad protection to the rights of immigrants.

353. The definition of torture in article 174 of the criminal code does not present problems of interpretation and contains the basic elements of the definition contained in the Convention against Torture. The national definition also contains other features that provide further protection.

354. Spanish judges and courts investigate and deal with all reports of disappearances received under the principles of independence, tenure and responsibility, and in accordance with the law. Crimes against humanity and genocide are prosecuted in accordance with the International Covenant on Civil and Political Rights, the Convention on the Prevention and Punishment of the Crime of Genocide and the International Convention for the Protection of All Persons from Enforced Disappearance.

355. Incommunicado detention has all procedural safeguards in Spain. Its legal regime is quite restricted and requires permanent monitoring from the competent judge. Incommunicado detention is used for cases of armed bands or terrorist organizations, where police and judicial findings can have international implications and are particularly complex, without prejudice to the rights of detainees.

356. Spain's legislation has the necessary legal means to act in cases of hate, xenophobic or defamatory speech and therefore it is not considered necessary to restrict freedom of expression.

357. Organic Law 1/2004 on measures against gender violence is a more protective and effective mechanism than a plan against gender violence. The law provides legal assistance and comprehensive social care to victims. Moreover, the strategic plan on equal opportunities for the period 2008–2011 incorporated a series of measures aimed at ending violence against women.

358. Spain did not consider the establishment of an additional national mechanism to identify victims of trafficking necessary. Highly qualified personnel in the security forces are currently tasked with the identification of victims of trafficking and worked in close cooperation with specialized non-governmental organizations, ensuring compliance with article 10 of the European Convention on Trafficking.

359. The Government had no choice but to reject the recommendation that it follow the findings of the Special Rapporteur on the promotion and protection of human rights while countering terrorism, since they drew into question, without substantiation, the legal and institutional framework under which a democratic State fights terrorism, without offering valid alternatives beyond personal opinions, as well as the impartiality and independence of the State powers, particularly those responsible for ensuring law enforcement and the protection of the rights of the individual.

360. Furthermore Spain did not consider it necessary to create another independent body to investigate complaints of ill-treatment, because, under the rule of law, judges are in charge of investigations. Judges in Spain are autonomous and independent of the Government and other public administrations, and have the necessary means and legal capacity to act accordingly.

361. The delegation recalled that Spain gave special importance to the international protection of the human rights of the victims of terrorism. At present, the main human rights infringements in Spain derived from the criminal activities of terrorists. The Government had the obligation to protect fundamental freedoms by outlawing organizations that provided political cover to terrorists, as endorsed by the European Court of Human Rights in a landmark decision.

362. The delegation concluded by reiterating the Government's commitment to cooperate with international human rights bodies, and announced that, as a further sign of its commitment, it would follow up carefully on the recommendations and report periodically to the Council.

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

363. The Islamic Republic of Iran thanked Spain for its statement and expressed its appreciation that some of its recommendations had been accepted. It expressed concern at certain issues raised during the review, including human trafficking, in particular that of women and girls for sexual exploitation; discrimination based on ethnicity and religion against minorities and immigrants, and especially restrictive measures against the Muslim minority, particularly women and girls; the rampant use of torture and the distressing conditions in detention centres, in particular those holding foreigners and asylum-seekers; and the use of Spanish airspace and airports by a third country in the context of a programme of secret rendition and detention. The Islamic Republic of Iran urged Spain to adopt laws and measures to implement the recommendations made at the session of the Working Group, including those that it had made.

364. Algeria welcomed the responses to the recommendations provided by Spain. Both countries shared similar challenges, such as the fight against terrorism and the growing incidents of racism and xenophobia against migrants, and needed to work together to eradicate those threats. Spain had a clear commitment to human rights, as demonstrated in its national report, which reflected the progress achieved to date, most notably in the improvement of the institutional and legislative framework for the protection of human rights and the ratification of most international human rights instruments. Algeria appreciated the fact that Spain had accepted two of its recommendations, and encouraged it



to accept the recommendation envisaging the ratification of the International Convention on the Protection of the Rights of Migrant Workers and Members of Their Families.

365. Belarus expressed its gratitude for the detailed comments made by Spain during the eighth session of the Working Group. It noted that, of the 137 recommendations made, Spain was of view that 29 had already been implemented. Belarus noted the comments made on the recommendations that Spain was unable to support, and expressed its understanding in that regard. Belarus welcomed Spain's determination to work on the implementation of recommendations, and believed that Spain would continue to improve the situation of migrants and the protection of migrants' rights, and that, in particular, it would take measures to ensure the well-being of migrant children. Belarus regretted that the recommendations relating to the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which guaranteed the rights of migrants, had not been accepted.

366. Azerbaijan thanked Spain for the substantive responses provided to the recommendations, and welcomed its constructive approach to the universal periodic review. It commended the acceptance by Spain of most of the recommendations. It noted with satisfaction that the issues of the ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the development of a national plan of action against racism and xenophobia enjoyed the support of Spain and were in the process of implementation. Despite the threat of terrorism, Spain had never abandoned the rule of law in its response to it.

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

367. The Office of the People's Defender of Spain stated that its mandate was provided for by the Constitution and that it had been accredited as a national human rights institution with status "A" by the International Coordinating Committee of National Institutions, and that it was in full compliance with the Paris Principles. It welcomed the efforts made for the preparation of the national report; as a whole, the recommendations touched very much upon the Office's own mandate and would certainly help it to strengthen its activities, which in recent years had included issues such as family reunification, living conditions in the prison system, training for the police, assistance to victims of trafficking and the establishment of a national mechanism for the prevention of torture.

368. Amnesty International noted that, though Spain had reformed its criminal code in 2010, it had failed to align the definition of torture with article 1 of the Convention against Torture, and expressed disappointment that recommendations to address this shortcoming made during the review had been rejected. It also observed that the Committee against Torture had recommended that two elements should be added to the existing definition. Despite the ratification of the Convention on Enforced Disappearances in 2009, the criminal code still failed to define the crime of enforced disappearances in accordance with international law. It also expressed its profound disappointment with Spain's refusal to review its regime of incommunicado detention. Stating that it regularly received allegations of torture and ill-treatment during incommunicado detention, Amnesty International strongly urged Spain to reconsider this recommendation.

369. Human Rights Watch recalled that, during the review of Spain, five countries had raised the issue of impunity of crimes committed during the Franco dictatorship and regretted that, to date, the only person prosecuted in relation with those crimes was judge Baltazar Garzon, who had sought to investigate cases of enforced disappearances involving more than 100,000 victims between 1936 and 1951. Unlike Spanish courts, which had routinely applied the 1977 amnesty law which covered all crimes of a political nature committed prior to December in 1977, judge Garzon had refused to apply this law. Human Rights Watch stated that Governments had an obligation to provide victims of human rights

abuses with an effective remedy, including justice, truth and adequate reparation. Recalling 2008 Human Rights Committee recommendations, Human Rights Watch called upon Spain to repeal the 1977 amnesty law.

370. Action Canada for Population and Development noted with appreciation that Spain had adopted a law on reproductive health and the voluntary interruption of pregnancy. It observed, however, the existence of a number of shortcomings and requested, inter alia, that (a) in accordance with international standards, guidelines and recommendations issued regarding the prevention and treatment of HIV no longer included the requirement that pregnant women be tested; (b) the multi-sector plan on HIV/AIDS be evaluated, based on a gender perspective; (c) the State and local governments investigate existing conditions, on the basis of HIV status, of women victims of domestic violence who sought access to safe homes and who were required to undergo HIV testing; and (d) sexual education with a focus on reproductive rights be guaranteed throughout the territory.

371. Rencontre africaine pour la défense des droits de l'homme noted with satisfaction the efforts made by Spain to improve the institutional and normative framework for the protection of human rights, the ratification of most international human rights instruments, its cooperation with special procedures and its engagement to reach the 0.7 per cent of GNP allocated to development aid. It encouraged Spain to protect non-accompanied immigrant children, to harmonize the anti-terrorist law with human rights standards, to revise the agreement of readmission ratified by African States in order to guarantee respect of human rights, to create a national commission to fight racial discrimination, to define torture in the penal code in accordance with the Convention against Torture and to fight against the violent treatment of women.

372. The Islamic Human Rights Commission highlighted its concern that Spain allowed local councils to regulate the dress code of their Muslim women citizens by banning the use of the Burqa and full-face veils in all non-religious places or events. It added that this practice gave local councils free reign to target Muslims without the intervention of Congress. It also noted that no causal link existed between security risks and the wearing of a Burqa or veil, and that the European Court of Human Rights had held that freedom of expression included forms of expression that "offend, shock or disturb the State or any section of the population". It requested that Spain lift the ban and take necessary measures to safeguard the religious rights of Muslim citizens.

373. In a joint statement, the European Region of the Lesbian and Gay Association (ILGA-Europe) and Federatie van Nederlandse Verenigingen tot Integratie Van Homoseksualiteit (COC Nederland) commended Spain for training police and prison staff on the rights of persons of minority sexual orientation or gender identity, as recommended by the Czech Republic. ILGA-Europe and COC Nederland asked Spain to provide information about measures envisaged to implement this recommendation and to include civil society in training. They encouraged Spain to implement, as suggested by Sweden, legislation granting refugee status on the basis of fear of persecution based on gender or sexual orientation. They acknowledged the positive steps taken by Spain to counter discrimination on the basis of sexual orientation, and encouraged it to share best practices in this field and to consider applying the Yogyakarta Principles as a guide to assist in policy development.

374. The Charitable Institute for Protecting Social Victims observed that discrimination against women in the workplace persisted, noting that unemployment was approximately twice that of men and that the average salary for women was 30 per cent lower than that of men. It added that the Roma minority in Spain in particular faced discrimination with regard to housing, education and employment. Muslims were also faced with multiple forms of discrimination. In conclusion, it urged Spain to take further measures to provide police and prison officials with human rights training focusing on the rights of women,

children and minorities; to eliminate all forms of discrimination against the Roma community, migrants and religious minorities; and to take measures against perpetrators of racially motivated acts against these groups.

375. The International Federation of the Action of Christians for the Abolition of Torture welcomed the quality and level of the Spanish delegation during the review. It regretted, however, that Spain had rejected 18 recommendations during the Working Group session, without holding consultations with civil society and concerned ministries. It welcomed the written submission of Spain's position on the pending recommendations, the acceptance of recommendations calling for the prevention of torture and ill-treatment, and the measures taken to recognize the competence of the Committee on Enforced Disappearances. It regretted, however, that Spain had rejected the recommendation asking it to reconsider the use of secret detention, which could facilitate torture and constitute a case of ill-treatment.

376. The European Centre for Law and Justice expressed its disappointment that the objection to a compulsory curriculum, which it considered a core issue, had not been adequately addressed in the Working Group report. It recalled that over 50,000 families objected to the compulsory curriculum in public and private schools. A new subject called "education for citizenship" included themes that would negatively influence the conscience and values of children and had thus been rejected by thousands of parents. The Centre also reported that, in 2009, the Supreme Court had ruled against parents objecting to this aspect of the curriculum, and that the constitutional court had dismissed their claims. It concluded that this was a major issue of freedom of expression to be urgently addressed by Spain.

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

377. The delegation of Spain reiterated the State's commitment to human rights and freedoms and thanked all those who participated in the review of Spain.

##### **Lesotho**

378. The review of Lesotho was held on 7 May 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 Lesotho in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/8/LSO/1);
- (b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/8/LSO/2);
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/8/LSO/3).

379. At its 16th meeting, on 21 September 2010, the Council considered and adopted the outcome of the review of Lesotho (see section C below).

380. The outcome of the review of Lesotho comprises the report of the Working Group on the Universal Periodic Review (A/HRC/15/7), the views of Lesotho concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/15/7/Add.1).

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

381. The Minister for Justice, Human Rights and Correctional Services and for Law and Constitutional Affairs expressed her appreciation for the opportunity to give an update on

the issues that arose at a successful interactive session with the Working Group on the Universal Periodic Review of Lesotho in May 2010. Lesotho appreciated the objective and impartial manner in which the review was conducted, applauded the Working Group and welcomed its report.

382. The delegation stated that Lesotho had received 122 recommendations, of which 36 recommendations enjoyed its support, 51 were accepted as they were already being implemented, 5 because they were inaccurate and lacked factual basis, while the responses to 25 recommendations had been deferred for further consideration.

383. Lesotho welcomed the recommendation that it ratify the Optional Protocol to the Convention against Torture and allow visits by the Subcommittee on Prevention of Torture in places of detention. It stated its position with regard to the importance of proper procedures and conduct being observed during such visits.

384. On the recommendation concerning the establishment of preventive mechanisms against acts of torture, the delegation stated that mechanisms at the national level were in place, such as the office of the Ombudsman, whose mandate entailed, among others, inspecting places of detention. The transformation resource centre, a non-governmental organization, also advocated for the protection of human rights in various ways, such as through the monitoring of human rights in places of detention.

385. The recommendation to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights did not enjoy the support of Lesotho because it was a least developed country. Chapter III of the Constitution of Lesotho spelled out the principles of State policy, which entailed rights of a socio-economic nature. These were not enforceable by courts of law, but implemented on an incremental basis, through policy, guidelines and social programmes subject to Lesotho's economic capacity and development.

386. The recommendation to ratify the Optional Protocol to the International Covenant on Civil and Political Rights did not enjoy the support of the Government of Lesotho because it called for the abolition of the death penalty. Lesotho retained the death penalty as a deterrent for the most serious crimes, such as murder, statutory rape and high treason. However, there were appropriate safeguards in the execution of the death penalty, such as the pardon committee and the prerogative of mercy by His Majesty the King. No capital punishment had been carried out since 1995.

387. Lesotho would consider ratifying the Optional Protocol to the Convention on the Rights of Persons with Disabilities after consultations with relevant stakeholders. However, the State would not be time-bound in respect of this recommendation, given that implementation of the protocol required infrastructure, technology and resources that Lesotho did not currently have.

388. During the treaty event to be held by the General Assembly, the Prime Minister would sign the International Convention for the Protection of All Persons from Enforced Disappearance, since Cabinet had already approved its ratification.

389. With regard to the recommendation to integrate and incorporate into national laws the international human rights instruments to which Lesotho was a State party, the recommendation enjoyed the support of Lesotho to the extent that it was an ongoing process. Lesotho remained committed to fulfilling its obligations of incorporating international instruments into national legislation in compliance with international law.

390. Regarding the enactment of the Convention against Torture in national legislation, Lesotho supported the recommendation and would enact the Convention fully in accordance with a self-determined time frame. The delegation drew attention to the existing criminal procedure and Evidence Act of 1981, which lay down procedures and methods

that should be adopted to avoid instances of torture and inhuman and degrading treatment of suspects of crime.

391. Concerning the removal of the reservation to article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, the Government had initiated a discussion, still ongoing, on the issue. Despite the existing reservation, Lesotho had taken measures to ensure the elimination of discrimination against women and gender equality by reviewing all laws that were discriminatory against women. Lesotho had enacted laws in this regard, such as the Legal Capacity of Married Persons Act of 2006, which ruled out discrimination against women in marriage, and the Sexual Offences Act of 2003, which addressed the offence of rape under common law.

392. Regarding the recommendation to implement and amend the Sexual Offences Act of 2003 to ensure the full accountability of offenders, compliance with human rights standards and efficient integration of programmes for victims, the delegation stated that Lesotho would not amend the Act for the reason that there was no law in Lesotho that barred a victim from lodging a civil claim against the offender. However, the Government had established a one-stop centre, the Lapeng Centre, for survivors of domestic violence, and the Victims of Crime Support Office. Studies on the protection of victims' rights were being undertaken by the law reform commission to inform the enactment of the laws on protection of victims and domestic violence.

393. The Children's Protection and Welfare Bill, which was before Parliament, provided restorative justice to facilitate reconciliation between offender and victim; intensive advocacy programmes were being carried out by parliamentarians and other stakeholders for the implementation of the Bill.

394. The Government of Lesotho welcomed the recommendation to enhance cooperation with treaty bodies and special procedures mandate holders. It would, however, consider it further once the implementation of the recommendations made during the African Peer Review Mechanism process of 2009 was completed. Lesotho also welcomed the recommendation to ensure timely submission of State party reports and drew attention to the efforts made to fulfil its reporting obligation. The report for the Committee on the Elimination of Discrimination against Women had been submitted, while Lesotho was still working on the reports on the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and the periodic report on the International Covenant on Civil and Political Rights. The delay had resulted from the limited resources of the country, which would welcome technical assistance and capacity-building in that regard.

395. The recommendation to end the practice of using the juvenile training centre as a form of alternative care did not enjoy the support of Lesotho, since it was factually incorrect. The centre was used exclusively for detaining children in conflict with the law and were at risk of offending.

396. Despite challenges it faced, as described in the national report and during the review, Lesotho reiterated its commitment to accelerate sustainable economic growth, to continue to work on the establishment of a national human rights commission, to improve access to justice for all, to intensify and continue efforts in the fight against corruption, and to strive to achieve the objectives of Vision 2020 and the Millennium Development Goals.

397. Lesotho appreciated the opportunity to take stock of its achievements, shortcomings and challenges. It welcomed the technical support offered by some Member States in response to its calls for assistance.

398. The delegation concluded by reiterating Lesotho's commitment to working cooperatively with the Council and Member States in promoting and protecting human rights for all.

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

399. Morocco stated that the review of Lesotho had demonstrated its true commitment to the promotion of human rights, despite the difficulties it encountered as a least developed country, receiving the lowest rate of official development assistance per capita. Although the global economic and financial crisis and climate change had inevitably had a negative impact on economic and social rights, Lesotho ensured the best protection and promotion of human rights and had had success in a number of areas, such as in tackling trafficking in women and children and ensuring better political representation of women. Lesotho's National Vision 2020 had identified priority areas to reduce poverty, and Morocco thanked Lesotho for accepting the recommendations it had made in this regard.

400. Algeria expressed its appreciation for the additional information submitted as an addendum to the Working Group report and for having accepted a large number of recommendations, some of which were already in the process of implementation. It recalled the commitment of Lesotho to the African Peer Review Mechanism, in which Lesotho had recently participated. Lesotho clearly demonstrated its commitment to the Mechanism, in particular in security sector reform, electoral system reform, the promotion of women's rights and the high rate of literacy in adults. In spite of being a least developed country, it had made rapid progress in the area of human rights, and called upon the international community to assist the country in facing the challenges created by the current financial and economic crisis, in particular in the vital areas of food security, reducing the high unemployment rate and the fight against HIV/AIDS.

401. Egypt welcomed the serious and open stance of Lesotho, emphasizing its commitment to implement the agreed recommendations fully. Egypt was convinced that Lesotho's positive and constructive engagement would translate into tangible steps to achieve the aspirations of the people of Lesotho. Lesotho was making commendable efforts to fulfil its obligations. As a land-locked least developed country, it faced particular challenges in relation to the fulfilment of some human rights, especially economic and social rights. In this regard, Egypt called upon the international community to extend the assistance required by Lesotho on the basis of its national priorities and in accordance with its international human rights obligations.

402. The United Kingdom of Great Britain and Northern Ireland was pleased to note that Lesotho had accepted a large number of recommendations and, in particular its recommendations on establishing the delayed national human rights commission in accordance with the Paris Principles, prioritizing the enactment of the draft Children's Protection and Welfare Bill, ensuring that provisions of the Convention on the Rights of the Child were fully incorporated into national legislation and prioritizing the enactment of the domestic violence bill. It also welcomed the provision of an addendum to the report of the Working Group and looked forward to future opportunities to discuss follow-up and implementation. It noted that its recommendation to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights did not enjoy Lesotho's support and expressed its hope that Lesotho would be in a position to reconsider that point in the future.

403. Nepal welcomed the commitments made by Lesotho and its comprehensive engagement with the universal periodic review process. It appreciated the initiatives taken by Lesotho in enhancing people's participation in law-making, policy formulation and the fielding of proposals to ensure the full enjoyment of human rights of its people. The high

literacy rates, the political empowerment of women, the improvement in health services and freedom of press were indicative of policy successes. The steps taken to establish a national human rights commission were laudable.

404. Nigeria commended Lesotho for its insightful comments on the Working Group report, which demonstrated the country's readiness to continue to engage with the United Nations human rights system. It commended Lesotho also for the additional information provided on the protection of human rights, in spite of the numerous challenges, and on its acceptance and work towards the implementation of most recommendations made during its review. It called on the international community to support these efforts through technical assistance and capacity-building programmes.

405. Zimbabwe thanked Lesotho for its acceptance of most of the recommendations and to the work in progress with regard to their implementation. This was clear testimony of Lesotho's full cooperation with the Council with a view to further enhancing and advancing the promotion and protection of human rights. Zimbabwe noted that, despite its limited resources, Lesotho had made tremendous progress in all fields that had helped consolidate human rights. Zimbabwe also noted with satisfaction that Lesotho had rejected recommendations which had been made in disregard for Lesotho's culture and traditions, which were deeply rooted in the promotion and protection of human rights through the oneness of the Basotho.

406. Botswana commended Lesotho's openness, objectivity and constructive engagement during the Working Group review, and congratulated the Government on providing responses to recommendations. It welcomed the fact that Lesotho had accepted the majority of recommendations and noted that a very good number was already being implemented, and wished it well in implementing them. Noting that Lesotho was a developing country that continued to face challenges in the implementation of its international human rights obligations domestically and internationally, it expressed the hope that the Government would benefit from the support of the international community in that regard.

407. Kenya warmly welcomed the delegation of Lesotho and thanked it for the reply to the recommendations made during the Working Group session. Kenya noted that Lesotho had made a great effort to accept most recommendations, which was a clear indication of its commitment to the promotion and protection of the human rights of its citizens. Kenya took note of the commitments made by Lesotho to improve human rights through the universal periodic review process, and congratulated it on the conclusion of its review.

408. South Africa commended Lesotho for having accepted the many recommendations made, and thanked its Government for the constructive approach demonstrated during the review process. South Africa regarded the recommendations as a contribution to the promotion and protection of human rights in the country, and would assist in the fulfilment of its human rights obligations. It recalled that many challenges facing Lesotho were caused by the current financial and food crisis and that continued work would be required in the provision of health services, especially to combat HIV/AIDS. It welcomed Lesotho's continued fight against poverty and the steps taken to eliminate discrimination against women and to improve the living standards of the people of Lesotho.

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

409. The Canadian HIV/AIDS Legal Network addressed recommendation 98, paragraphs 2, 4 and 5, which called for the amendment of the penal code provisions criminalizing consensual sexual activity between persons of the same sex, and stated that the criminalization of consensual same-sex activity constituted a violation of established international human rights law and undermined public health initiatives. It referred to the statements of the Nobel peace prize winner, Archbishop Desmond Tutu, and of the

Secretary-General, who called for an end to criminal laws against homosexuality, and expressed its disappointment that Lesotho had not accepted these recommendations.

410. Conectas Direitos Humanos expressed appreciation for the accommodating stance of Lesotho to the views of civil society during the review process and its willingness to establish a broad-based forum for the inclusion of civil society, academia and other sectors in creating governance structures based on respect for human rights. In its view, all recommendations made were in line with Lesotho's other commitments, particularly under the African Peer Review Mechanism and international legal instruments to which Lesotho was a party. It noted that the recommendations that did not enjoy support had to do with abolishing capital punishment, protecting LGBTI rights, combating trafficking of women and children, the decriminalization of defamation, the use of juvenile training centres as alternative care for children in conflict with law, as well as withdrawal of its reservation on article 2 of the Convention on the Elimination of All Forms of Discrimination against Women.

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

411. The Minister thanked the Working Group for the successful interactive session held in May. She appreciated the opportunity to further clarify Lesotho's stance on its commitment to the promotion and protection of the enjoyment of universal human rights by all before the Council. The delegation thanked the troika that had coordinated Lesotho's review. The delegation reiterated its commitment to work and cooperate with the Council and Member States. Lesotho could not implement its human rights obligations at a greater pace than that of the entire Lesotho nation. The delegation noted the need to enhance its capacity in training and raising awareness on human rights. Capacity and resources permitting, Lesotho would continue to carry out its human rights obligations.

#### **Kenya**

412. The review of Kenya was held on 6 May 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 Kenya in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/8/KEN/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/8/KEN/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/8/KEN/3).

413. At its 17th meeting, on 22 September 2010, the Council considered and adopted the outcome of the review of Kenya (see section C below).

414. The outcome of the review of Kenya comprises the report of the Working Group on the Universal Periodic Review (A/HRC/15/8), the views of Kenya concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group.

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

415. Kenya reiterated its commitment to the universal periodic review and to promoting universally recognized human rights and fundamental freedoms for all. Its new Constitution, promulgated on 27 August 2010, addressed governance challenges, renewed the faith of Kenyans in the rule of law and established value-driven national institutions. It



promised to restore integrity to the executive, judiciary, parliament and electoral system and represented a new beginning in the process of political transformation and a unique opportunity for national healing and reconciliation.

416. Recalling that 150 recommendations had been made by delegations during the review in May, Kenya had accepted 128 of these recommendations and postponed the consideration of 15. Only seven recommendations had not enjoyed the support of Kenya. With regard to the postponed recommendations, broad consultations had been held at the national level and a number of measures had been taken to implement them, many of which related to the holding of a peaceful referendum on the new Constitution, prohibiting discrimination on the grounds of sex, and implementation of human rights instruments to better protect children, marginalized communities, persons with disabilities and freedom of information, in addition to the need for institutional reform. The referendum on the new Constitution had been held on 4 August in a peaceful manner. The new Constitution guaranteed most of the rights that had been subject to the universal periodic review recommendations and also the right of everyone to institute court proceedings where rights had been denied or violated. The Government was also taking measures to reform the judiciary and the police, and had published a number of bills in this regard, including the Independent Police Oversight Authority Bill.

417. With regard to the recommendations on the ratification of international instruments, an advisory committee was assessing all international instruments, including optional protocols, to which Kenya was not a party. The death penalty had been retained in the new Constitution; any attempt to abolish it would not enjoy parliamentary approval at the present time.

418. While no action had yet been taken on the recommendation to establish a local tribunal to try the perpetrators of the 2007 post-election violence, Kenya had signed an agreement with the International Criminal Court granting it immunity and privileges to operate locally, thus allowing it to set up a court in the country to try post-election violence suspects should it wish to do so. Kenyan resistance to a local tribunal in preference to the International Criminal Court was born out of the mistrust that Kenyans had towards national justice mechanisms. It was hoped that the ongoing reforms in the justice system would help to change this perception.

419. With regard to the seven recommendations that had not enjoyed the support of Kenya in May, after national consultations, Kenya was now in a position to accept the recommendation on the protection of rights of “indigenous peoples”, without giving undue weight to the terminology, bearing in mind also that the new Constitution recognized the existence of marginalized communities, which included indigenous communities. Measures had been taken to implement recommendations on extrajudicial executions, including through institutional changes in the police and the enactment of new legislation.

420. In view of the above developments, of the seven recommendations that did not enjoy the support of the delegation in May, only the recommendation on decriminalizing same-sex unions had been rejected in full.

421. In conclusion, Kenya reaffirmed its commitment to the promotion and protection of human rights and its support for the universal periodic review process.

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

422. Algeria noted that the successful holding of the referendum on the new Constitution reinforced democracy in the country and was a major advance in realizing planned reforms. Algeria was particularly pleased with the progress made to promote social, economic and cultural rights through programmes aimed at achieving the Millennium Development

Goals. The long-term strategy contained in Kenya Vision 2030 guided the national development programme and projects promoting national reconciliation, economic reconstruction, as well as the fight against poverty and unemployment.

423. Egypt stated that it had had the honour of being a troika member for the review of Kenya. It noted that there was a high degree of openness on the part of Kenya in its consideration of the recommendations, and that such openness was also demonstrated by Kenya's cooperation with the universal periodic review process, as well as its seriousness and political will to sustain national reconciliation and institutionalize the promotion and protection of human rights. Egypt congratulated Kenya on the promulgation of its new Constitution. It noted the efforts made and challenges faced as described by Kenya in fulfilling its human rights obligations, and called on the international community to assist Kenya in this regard.

424. The United Kingdom of Great Britain and Northern Ireland was pleased to note that four of its recommendations enjoyed the support of Kenya, and welcomed the successful adoption of the new Constitution. It expressed disappointment, however, at Kenya's hosting of President Bashir at its constitutional ceremony, which was in violation of Kenya's obligations under the Rome Statute. There were numerous reports of impunity causing instability in Kenya. Action against impunity was vital to the future of the region. The United Kingdom welcomed the commitments made by Kenya to cooperate with the International Criminal Court to achieve justice for the victims of the 2007 post-election violence, as well as the commitments to improve human rights through the universal periodic review.

425. Morocco noted the considerable efforts made to promote economic, social and cultural rights through an ambitious development agenda. These objectives could not be achieved, however, without international assistance, particularly from the United Nations High Commissioner for Human Rights. Joint effort by the United Nations and the Government of Kenya were needed to secure implementation of the recommendations and voluntary pledges and to reinforce measures taken within the framework of Vision 2030. The visionary nature of this project would allow the Government to secure just and equitable development in all regions and consolidate the culture of social peace and national reconciliation.

426. Djibouti noted with satisfaction that most of the recommendations made during the Working Group session had been accepted, and encouraged Kenya to continue its efforts to secure the promotion and protection of human rights and meet the Millennium Development Goals.

427. Sri Lanka commended the manner in which Kenya had participated in the universal periodic review process and the detailed responses provided by the delegation. It welcomed the establishment of the National Commission on Gender and Development and the Anti-Corruption Commission, adding that the strengthening of institutional mechanisms was a key element in improving the overall human rights situation. Sri Lanka acknowledged Kenya's efforts in the promotion and protection of human rights and was pleased to note the achievements made.

428. Nepal congratulated the Government and people of Kenya on the new democratic Constitution, which had been endorsed by the people through a national referendum. Nepal welcomed Kenya's long-term plan, Vision 2030, and was encouraged to see the progress made in national reconciliation. Nepal also noted Kenya's active role in and constructive contributions to the Council.

429. Rwanda noted that Kenya had accepted most recommendations made during its review and had taken steps for their implementation. Rwanda had no doubt that the recommendations made during the review would continue to be used as guidelines by

Kenya in the implementation of its commitments. Rwanda congratulated Kenya on the recent promulgation of the new Constitution, which had been adopted by referendum, and commended the Government and people of Kenya for the peaceful and transparent manner in which the referendum had been conducted. Rwanda believed that the new Constitution would provide the Government with better tools to discharge fully its national obligations and commitments.

430. Nigeria congratulated Kenya on the successful conclusion of its constitutional review and the adoption of a new Constitution, and commended the delegation for its successful engagement in the universal periodic review process. It was pleased to note the undertakings and positive steps taken by Kenya to date in fulfilling its international human rights obligations and ensuring the enjoyment of economic, social and cultural rights. Nigeria encouraged Kenya to remain steadfast in pursuing measures in accordance with its national priorities to enhance the enjoyment of human rights by its people. Nigeria called on the international community to render all assistance necessary to Kenya to fulfil its human rights obligations.

431. Zimbabwe expressed its appreciation for the acceptance by Kenya of most recommendations, stating that those recommendations that had been rejected were of concern not only to Kenya, but to all Africans, as they were contrary to African traditions. Certain aspects of Kenya's human rights record had been exaggerated. Zimbabwe expressed optimism that the momentum in the promotion and protection of human rights in Kenya would be maintained.

432. Botswana welcomed the additional information provided in response to some of the issues that had been raised during the review, as well as the fact that Kenya had decided to accept many of the recommendations made. Botswana understood the challenges that some of the recommendations placed on the national legislative process and implementation framework, and hoped that Kenya would be accorded the policy space by the international community in the efforts to meet its domestic and international human rights obligations. Botswana also congratulated Kenya on the adoption of the new Constitution.

433. Lesotho noted with satisfaction that Kenya had accepted many of the recommendations made, including the recommendation made by Lesotho. It expressed appreciation for the measures taken to reduce poverty and to achieve economic development goals. Lesotho also noted with appreciation the efforts made in relation to the ratification of the International Covenant on Civil and Political Rights Optional Protocol 1, the International Covenant on Economic, Social and Cultural Rights Optional Protocol and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. It welcomed the decision to allow the International Criminal Court to investigate the 2007 post-election violence and stated that this, together with the adoption of the new Constitution, would go a long way in bringing about the much-needed reconciliation among Kenyans.

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

434. The Kenya National Commission on Human Rights commended Kenya for its positive engagement with the universal periodic review process, and would support and monitor the implementation of the recommendations. It also commended the people of Kenya for having adopted a new Constitution, which would aid the recovery of Kenya from its 2007 post-elections trauma. In this regard, punishing high- and middle-level perpetrators of the violence was a key part of the recovery process; Kenya should ensure cooperation with the International Criminal Court to this end. Kenya should take steps to better enable visits and human rights missions by United Nations mandate holders and put in place a clear policy framework to this end. The Commission also called on Kenya to seek the immediate *de jure* abolition of the death penalty.

435. Action Canada for Population and Development welcomed the fact that Kenya had accepted a number of recommendations and pledged to revise national laws to uphold fully the principle of non-discrimination, eradicate the use of torture and ill-treatment by public officials, and take effective measures to safeguard the work of human rights defenders. It was disappointed, however, that the Government had rejected recommendations to provide for the protection and equal treatment of lesbian, gay, bisexual, transgender and intersex persons, who were repeatedly discriminated against and continued to face threats of violence as well as torture, ill-treatment and harassment at the hands of public authorities. It recalled that the Secretary-General had stated that cultural considerations should not stand in the way of basic human rights, and urged the Government to respect, protect and fulfil the rights of all Kenyans.

436. The World Organisation against Torture commended Kenya for the adoption of a new Constitution, which provided a favourable legal environment for the protection and promotion of human rights. However, it was concerned by Kenya's breach of its obligations under the Rome Statute of the International Criminal Court by failing to arrest President Al-Bashir and by harassing two human rights defenders who publically protested on this occasion. Referring to the recent agreement between Kenya and the Court to enable the latter to conduct investigations into the 2007 post-election violence, it urged full cooperation with the International Criminal Court and the establishment of a domestic mechanism to facilitate the investigation and prosecution of other perpetrators, who would not be dealt with by the Court. It also urged Kenya to respect the work of human rights defenders and to raise public awareness concerning the degrading nature of the death penalty and the need for its abolition.

437. Rencontre africaine pour la défense des droits de l'homme deplored the fact that the Government had neither implemented the recommendations of the commission of inquiry into the post-electoral violence of 2007 nor the recommendations of the Special Rapporteur on extrajudicial killings. It also regretted the persistence of impunity, noting that those responsible for the post-electoral violence had still not been identified. At the same time, human rights defenders and witnesses of the violence continued to be subject to intimidation. It encouraged the Government to continue to strengthen relations between different communities and minorities in order to protect their rights and move towards the national reconciliation envisaged in the Kenya Vision 2030. It also encouraged the Government to combat discrimination against women, particularly in relation to female genital mutilation, and to harmonize anti-terrorist measures with international human rights standards.

438. Franciscans International welcomed Kenya's support for a significant number of recommendations, particularly those relating to the necessity of effective measures to prevent and punish all forms of violence against women, awareness-raising programmes on the rights of women, and the strengthening of law enforcement and the judicial system. It expressed concern at the situation of single mothers and urged Kenya to develop a policy addressing the specific challenges faced by this particular vulnerable group. Franciscans International urged Kenya to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. It welcomed Kenya's support for the recommendation made by Spain to ensure the equitable distribution of water and food to the entire population. It recommended that Kenya invest in research to prevent the negative impact of biofuel production on food production areas.

439. The International Federation of Human Rights Leagues applauded Kenya for supporting 128 recommendations and suggested, in the light of the adoption of the new Constitution, that the Government: (a) fully operationalize the provisions of the Persons with Disabilities Act 2003 and take measures to ensure the full realization and enjoyment of the rights of persons with disabilities; (b) pass the reproductive health bill into law to deal

comprehensively with the issues of reproductive health and maternal mortality; and (c) track the nature and extent of women's participation in the political arena and measures to enhance their participation. The Government was also urged to fulfil its obligations in respect of the rights to education, health, housing and food, as enshrined in the new Constitution.

440. Conectas Direitos Humanos applauded Kenya for reconsidering the recommendations pertaining to the rights of indigenous peoples. It was encouraged by the promulgation of the new Constitution and the expansion of its bill of rights to include the rights of minorities and marginalized groups. It suggested that Kenya implement fully the recommendations relating to minorities and indigenous peoples; commit to the implementation of recommendations relating to indigenous peoples made by the Special Rapporteur; and consider ratifying ILO Convention No. 169 and adopting the United Nations Declaration on the Rights of Indigenous Peoples.

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

441. Kenya stated that the Ministry of Justice had set a timeline to consider the outcome of the universal periodic review and to prepare a road map for its follow-up. Referring to its constitutional process for ratifications, Kenya noted that the question of ratification of international instruments, including the Convention on Enforced Disappearances and ILO Convention No. 169, would be considered soon. In this context, Kenya also pledged to submit a progress report to the Council.

#### **Armenia**

442. The review of Armenia was held on 6 May 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 Armenia in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/8/ARM/1);
- (b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/8/ARM/2);
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/8/ARM/3).

443. At its 17th meeting, on 22 September 2010, the Council considered and adopted the outcome of the review of Armenia (see section C below).

444. The outcome of the review of Armenia comprises the report of the Working Group on the Universal Periodic Review (A/HRC/15/9), the views of Armenia concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/15/9/Add.1).

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

445. Armenia thanked all States Members of the Human Rights Council and observers that had participated in its review at the Working Group session in May 2010 with a constructive attitude, sharing their assessment of the human rights situation in the country. Armenia noted that this had reassured the country of its successes on the path to building a truly democratic society where the rule of law reigns and all human rights are fully protected and promoted. Likewise, the review was a chance to revisit all outstanding issues.

446. Armenia approached the universal periodic review process with a genuine will to get the utmost out of this exchange among friends in order to make adjustments to their existing policies and adopt new ones, if necessary, to advance further the human rights situation in the country. Armenia was the first delegation to respond in writing to all advance questions before the review, and hoped that this would become a practice in the Council, as it allowed more informed and updated recommendations to be presented to Member States under review.

447. Regrettably, Armenia's open and constructive approach was not entirely reciprocated. Attempts had been made at the review to politicize the discussion, diverting it to issues that went beyond the scope and mandate of the Working Group. Moreover, the unacceptable procedural violations with which the draft report was prepared raised numerous concerns with the delegation, making it imperative for the Council to continue its work to improve working methods to ensure equal treatment among all States Members of the United Nations and to clarify that political considerations should never get in the way of clearly defined rules.

448. Armenia had received 85 recommendations from 47 countries and expressed its position on 80 of them during the Working Group meeting on 10 May. A total of 52 recommendations were considered implemented or in the process of implementation, and 27 enjoyed its support as being in line with the policies in place and projected programmes. Only one recommendation had been rejected as not corresponding to the actual situation on the ground.

449. In the follow-up to the universal periodic review discussion, Armenia has again closely reviewed the remaining five recommendations. To this end, a round table was organized in July 2010 with the participation of the representatives of ministries and all international and regional organizations represented in the country. Armenia prepared written answers to the remaining five recommendations and those regarded as already implemented. Its views had been presented in detail in the document submitted to the Council in September 2010 (A/HRC/15/9/Add.1). Armenia was not able to accept in full two recommendations, and rejected another two. Armenia had accepted 81 of 85 recommendations, or 95 per cent of all recommendations.

450. Armenia had accepted recommendation 95.1. It rejected recommendation 95.3, since politically motivated prosecution is not exercised in Armenia. Moreover, any case of such allegations needs thorough consideration, and no international reliable body, including those within the Council of Europe, had registered any such cases in Armenia, despite the allegations.

451. Armenia regarded recommendation 95.4, on granting licences to radio and television broadcasters, as implemented.

452. Armenia rejected in part two of the remaining recommendations (95.2 and 95.5) that were pending the Government's position. No separate definition of discrimination against women could be introduced to Armenian legislation, as all manifestations of discrimination were prohibited by article 14.1 of the Constitution and the criminal, labour and family codes. Current legislation was in full accordance with this requirement; the introduction of a separate clause referring to one of the sexes would violate the gender neutrality principle of Armenian legislation. With regard to the law on conducting meetings, assemblies, rallies and demonstrations, Armenia had experienced significant changes in 2008, which had allowed for a more clear and unequivocal regulation of relations. All amendments to the law had undergone international expertise to ensure that they were in conformity with international standards and those of the Council of Europe.

453. Armenia regarded 16 recommendations as already implemented and had presented a detailed account of its position in the addendum. Two other recommendations had also

been implemented. Recommendation 94.8 had been successfully implemented, and the Working Group on Arbitrary Detention had recently concluded its visit to Armenia, held from 6 to 15 September 2010. Recommendation 94.23 on the decriminalization of libel had also been implemented when the criminal code was amended on 18 May 2010 by the National Assembly. Its full implementation was also guaranteed by the respective changes introduced into the civil code of Armenia.

454. Armenia was willing to comply with the recommendations, review its policies, carry on with its commitments to ensuring political rights, continue reforms to protect human dignity and freedom of thought, conscience and religion, enforce economic, social and cultural rights and strengthen national human rights institutions. Armenia appreciated the assessment of the specific steps that the country had taken to improve the lives of its citizens, and of women and children in particular.

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

455. Algeria noted Armenia's commitment to continue to cooperate closely with United Nations human rights bodies and its accession to a large number of human rights treaties. Algeria praised again the progress made in the fields of health care and the reduction in the infant mortality rate, as well as the efforts aimed at combating poverty and improving the living conditions of its people. Algeria welcomed the additional information provided by Armenia, as well as its commitment to the promotion and protection of human rights. Algeria noted that Armenia had accepted a large number of recommendations, including those made by Algeria.

456. Azerbaijan noted that 11 of the recommendations it had made had been accepted by Armenia, and underscored that their implementation would have a positive impact on the overall human rights situation in the country. Azerbaijan regretted that its recommendation on measures to eliminate discrimination against the Yezidis had not been accepted because it did not correspond to the current situation. It emphasized that the recommendation reflected a 2002 concern expressed by the Committee on the Elimination of Racial Discrimination, which had been included in the compilation prepared by OHCHR in the context of the review.

457. Egypt welcomed the commitment of Armenia to the universal periodic review process, which it demonstrated not only by the acceptance of 81 of 85 recommendations during the review session, but also by its willingness to cooperate on the remaining recommendations. Egypt appreciated in particular the acceptance by Armenia of the four recommendations made by Egypt. Egypt was confident that Armenia would spare no effort to continue its work to promote and protect human rights and fundamental freedoms. Egypt also welcomed the establishment in recent years of an office of the human rights defender.

458. Cyprus noted with appreciation that Armenia had participated in the universal periodic review process in good faith and showed a sincere will to discuss its human rights record. This constructive approach demonstrated Armenia's willingness to engage in a genuine dialogue with respect to its international obligations. Cyprus commended Armenia for having accepted the overwhelming majority of the recommendations, including those it had made. It also noted with appreciation that Armenia had seriously responded and even accepted recommendations from countries with which it does not have diplomatic relations, thereby demonstrating its respect for the universal periodic review process.

459. The United Kingdom of Great Britain and Northern Ireland thanked Armenia for its responses to the recommendations contained in the report of the Working Group. It welcomed the support for their recommendations, namely the signing and ratification of the second Optional Protocol to the International Covenant on Civil and Political Rights; taking

immediate steps to make domestic violence a criminal offence; and the ratification of the Rome Statute of the International Criminal Court. While welcoming the commitment of Armenia to tackle domestic violence, the United Kingdom encouraged Armenia to address the full spectrum of discrimination experienced by women.

460. According to Belarus, the universal periodic review made it possible to assess the success achieved by the country in implementing economic and social rights and in developing its legislation. It welcomed the intention of Armenia to work further to implement the recommendations, the great majority of which had been accepted. Belarus commended the steps taken by Armenia to implement its treaty body obligations as well as the Government's policy to ensure religious freedom and the measures to combat trafficking, including through the recent adoption of the third national plan of action to combat trafficking in persons.

461. The Russian Federation welcomed the constructive approach of Armenia to the universal periodic review. Armenia had accepted almost all of the recommendations, most of which had been or were being implemented. Implementation would serve to build further upon the progress achieved on a broad range of human rights protection issues in Armenia. It noted the work done in the preparation of the national report, which attested to Armenia's serious approach to the universal periodic review, and its intention to work to take concrete measures to improve human rights in the country.

462. Kazakhstan stated that the universal periodic review process had been a good opportunity to enhance further Armenia's efforts to promote and protect human rights, and that Armenia had demonstrated its commitment to cooperate constructively with the review mechanism. Kazakhstan noted with appreciation that Armenia had supported 81 of 85 recommendations made during the Working Group review. Kazakhstan expressed its conviction that Armenia would continue its efforts to protect human rights, and encourage the Government to pay more attention to the improvement of the rights and living conditions of the most vulnerable.

463. Italy took note of the recent developments since the review of Armenia, namely the ratification of the Convention on the Rights of Persons with Disabilities and the adoption of the 2010–2012 national plan of action for combating trafficking in human beings for the period. Italy looked forward to the adoption of the law ensuring equal rights and equal opportunities for men and women, the draft of which was under elaboration. The universal periodic review outcome could form the basis of further initiatives for the promotion and protection of human rights in Armenia, with a view to establishing new forms of cooperation with United Nations agencies and regional organizations.

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

464. Verein Sudwind Entwicklungspolitik (Sudwind) commended Armenia for its acceptance of the majority of the recommendations made during the interactive dialogue, including the recommendations regarding the ratification of several international instruments and those on the adoption of a law to ensure equal opportunities for men and women, and of the third national plan on combating trafficking. Armenia was, however, a country with a traditionally patriarchal society and a high rate of violence against women; Sudwind thus urged it to pay more attention to this issue and, in particular, to accelerate the process of adopting a national law on violence against women.

465. In a joint statement, the European Region of the Lesbian and Gay Association (ILGA-Europe) and Federatie van Nederlandse Verenigingen tot Integratie Van Homoseksualiteit (COC Nederland) urged Armenia to ensure compliance with international standards by providing public education and awareness-raising programmes on discrimination on the grounds of sexual orientation and gender identity, and organizing



sensitivity training for police, judicial and other authorities to promote respect for all persons, including on the grounds of sexual orientation and gender identity. They also urged it to apply the Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity as a guide to assist policymaking in this area.

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

466. With regard to a comment made by a delegation, Armenia recalled that the situation did not correspond to the current state of affairs on the ground, and that the report presented contained outdated information. The most updated information was available in the reports of respective Council of Europe bodies, which stated that there was no discrimination against any national minority in Armenia. The reports to be submitted to the Committee on the Elimination of Racial Discrimination and the Committee on the Rights of the Child in the near future, which would contain a chapter on the situation of the rights of minority children, would confirm the situation and enhance their efforts in this direction.

467. Armenia reaffirmed its commitment to implement all its obligations to improve the protection and promotion of human rights in the country. Armenia stood ready to fully cooperate with the Council, all United Nations special procedures and all actors in the field, at the national or international levels, to achieve prosperity and the full enjoyment of all rights by all citizens in the country.

468. Armenia stated that recommendations 95.2 and 95.5, which had been partially rejected, had been noted.

469. Armenia thanked the President of the Council, the troika Member States, OHCHR and the secretariat for all the support extended to Armenia in the process.

#### **Sweden**

470. The review of Sweden was held on 7 May 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 Sweden in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/8/SWE/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/8/SWE/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/8/SWE/3).

471. At its 18th meeting, on 22 September 2010, the Council considered and adopted the outcome of the review of Sweden (see section C below).

472. The outcome of the review of Sweden comprises the report of the Working Group on the Universal Periodic Review (A/HRC/15/11), the views of Sweden concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/15/11/Add.1).

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

473. The Permanent Representative of Sweden to the United Nations at Geneva, Jan Knutsson, stated that the promotion and respect of universal human rights was a core value and a central priority for Sweden, and a cornerstone of Sweden's foreign policy. Sweden

welcomed the opportunity to engage in its human rights work with interested parties, and stated that ensuring respect for its international human rights obligations was an ongoing process.

474. While preparing for the review, Sweden consulted civil society organizations, including those representing indigenous peoples and national minorities. The draft national report was posted on the Government's human rights website, to ensure the broadest possible transparency. After the review, Sweden held a first follow-up meeting with civil society.

475. Sweden received a large number of recommendations, of which it had accepted the great majority. Some of the issues deserving further consideration were addressed in the addendum to the Working Group report.

476. Several States encouraged Sweden to establish a national human rights institution. The Delegation for Human Rights was examining this issue, and its findings would be presented to the Government by 30 September 2010. Accordingly, pending the result of the inquiry, the Government would not yet take a position on the matter.

477. With regard to the recommendations relating to racism and the treatment of immigrants and members of minority groups, Sweden was committed to be an open and inclusive society. Crimes of a racist, xenophobic or homophobic nature ran counter to Swedish fundamental values; since the mid-1990s Sweden had taken a number of steps to counter worrying indications of an increase in hate crime, and would continue to do so.

478. Sweden did not accept the recommendation calling upon it to ban racist organizations. Sweden explained that there was a constitutional ban on censorship, so public authorities were not allowed to scrutinize texts or other messages prior to their dissemination. Sweden had comprehensive legislation in place to address racism. The penal code contained provisions covering contempt or discrimination on the grounds of race, colour or national or ethnic origin, namely those relating to agitation against a national or ethnic group and unlawful discrimination. The Act on Responsibility for Electronic Bulletin Boards also counteracted agitation against a national or ethnic group and could be applied to racist propaganda. The penal code provided for aggravated sentencing when the motive for an offence was xenophobic or otherwise motivated by hatred. Thus, while an organization as such may not be illegal, specific statements of a racist character were punishable.

479. Sweden accepted the recommendation to pay more attention to the issues of Islamophobia, hatred towards Muslims and incitement to hatred against Muslims, while emphasizing that the Government was already paying continuous attention to these issues.

480. Regarding the recommendation to provide health care to persons residing in Sweden without a permit on the same basis as to persons domiciled in the country, asylum-seekers under the age of 18 years and children who had gone into hiding were entitled to health and medical care on the same conditions as all other children domiciled in Sweden. Nobody could be denied emergency care on the grounds of inability to pay. A Government inquiry was currently examining the issue of subsidized health care for persons staying in Sweden without having applied for the necessary permits, and its final report would be released in May 2011. Therefore, the issue raised by this recommendation was under review.

481. Regarding recommendations related to the Sámi indigenous people, a central tenet of Swedish policy was that the Sámi were to enjoy the very same respect for human rights as all other persons. Parliament had recognized the Sámi as Sweden's only indigenous people, and the Government proposed to Parliament in December 2009 that the Constitution be amended to give explicit recognition to the Sámi.

482. Sweden regarded the universal periodic review as part of its national endeavours to ensure systematic human rights work, and that recommendations would be an important reference point in its work. It would continue to consult stakeholders in the follow-up to the review.

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

483. Cuba noted that Sweden had rejected an important number of recommendations, without providing explanations with regard to many of them. It noted with concern that Sweden had rejected Cuba's recommendation to put an end to the denial of the right to education of children belonging to minorities or children which did not have a residence permit. Cuba noted Sweden's response, which it considered incompatible with Sweden's international obligations regarding the rights of the child. It regretted the fact that Sweden had also rejected its recommendation to put an end to the utilization of Swedish territory as a transit point for the Central Intelligence Agency's flights transporting people whose human rights had been violated. Sweden had not yet identified those responsible for these acts and had not brought them to justice. Cuba encouraged Sweden to strengthen its efforts to combat racial discrimination, xenophobia and intolerance, especially discrimination against Sinti and Roma minorities, and migrants and their families.

484. Algeria extended its warm greetings to the delegation of Sweden. It noted as a welcome sign the fact that Sweden had adopted 88 recommendations at the level of the Working Group, including 2 recommendations made by Algeria. However, referring to Algeria's recommendation to adhere to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, a core human rights instrument, Algeria noted Sweden's comments according to which it had already complied with most of the principles set out in the Convention. This was fortunate; Algeria recalled that the Parliamentary Assembly of the Council of Europe, of which Sweden was a member, had adopted recommendation 1731 of 17 March 2006, in which it recommended the ratification of the said Convention. Algeria thus stressed that the adherence of Sweden to the Convention would make it possible to address the allegations of exploitation of Asian migrants in Sweden.

485. Belarus noted that the 147 recommendations made provided an overall picture of the rights climate, which convinced Belarus that there was no one country spared from shortfalls in the promotion and the protection of human rights. Belarus was grateful for the submission of detailed comments on the recommendations it had made, but regretted the fact that Sweden declined Belarus' recommendation relating to the development of a policy to strengthen the institution of the family and to develop traditional family values. Belarus could not agree with Sweden's idea that there was no pressing need to step up the significance of the family. Belarus regretted the fact that Sweden declined another recommendation made on the adoption of measures to prevent the dissemination of views and propaganda based on racial hatred. Belarus did not believe that there was a rational balance in the national legislation between the protection of freedom of opinion and the prohibition of manifestations of racial hatred, including in the mass media. Belarus called upon Sweden to continue to work to develop further its migration policy and to bring its national legislation into line with international standards. It noted with regret that Sweden had rejected all recommendations relating to the accession to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

486. The Islamic Republic of Iran appreciated the fact that some of its recommendations had been accepted or noted. However, it remained concerned over a number of issues, inter alia, Sweden's rejection of the recommendation to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the

persistent discrimination against Roma and Sámi and the increasing number of racially motivated hate crimes; the implementation of a ban on racist organizations; the specific needs of migrant children and their rights to education, health and adequate housing; the issue of torture in national legislation; and violence against women and the need to develop a national plan of action to combat it. It called upon the Government of Sweden to adopt and take effective laws and measures to address the recommendations effectively, including those provided by the Islamic Republic of Iran.

487. Thailand commended the active contribution of the Government of Sweden to human rights and humanitarian activities at both the domestic and international levels. Thailand supported the recommendation that the Government consider the establishment of a national human rights institution in accordance with the Paris Principles. It also welcomed the recommendations relating to measures dealing with violence against women. Thailand encouraged Sweden to strengthen further the protection of human rights of migrant workers, especially the rights of women victims of trafficking. Thailand urged Sweden to take steps to ensure the implementation of its policies on combating sexual violence and its law prohibiting the purchase of sexual services, hoping that these laws would be an important tool for preventing the trafficking and sexual exploitation of women and children.

488. Indonesia thanked the delegation of Sweden for its updates and detailed information. It commended Sweden's long-standing tradition of promoting human rights, democracy and providing international development assistance to countries in need. It noted that Sweden had not yet established a national human rights institution in line with the Paris Principles, and reiterated its recommendation that it continue to work in this area. While expressing support for press freedom and freedom of expression, Indonesia stressed that deliberate religious-based provocative acts only perpetuated Islamophobia and intolerance and undermined collective efforts to promote peace, mutual respect and understanding between different communities. Indonesia hoped that such examples of intolerance would not be repeated and that Swedish legislation prohibiting such crimes and hate speech would be strengthened. Indonesia also welcomed Sweden's initiative to establish bilateral dialogues on human rights, including with Indonesia.

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

489. The International Save the Children Alliance called on Sweden to prioritize the rights of undocumented children by, inter alia, implementing recommendations calling it to adopt a legislative framework to ensure that all migrant children have access to the same health-care services. It stressed the importance of including both undocumented children and adults in the right to health care, since the well-being of a child was linked to that of the child's parents. It referred to recommendation 95.80, and called on the Government to ensure that the principle of the best interest of the child would guide all related processes and decisions, especially in asylum-seeking cases involving children. The Alliance called upon Sweden to appoint an inquiry charged with framing legislation establishing that child-specific reasons or specific forms of persecution may serve as grounds for granting refugee or other protective status.

490. The Women's International League for Peace and Freedom strongly supported the recommendations made by treaty bodies that Sweden should allocate sufficient funding for the advancement of women and, in this regard, requested the Government to look at disarmament and a decrease in military spending as ways to ensure sufficient funds. The Beijing Declaration and Platform for Action that called on Governments to reduce excessive military expenditure and control the availability of armaments with the purpose of increasing the amount of available resources for, inter alia, human security, renewable energy and sustainable infrastructure. Selling arms to unstable countries undermined the principle of the responsibility to protect and facilitated budget allocations contrary to both

the letter and the spirit of the Beijing Declaration and Platform for Action, the Charter of the United Nations and the recommendations of treaty bodies. The League called on Sweden to reconsider its trade policies, in particular the sale of arms and equipment, so as to comply with its international obligations.

491. In a joint statement, the European Region of the Lesbian and Gay Association (ILGA-Europe) and Federatie van Nederlandse Verenigingen tot Integratie Van Homoseksualiteit (COC Nederland) commended Sweden in particular for accepting recommendations 95.45, 95.87 and 96.9 relating to the protection of all persons against discrimination based on sexual orientation. ILGA-Europe and COC Nederland noted that the new Discrimination Act was a positive development, however, they remained concerned about the existing sterilization requirement for transgender people in order to have their gender changed in their passport. They called upon Sweden to adopt legislation in order to change this situation. They also recommended that it extend the promotion of equality of rights and opportunities in relation to sexual orientation or gender identity to legislation, policies and practices concerning people who seek asylum based on their sexual orientation, gender identity or gender expression.

492. The Indian Council for South America, also on behalf of the Indigenous Peoples and Nations Coalition and the International Council for Human Rights, commended Sweden for accepting the recommendations calling for the recognition and implementation of the rights of the Sámi people. It recalled the importance of the right to self-determination and stressed that it was up to the Sámi people to decide whether or not they would like Sweden to adopt the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) or to apply it. It also commended States for calling on Sweden to recognize Sámi land and territory rights, but added that consent and full consultation by Sámi people was required. It reiterated its support for the recommendations relating to granting women high-level positions at important levels of decision-making. It called upon Sweden to take the recommendations regarding combating discrimination against migrants and other peoples in Sweden seriously.

493. The Charitable Institute for Protecting Social Victims, also on behalf of the Organization for Defending Victims of Violence, expressed its deep concern about the increase of racially motivated crimes and racist propaganda, as well as about the situation of unaccompanied migrant children and the lengthy holding of such children in custodial centres. It urged the Government of Sweden to pay more attention to Islamophobia, hatred towards Muslims and incitement to hatred against Islam and Muslims, including through newspaper articles and caricatures of the Prophet Mohammed published by certain media. It also called on Sweden to intensify its efforts to punish and prevent discrimination based on ethnic grounds in all areas of life, in particular in cases affecting children and women belonging to ethnic minorities, refugees and members of migrant families.

494. The World Association for the School as an Instrument of Peace reiterated the importance of the universal periodic review for the human rights of the Sámi people. It highlighted the fact that the Sámi were looking forward to the implementation of the United Nations Declaration of the Rights of Indigenous Peoples, the legal clarification regarding the consequences of the ratification of ILO Convention No. 169, and the Sámi Convention to establish a Nordic framework for freedoms and equality. The Sámi believed that a national human rights institution would also be an important development to realize their rights. The Association was eager to see the implementation of South Africa's recommendation on the promotion and protection of economic, social and cultural rights of the Sámi and their access to land and cultural life. It attached importance to the respect of fair trial guarantees in land cases, as highlighted by the Committee on the Elimination of Racial Discrimination and the Human Rights Committee.

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

495. Sweden thanked all those who had participated in the outcome of the review and expressed its gratitude for the views conveyed, in particular the interventions by non-State stakeholders.

496. Sweden regarded the universal periodic review as part of its national endeavours to ensure systematic human rights work. It had accepted the great majority of the recommendations, which it regarded as an important input for its future work related to human rights. The follow-up would be a central part of the mandate of the inter-ministerial working group for human rights.

497. Sweden referred to other important ongoing human rights initiatives being carried out, such as the upcoming report of the Delegation for Human Rights, expected by 30 September 2010, which would include proposals on how to provide continued support to work towards ensuring full respect for human rights. It also mentioned the evaluation of the second national human rights plan of action during 2010, which would include an assessment of the achievements and results of the plan as well as recommendations for the continued systematic work with human rights at the national level. Both initiatives would be an important input for a future Government communication to Parliament.

498. Sweden pledged to consult closely with civil society and other stakeholders in the follow-up to the review, and reiterated its continuous engagement with the Council. Sweden intended to maintain its ambitions regarding the implementation of human rights issues on a national level; the universal periodic review process would continue to constitute a vital part of that work.

#### **Grenada**

499. The review of Grenada was held on 10 May 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 Grenada in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/8/GRD/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/8/GRD/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/8/GRD/3).

500. At its 18th meeting, on 22 September 2010, the Council considered and adopted the outcome of the review of Grenada (see section C below).

501. The outcome of the review of Grenada comprises the report of the Working Group on the Universal Periodic Review (A/HRC/15/12), the views of Grenada concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group.

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

502. Grenada provided its response to recommendations made during the review in the Working Group.

503. With regard to the recommendations on the abolition of the death penalty and to establish a formal moratorium on executions, Grenada could not accept these recommendations since the death penalty was still part of the legislation, although there

was a de facto moratorium on the death penalty. Furthermore, the death penalty was indeed no longer mandatory as enunciated in the Privy Council's decision in 2006. While it remained in the law, the death penalty has not been applied for decades.

504. With regard to the recommendations made to extend an open and standing invitation to all special procedures mandate holders, Grenada was willing to cooperate with all human rights mechanisms. However, in view of the burden associated with an open invitation, and bearing in mind its limited resources, it could not do so at this time. Nonetheless, Grenada acknowledged the pivotal role the special procedures played in ensuring compliance with human rights obligations, and hoped to be able to extend the invitation when its resources could meet the burden.

505. With regard to recommendations to ratify human rights treaties, and in particular core instruments such as the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Rome Statute of the International Criminal Court and other conventions, Grenada would consider the ratification of necessary treaties but could not accept recommendations to ratify all of them. There was an ongoing review of all treaties and human right instruments with a view to taking a position on them, within the context of local laws, available resources and the country's priorities. Indeed, a counsel had been appointed to facilitate this process; the Government would welcome any assistance to moving the process forward, especially in the area of reporting and fulfilling its obligations in a timely manner.

506. On the recommendations that it harmonize domestic laws to meet its international obligations, Grenada would consider the harmonization of its local laws to conform to the international obligations within the context of available technical resources. This was part of an ongoing law reform process.

507. On the issue of the establishment of a human rights institution in line with the Paris Principles, Grenada would consider recommendations in this regard. As indicated in its national report, there was already a human rights institution in Grenada, and the Government intended to strengthen its capacity with a view to achieving its conformity with the Paris Principles. Grenada also confirmed the existence of an office of the Ombudsman, which the Government intended to strengthen to perform its functions in accordance with relevant laws.

508. With regard to recommendations to take steps to improve prison conditions, overcrowding and the housing of detainees, Grenada would accept such recommendations and consider taking further steps to alleviate all overcrowding found in the prisons. The Government had been taking all steps necessary to address this issue and, in fact, there was an ongoing effort in this regard, as a new prison facility was under construction.

509. In relation to recommendations to abolish corporal punishment, Grenada informed the Council that it could not accept them, since the use of corporal punishment was permitted under the local laws of Grenada in certain cases. However, awareness was being raised regarding the issue and in order to encourage its non-application.

510. On the adequate protection of children under domestic laws, Grenada accepted the recommendations to take further appropriate measures to protect children under its laws. Under current laws, children (both boys and girls) were given equal protection, although harmonization of necessary legislation was being contemplated. All reported abuses relating to children were promptly investigated with the Child Welfare Authority working together with the police.

511. With regard to the issue of raising the minimum age of criminal responsibility to accepted levels, Grenada would consider these recommendations and attempt to address this issue under the ongoing law reform exercise.

512. On domestic violence, Grenada accepted the recommendations to increase its efforts to prevent domestic violence and to strengthen actions to assist victims of domestic violence. In this regard, the Government attached significant importance to crime prevention and security, and would continue to strengthen the police force in the pursuit of professional excellence.

513. With regard to the adoption of domestic legislation to ensure that human trafficking was prohibited under the criminal code and the harmonization of legal provisions on the punishment and prevention of human trafficking, Grenada would consider the recommendations to harmonize the provision of its domestic laws on the punishment and prevention of human trafficking. However, though the offence of human trafficking was not criminalized under the criminal code, related offences were. Grenada would continue to raise awareness of the crime of human trafficking. The Palermo Protocol had been ratified and there are ongoing efforts and discussions to specifically criminalize the offence of human trafficking under national laws.

514. With regard to the decriminalization of sexual offences between consenting adults of the same sex, Grenada could not accept these recommendations as this was an offence under domestic legislation. The Government would, however, continue to raise awareness of the issue and encourage tolerance.

515. With regard to the recommendation to strengthen the original programme aimed at achieving universal secondary education, Grenada accepted this recommendation and would strive to strengthen its ongoing programme aimed at achieving universal secondary education.

516. On the issue of continuing the implementation of programmes aimed at achieving a national health-care system that responded adequately to the needs of the population and made efforts to prevent the spread of HIV/AIDS possible, Grenada would accept this recommendation and continue to implement programmes providing efficient and holistic health-care services, with a view to achieving a national health-care system that served the needs of the populace.

517. Lastly, with regard to seeking assistance to be able to fulfil its international obligations, Grenada would seek necessary support and assistance where it was needed to fulfil its international obligations. Grenada welcomed any assistance that would assist the discharge of not only its international obligations but also, in terms of general assistance, enhance its ability to perform better.

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

518. Algeria commended Grenada for its participation in the universal periodic review process. During the interactive dialogue, it had noted Grenada's commitment to good governance, accountability, and the rule of law. It had also noted with appreciation the efforts made to prevent crime and to train the police. Algeria requested Grenada to clarify how many of the 92 recommendations made were regarded as adopted or rejected. In particular, Algeria was interested in knowing what decision had been taken regarding the recommendation to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Algeria observed that Grenada was one of a number of small resource-deficient developing countries facing many challenges.



519. The United Kingdom of Great Britain and Northern Ireland welcomed Grenada's active participation in the universal periodic review process, and noted that Grenada had accepted a number of recommendations. It would have, however, welcomed Grenada's response to its recommendation to continue to work to ensure that domestic legislation conformed with international human rights laws, and where necessary, seek the assistance of the international community. Noting the de facto moratorium on the death penalty and the agreement to invite special procedures mandate holders, when resources would allow, the United Kingdom hoped that Grenada would reconsider its recommendations on those two issues before its next review. It valued its close relationship with Grenada and hoped that the two countries could continue to maintain an active dialogue on the issues raised in the report.

520. Morocco thanked Grenada for clarifying its position on the recommendations made during the Working Group session, the strong commitment to human rights and its spirit of openness and frank dialogue demonstrated during the review. Morocco commended Grenada's efforts, in particular for vulnerable members of the population, such as women, children, the elderly, the disabled and the poor. It welcomed Grenada's decision to accept almost all of the recommendations made, which reaffirmed the country's commitment to fulfilling its international obligations. It congratulated Grenada on its efforts to build the capacity of the national human rights institution in accordance with the Paris Principles. Morocco welcomed the strengthening of cooperation between the two countries and expressed strong support for Grenada in its implementation of recommendations.

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

521. The Canadian HIV/AIDS Legal Network addressed recommendations 82–86, which called on Grenada to decriminalize same-sex conduct between consenting adults, and noted that, during the Working Group review, Grenada had acknowledged that laws prohibiting consensual same-sex conduct could be viewed as discriminatory, as they took away the freedom of the individual. It also noted the recognition by Grenada that, with time, increasing tolerance would help to address this issue. It welcomed the acknowledgment that consideration needed to be given to repealing such laws, which had a discriminatory impact. It noted that, in 2009, the Human Rights Committee had recommended that Grenada repeal those provisions. The Committee had also noted that such laws ran counter to the implementation of effective education programmes in respect of HIV/AIDS prevention by driving marginalized communities underground.

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

522. In response to the additional questions asked regarding the ratification of treaties, Grenada stated that the issue was being reviewed and that no position had yet been taken. With regard to the question of harmonization of internal law, Grenada reiterated that it was considering harmonizing all laws that were not in compliance with its international obligations and that it would work to ensure that international obligations were met. Regarding the question on how many recommendations had been accepted, Grenada explained that most recommendations had been considered positively, with the exception of certain issues, such as the death penalty, corporal punishment and standing invitations. Grenada thanked the participants for their questions.

#### **Turkey**

523. The review of Turkey was held on 10 May 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 Turkey in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/8/TUR/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/8/TUR/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/8/TUR/3).

524. At its 18th meeting, on 22 September 2010, the Council considered and adopted the outcome of the review of Turkey (see section C below).

525. The outcome of the review of Turkey comprises the report of the Working Group on the Universal Periodic Review (A/HRC/15/13), the views of Turkey concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/15/13/Add.1).

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

526. The representative of Turkey stated that the Government regarded the protection and promotion of human rights as a political priority. An extensive reform process, including constitutional amendments, had been undertaken, while an important anti-terrorist effort was ongoing.

527. Turkey had adopted universal standards by amending its legislation, accelerated the ratification of international conventions and intensified the training of law enforcement personnel and other civil servants.

528. Article 90 of the Constitution was amended in 2004 to stipulate that, in the event of conflict between the provisions of national legislation and international agreements, the latter would prevail.

529. Capital punishment, which had not been applied since 1984, was abolished in 2004. Turkey was party to protocol 6 to the European Convention on Human Rights on the abolition of the death penalty, and to protocol 13, which abolished the death penalty even in time of war.

530. Since 1987, Turkish citizens have the right to individual application to the European Court of Human Rights. Its compulsory jurisdiction had been recognized in 1990.

531. Relevant legislation on freedom of expression was being harmonized with the case law of the European Court of Human Rights and other international instruments.

532. Turkey was determined to fight torture and ill-treatment, and had a zero-tolerance policy.

533. Turkey had issued a standing invitation to special procedures in 2001 and closely collaborated with all international monitoring bodies and mandate holders.

534. As a result of the provisions contained in the constitutional amendment package adopted by referendum on 12 September 2010, human rights and fundamental freedoms had been expanded and the constitutional system brought into line with Turkey's international obligations. The amendments eliminated several shortcomings referred to in the judgements of the European Court of Human Rights, and enabled the implementation of several recommendations of, inter alia, the Council of Europe Commissioner for Human Rights, the Venice Commission, the European Commission against Racism and Intolerance, the Monitoring Committee of the Parliamentary Assembly of the Council of Europe, the Committee on the Elimination of Discrimination against Women and the Committee on the Elimination of Racial Discrimination.

535. Improvements brought about by the recent constitutional reform included:

- (a) The inclusion of positive discrimination as a constitutional right for persons who require social protection, such as women, children, the elderly and the disabled;
- (b) Constitutional guarantees for the protection of personal data;
- (c) Constitutional guarantees for the right of children to enjoy adequate protection and care and to establish and maintain a personal and direct relationship with their parents, safeguarding the principle of the best interest of the child;
- (d) A broadening of the scope and extent of freedom of organization, especially union rights;
- (e) The definition of the right of petition as a constitutional right;
- (f) The overcoming of the problem of unconstitutionality preventing the establishment of an office of the ombudsman;
- (g) The fact that the dissolution of political parties would not result in the automatic banning of parliamentary members of the dissolved party;
- (h) Judicial review of the decisions of the Supreme Military Council;
- (i) Judicial review of all disciplinary decisions against civil servants and other public officials, without exception;
- (j) Introduction of the right to individual application to the Constitutional Court regarding fundamental rights and freedoms;
- (k) Improvement of the Constitutional Court and the Supreme Council of Judges and Public Prosecutors, to ensure a more effective functioning of the judiciary, and the strengthening of its independence;
- (l) A constitutional guarantee to prevent civilians from being tried by military courts.

536. The Anti-Terror Law was amended in July 2010 to ensure that all child suspects, without distinction of age, would be tried under the same regime in the relevant juvenile courts.

537. At the adoption of its Working Group report on 12 May 2010, Turkey accepted 95 of the 152 recommendations made during the review. At the Council session, Turkey announced that 25 of the 39 pending recommendations had been accepted, partly accepted or already implemented. A detailed assessment of these recommendations was provided in the addendum to the report of the Working Group.

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

538. Yemen noted that Turkey had an important role to play in the political and social life in the region and internationally, and was a model to be followed in the field of democracy and respect for human rights. Yemen referred to Turkey's recent referendum and acceptance of 85 per cent of recommendations submitted to it as testimony to the serious attitude shown by the Government and people of Turkey to democracy.

539. Algeria congratulated Turkey on the recent constitutional amendments adopted by referendum, which would strengthen democracy. It welcomed the Government's commitment to human rights, illustrated by the tangible progress in the economic, social and cultural rights of large segments of the population. With regard to the Mavi Marmara humanitarian flotilla for Gaza, Algeria noted that it represented a clear gesture of solidarity

towards the Palestinian people, and reiterated its empathy to and support for Turkey. It acknowledged Turkey's acceptance of the four recommendations made by Algeria.

540. Armenia, while appreciating Turkey's acceptance of several of its recommendations, drew attention to issues of minority rights and further steps needed to address them. Armenia referred to, *inter alia*, limitations on the exercise of religious practices for respective minority groups; recent attacks by the general public against Roma, Kurds and non-Muslim minorities; xenophobic and racist remarks, particularly towards Armenians, by representatives in high authority; and the use of article 301 of the penal code to stigmatize dissenting voices. Armenia also regretted the rejection of its recommendation on creating conditions for the realization of the right to truth, without which it would be immensely difficult to heal historic wounds.

541. Azerbaijan commended Turkey's open and transparent approach during its review, testimony to its commitment to cooperate with the international human rights machinery. It had made two recommendations on women's rights and intercultural and inter-religious dialogue, which had been accepted. It welcomed the comprehensive human rights reform undertaken, including the constitutional amendments, and noted with concern that terrorism continued to cause problems and reiterated its support in the struggle against it.

542. Qatar noted Turkey's acceptance of many recommendations, its serious approach, positive attitude and its cooperation with various human rights mechanisms. Qatar welcomed Turkey's human rights achievements. Reference was made to the development of a legal framework for human rights protection, the fight against discrimination in all its forms and the promotion of the role of women. Qatar commended Turkey for its key international role in peace in the region.

543. Egypt acknowledged Turkey's detailed replies to each recommendation, which was indicative of the serious approach adopted by Turkey towards the universal periodic review process. It appreciated the recent developments in relation to the provision for positive discrimination for certain vulnerable groups. It commended efforts aimed at protecting the rights of women and children, and combating trafficking in persons and violence against women. Egypt welcomed Turkey's determination and willingness to continue its efforts to protect human rights while it exercised its sovereign right to enact and implement laws and policies in line with its international obligations.

544. Cyprus expressed its regret that the human rights recommendations it had made during the review of Turkey were openly rejected on purely subjective, political grounds and about the apparent failure in the collective responsibility to uphold the credibility and integrity of the peer review mechanism. It stressed that international obligations, especially those concerning human rights, could in no case be waived simply on the grounds of political positions. Cyprus referred to the letter it had addressed to the President of the Council (A/HRC/15/G/2) regarding the statements made by Turkey during Cyprus' review, and added that the Council should not allow the universal periodic review mechanism to be used for the dissemination of political allegations.

545. Bahrain acknowledged that Turkey had adopted a set of measures reflecting the extent to which the country was committed to promote human rights and work with the United Nations system. It welcomed Turkey's acceptance of an important number of recommendations, including that put forward by Bahrain. It also noted Turkey's reform of its legal framework, particularly in the field of human rights, in order to be in line with international standards.

546. Venezuela (Bolivarian Republic of) highlighted Turkey's constitutional reform and other efforts to adjust its legal framework to strengthen the promotion and protection of human rights, particularly in favour of vulnerable groups. It welcomed the establishment of the institution of the ombudsman. It recognized the progress achieved in education, which

guaranteed universal access and fought school dropout rates through social subsidies. It encouraged Turkey to continue these successful policies.

547. Pakistan was pleased to note Turkey's acceptance of most recommendations and the process for establishing a national human rights institution in full compliance with the Paris Principles. Pakistan commended Turkey's ongoing human rights reforms, especially its anti-discrimination laws, to promote tolerance and inclusiveness, as well as its efforts to combat trafficking in human beings. Pakistan valued Turkey's international efforts to support interfaith dialogue and its readiness to continue to make them.

548. The United Kingdom of Great Britain and Northern Ireland welcomed the result of the recent referendum on constitutional reform and encouraged its prompt implementation and that of other reforms. It noted the improvements made in equality and non-discrimination legislation, and the efforts to address torture and the disproportionate use of force by the police. Turkey's acceptance of a large number of important recommendations was welcomed, including ratification of the Optional Protocol to the Convention against Torture and the development of a national preventive mechanism. It encouraged Turkey to consider the positive realization of the right to freedom of expression by abolishing or revising articles 301 and 318 of the penal code.

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

549. Mouvement contre le racisme et pour l'amitié entre les peuples and the International Educational Development and International Alliance of Women, in a joint statement, regretted Turkey's persistent failure to recognize ethnic and other minorities, and the restrictions imposed on freedom of expression under the Anti-terrorism Act. They encouraged Turkey to continue and strengthen its efforts in the field of human rights, including to protect women and girls against violence and discrimination, to reduce impunity and to ensure the independence of the judiciary.

550. Amnesty International urged Turkey to issue guidance to the courts for implementing amendments to anti-terrorism legislation, end the prosecution of children in the adult criminal justice system, and investigate all allegations of torture and ill-treatment of children. It called for progress in its commitments to establish a national human rights board, an independent police complaints commission, an equality and non-discrimination commission and a national human rights institution. It called on Turkey to commit to continue legal reforms necessary to guarantee respect for freedom of expression, including the repeal of articles 301 and 318 of the penal code.

551. The Islamic Human Rights Commission welcomed the changes made in the past eight years in Turkey, in particular in the domain of combating torture and the treatment of minorities. However, the treatment of Muslim women wearing a headscarf remained unchanged, despite the fact that 70 per cent of Muslim women in Turkey wore one. It mentioned a recent decision by the Committee on the Elimination of Discrimination against Women in this regard, and urged Turkey to abolish the headscarf ban and provide these women with the same rights that other Turkish citizens enjoyed.

552. Sudwind Entwicklungspolitik expressed concern about Turkey's unwillingness to withdraw its reservation to article 27 of the International Covenant on Civil and Political Rights on minority rights and articles 301 and 318 of the penal code legitimizing the harassment and persecution of human rights defenders. Missing and killed people were not accounted for. It urged Turkey to devote more attention to regular and participatory political processes to solve conflicts peacefully and end aggression against the Kurds. It referred to the refugee situation, and in particular, to the financial and other difficulties facing asylum-seekers from non-European countries.

553. In a joint statement, ILGA-Europe and COC Nederland urged Turkey to reconsider its position on recommendation 102.10 regarding the non-discrimination of women and persons of minority ethnicity, sexual orientation and gender identity. They recommended that Turkey explicitly include sexual orientation and gender identity as grounds for non-discrimination in the draft law on non-discrimination and the development of an equality board. It drew attention to the ongoing hate crimes that targeted transgender people, adding that they remained unpunished or uninvestigated.

554. Conscience and Peace Tax International raised concerns about freedom of opinion and expression in the light of Turkey's rejection of recommendations for specific changes to articles 301 and 318 of the penal code and the anti-terror law. It referred to activists sentenced to imprisonment, under article 318, for demonstrating in support of conscientious objectors. It urged Turkey to adopt legislation that provided for conscientious objectors to opt for alternative civilian service.

555. The Syriac Universal Alliance invited Turkey to open constructive dialogue on critical issues that need to be addressed by Turkey and the international community. While welcoming Turkey's cooperation and replies regarding minority rights, it stressed that much work still needed to be done; for instance, group rights were often circumvented or misrepresented. Turkey continued to deny the official existence of the Arameans, unlike other minorities. The Alliance regretted that the concept of minorities had not been updated and aligned with international standards during the recent constitutional reform.

556. The European Centre for Law and Justice pointed to concerns raised about the discrimination and public hostility suffered by religious minorities. It was the climate of hostility maintained by the media that had led to an upsurge in murder of priests. The promotion of tolerance and dialogue among civilizations should not only be a product for export, but also promoted in Turkish society.

557. Human Rights Watch welcomed the constitutional reform. It urged the Government to proceed with its long-promised full revision of the Constitution, to remove restrictions on freedom of expression and the rights of minority groups, and other limits to fundamental rights. It urged Turkey to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and to lift the geographical limitation to the 1951 Refugee Convention. It was concerned that the law to establish a national human rights institution was not in line with the Paris Principles, and called on Turkey to reopen investigation into the negligence and possible collusion of State officials in the killing of journalist and editor Harat Dink. It urged Turkey to implement the law on the protection of the family.

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

558. The representative of Turkey thanked Council member and observer States and all stakeholders. He assured that all comments had been duly noted and that Turkey had the political will to overcome all difficulties.

559. With regard to criticism on religious freedom, Turkey felt that some of the information provided by non-governmental organizations was not up to date.

560. On torture and ill-treatment, the Government was adamant in its zero-tolerance policy, without exception. The Government did not condone such violations and was doing its best to eradicate totally these practices, despite possible remaining marginal cases. The Optional Protocol to the Convention against Torture was currently before Parliament, in the final stage of adoption, and there was no doubt that it would be ratified. National preventive mechanisms were being set up, though it was not possible to say when they would be operative.

561. The representative of Turkey stated that he was part of a group responsible for the dialogue with non-Muslim minorities and that, despite what some speakers asserted, there was no judgement of the European Court on Human Rights against Turkey on the discrimination of religious minorities. Such an assertion was thus a misrepresentation of the reality.

562. Domestic violence was not tolerated. The establishment of an anti-discrimination and equality board and other control mechanisms were priorities in the Government's programme. Turkey had noted the comments made on freedom of expression. The recent amendments to the law required the authorization of the Ministry of Justice for prosecutors to pursue prosecutions further. In recent times, the Ministry of Justice had denied 97 such authorizations for court action. With regard to the case of Harat Dink, the Government would implement the judgement of the European Court on Human Rights and take measures to prevent similar violations in the future.

563. Turkey had spared no effort to ensure that the universal periodic review was conducted in, *inter alia*, a non-selective, non-confrontational and constructive manner, and would continue to do so. The implementation of accepted recommendations should be a priority for all States under review. The interactive dialogue and the adoption of the Working Group report had provided a useful overview. Turkey reiterated its commitment to provide a midterm report within two years.

### **Guyana**

564. The review of Guyana was held on 11 May 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 Guyana in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/8/GUY/1);
- (b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/8/GUY/2);
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/8/GUY/3).

565. At its 19th meeting, on 23 September 2010, the Council considered and adopted the outcome of the review of Guyana (see section C below).

566. The outcome of the review of Guyana comprises the report of the Working Group on the Universal Periodic Review (A/HRC/15/14), the views of Guyana concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/15/14/Add.1).

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

567. Guyana was pleased to be present and to participate in the adoption of the report on its universal periodic review. The delegation recalled that, during the Working Group session in May 2010, 112 recommendations were made, 57 of which enjoyed the support of Guyana. Of the 57 recommendations, 14 recommendations had already been implemented, 40 recommendations were at various stages of implementation and 2 were pending implementation. During the Working Group session, Guyana pledged to examine 55 recommendations and to provide its responses to them.

568. With regard to recommendations 70.1 to 70.13, on international human rights instruments, Guyana supported recommendations 70.1, 70.3 and 70.12; partially supported recommendations 70.4 and 70.6; noted recommendation 70.9 and voluntarily committed to consult and report to the Council in two years on the abolition of the death penalty; noted recommendations 70.10, 70.11 and 70.12; and voluntarily committed to consult and report in one year's time in relation to ILO Convention No. 169.

569. With regard to recommendation 70.1, since its review in May 2010, Guyana had acceded to the two optional protocols to the Convention on the Rights of the Child, and ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

570. With regard to recommendation 70.14 on the adoption of national refugee legislation, owing to limited resources, Guyana did not consider such legislation a priority at this time, and indeed did not consider it an issue. Guyana therefore noted recommendation 70.14.

571. With regard to recommendations 70.15 to 70.18 on extending a standing invitation to special procedures, Guyana had noted these recommendations and reiterated its readiness to continue to respond to invitations and to offer full collaboration with mandate holders. Guyana had made efforts in the past two years to improve its responsiveness to the many requests for information made by the mandate holders, and remained committed to submit its outstanding State party reports before the end of 2010.

572. With regard to recommendation 70.19 on the invitation to the Special Rapporteur on torture, Guyana had noted the recommendation and volunteered to consider it further and to report to the Council.

573. Guyana supported recommendations 70.20, 70.21 and 70.22. With regard to recommendations 70.21 and 70.22, the delegation emphasized the appointment of the four constitutional human rights commissions (ethnic relations, women and gender equality, the rights of the child, and indigenous peoples) with offices and budgetary allocations provided for advocacy as change agents, as well as complaints mechanisms with investigative and redress mandates. The prohibition of all forms of discrimination in the revised 2003 Constitution and a bevy of statutory instruments allowed for complaints, redress and rectification. Guyana emphasized the State neither condoned nor allowed discrimination of any form.

574. With regard to recommendations 70.23 to 70.35, all of which related to the abolition of the death penalty, public opinion in Guyana strongly favoured the retention of the death penalty. Guyana noted these recommendations and voluntarily committed to continue to consider and consult on the abolition of the death penalty and to report to the Council in two years. With this in mind, Guyana had tabled an amendment to the Criminal Law (Offences) Act, which provided for varied sentences for different categories of murder, including life imprisonment and lesser sentences of imprisonment, as well as access to parole. The bill would be debated in the National Assembly in October 2010.

575. With regard to recommendations 70.36 to 70.41 on the abolition of corporal punishment, public opinion in Guyana was not in favour of the abolition of corporal punishment. Guyana had noted the recommendations and was voluntarily committed to consult and report on the results of the consultative process. In this regard, consultations in Guyana were ongoing on a draft education bill, which included discussion on the issue of corporal punishment. Furthermore, Guyana had tabled amendments to the Training School Act and the Juvenile Offenders Act to remove corporal punishment from juvenile detention centres, which demonstrated Guyana's commitment to protect children from all forms of abuse. The bills would be debated in October 2010 in the National Assembly. The Protection of Children Act 2009, the Domestic Violence Act 1997 and the Child Care



Protection Agency offered a legislative and administrative framework to protect children from abuse.

576. Guyana supported recommendation 70.42 and referred to constitutional provisions that specified that a person could only be detained for a maximum of 72 hours before being charged, or three months in the case of an accused to be brought before the courts. Guyana also supported recommendation 70.43 on increasing the age of criminality, and volunteered to report the outcomes of the ongoing consultations in relation to the new draft juvenile justice bill.

577. Recommendations 70.44 and 70.45 had been noted and not accepted by Guyana. The reasons for not accepting the recommendations had been elaborated in the addendum to the Working Group report. Guyana supported the first part of recommendation 70.46, and had noted the second part. In this regard, the delegation reiterated Guyana's commitment made before the Working Group to continue to investigate, on the basis of available information and witnesses, all those responsible for the wave of criminal violence in the period 2002–2008 to decide whether they were part of the violent criminal gangs or of phantom death squads.

578. With regard to recommendations 70.47 to 70.53 on decriminalizing consensual same-sex relations and discrimination against gay, lesbian, bisexual and transgender persons, Guyana had attempted to include "sexual orientation" in the anti-discrimination clause in the revised Constitution, but the proposal was defeated in 2003. While Guyana did not discriminate against persons based on their sexual orientation, it did not deny that interpersonal prejudices, based on cultural and religious beliefs, existed. Guyana had noted these recommendations and voluntarily committed to hold consultations over the next two years and to reflect the outcome of this democratic process in its domestic laws. Recommendations 70.54 and 70.55 had also been noted.

579. Guyana reaffirmed its commitment to holding consultations with civil society, the four human rights commissions, various levels of Government and State agencies and the National Assembly on the follow-up to the universal periodic review process. It also reported its initiatives to strengthen the Government/non-governmental organization partnership to reduce and prevent domestic and sexual violence.

580. With regard to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, to which Guyana had already acceded, the delegation assured the Council that 14-year-olds had not been recruited into the Guyana Defence Force for more than 30 years. However, in order to comply with the Protocol, Guyana would remove the relevant clause in the Defence Act providing for the recruitment of 14-year-olds before the end of 2010.

581. The Low-Carbon Development Strategy and its second Poverty Reduction Strategy Programme (2008–2012) formed the basis of Guyana's agenda for development. Guyana was proud of its socio-economic achievements and its budgetary commitment to poverty reduction, although it recognized that there was still much more to be overcome. Guyana remained committed to achieving equitable access to the delivery of goods and services, especially for its poor, vulnerable and "differently-abled" citizens, within available resources.

582. Guyana, a developing country and a newly emerging democracy facing many challenges, was proud of its constitutional and parliamentary reforms and its model of shared governance. However, these reforms and the model of shared governance had only been introduced seven years earlier. Guyana remained irrevocably committed to democracy and the protection of human rights, the rule of law and good governance for its people.

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

583. Cuba noted that the efforts made by Guyana to guarantee basic rights, such as education, health, food, housing, water and social security, had been recognized during the review. It highlighted the cultural, ethnic and religious diversity of Guyana, which was protected by the Constitution. Guyana had accepted several recommendations and another large group of recommendations had either already been implemented or was in the process of being implemented. This reflected the resolve of the Government to make progress in the protection of human rights. Cuba noted, in particular, the priority attached to ensuring the right to food and the measures taken to reduce hunger and promote food security. It encouraged Guyana to continue its efforts to protect human rights.

584. Algeria expressed its appreciation for the measures taken since the presentation of the national report. Guyana was an emerging democracy and a developing nation that faced a myriad of challenges. Algeria considered of particular value the efforts made by Guyana to promote food security and alleviate the impact of the economic crisis. It also welcomed Guyana's readiness to continue its efforts to address the issue of violence against girls, as it had recommended. Algeria expressed satisfaction at the fact that Guyana was in the process of implementing recommendations that Algeria had made in relation to reducing poverty and promoting access to food, as well as to intensifying programmes aimed at mitigating the negative impact of climate change on food security and the environment.

585. Morocco stated that Guyana had demonstrated its firm commitment to the social, economic and cultural development of its people during its review. It welcomed the institutional and legislative measures taken by Guyana, which were aimed at the gradual improvement of the structure for the promotion and protection of human rights, as well as the projects that had been undertaken, such as the establishment of an independent national human rights institution and the review of several human rights instruments with a view to their ratification. Morocco highlighted a number of innovative initiatives taken by Guyana, including its strategy to reduce carbon emissions, the national strategy for the progressive eradication of poverty and its training programmes in human rights for law enforcement authorities and personnel.

586. The United Kingdom of Great Britain and Northern Ireland thanked Guyana for expressing its position clearly on outstanding recommendations. It was interested in learning of Guyana's position on the recommendations that had been noted and subject to further consideration. It was grateful to Guyana for having accepted some of the recommendations made during the review, in particular those on the abolition of the death penalty and the establishment of an independent inquiry into abuses allegedly committed by a phantom death squad that had not received the support of Guyana, and stated that these recommendations continued to raise important issues that required attention. It thanked Guyana for the impressive level of information presented and for its ongoing engagement with the universal periodic review process.

587. China noted with appreciation that Guyana had given great importance to the outcome of the universal periodic review, which was demonstrated in its acceptance of most of the recommendations made and its preparation for the follow-up. China expressed its gratitude for Guyana's efforts to develop the national economy with dedication to the realization of the Millennium Development Goals and the implementation of its poverty reduction programme. In this regard, Guyana had adopted a series of laws and regulations to promote human rights, singling out as a priority relations with the Amerindian communities. As a developing country, Guyana faced special challenges. China called on the international community to continue to provide support to Guyana.

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

588. Amnesty International regretted the fact that Guyana had not committed to establishing an independent inquiry into abuses allegedly committed by death squads. It expressed its disappointment that Guyana had rejected recommendations to establish a moratorium on executions with a view to abolishing the death penalty. Nevertheless, it welcomed Guyana's commitment to continue the consideration of this issue over the next two years and to report on its findings to the Council. Amnesty International urged Guyana to remove legislation that discriminated against individuals on the basis of their sexual orientation and to repeal laws that criminalized sexual activity between consenting adults of the same sex. It welcomed Guyana's commitment to hold consultations on the issue of discrimination on the basis of sexual orientation.

589. Action Canada for Population and Development on behalf of the Society against Sexual Orientation Discrimination, welcomed Guyana's commitment to hold consultations on issues affecting LGBT people over the next two years, and expressed its willingness to work with the Government. The attempt in 2003 to include "sexual orientation" in Guyana's Constitution as a basis for discrimination had not been genuine, as the issue had been presented in a separate bill to the National Assembly and the Government had indicated its intention not to support it. Action Canada added that it would be erroneous to say that no State-sanctioned discrimination, based on sexual orientation, existed in Guyana, and noted that several provisions of the criminal code criminalized sexual intimacy between consenting adult men in private. It called on Guyana to repeal those provisions.

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

590. The delegation thanked Cuba, Algeria, Morocco, the United Kingdom of Great Britain and Northern Ireland and China for their supportive comments. It also expressed its gratitude to Cuba and China for their assistance. With regard to its human rights commissions, the delegation explained the democratic process of nominations and appointments, which was in accordance with its shared governance, and emphasized that nominees were determined by civil society.

591. In relation to the statement made by the United Kingdom, the delegation expressed Guyana's assurance that all efforts were being made to improve and modernize the police force and the security sector. Guyana would continue to consult and, on the basis of a democratic process, would make changes as determined by the general public.

592. In relation to the statement by Amnesty International, the amendment to the Criminal Law (Offences) Act would be debated before Parliament in October 2010. The amendment allowed for varied sentencing for different categories of murder, in addition to the death penalty.

593. In relation to the statement by the Society against Sexual Orientation Discrimination, the delegation stated that this non-governmental organization appeared to have been misinformed about the constitutional process that had taken place in relation to the attempt to include sexual orientation in the Constitution. The human rights task force of the Constitutional Reform Commission, comprising parliamentary parties and civil society, had recommended the inclusion of the phrase "sexual orientation" in the new anti-discrimination clause in the Constitution. It was supported by the National Assembly in 2001. However, religious groups then exerted pressure on the Government and the opposition, and demanded that the bill be sent back for review. This was done in 2003, after a two-year delay. At that stage, the anti-discrimination clause included "sexual-orientation". On the day in question, there was a vote of conscience on both sides and the phrase "sexual orientation" did not win the support of Parliament. The delegation invited the organization to verify this account by consulting parliamentary records.

594. The delegation stated that there was no discrimination of LGBT persons in the State sector. It emphasized that profound culture and religious beliefs, particularly those of the Christian evangelical movement, had strengthened the position against the LGBT issue. The willingness of the Government to discuss this issue openly was a clear indication of its intention to establish a comfort zone with the people of Guyana. The Government was willing to work with civil society on the issue, and emphasized that the final outcome would reflect the democratic will of the people.

### **Kuwait**

595. The review of Kuwait was held on 14 May 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 Kuwait in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/8/KWT/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/8/KWT/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/8/KWT/3).

596. At its 19th meeting, on 23 September 2010, the Council considered and adopted the outcome of the review of Kuwait (see section C below).

597. The outcome of the review of Kuwait comprises the report of the Working Group on the Universal Periodic Review (A/HRC/15/15), the views of Kuwait concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/15/15/Add.1).

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

598. Kuwait welcomed the very important recommendations made at the Working Group session. During the interactive dialogue, Kuwait had shared the measures it had taken to promote and protect human rights and fundamental freedoms, without any politicization or selectivity. Kuwait had shown that the protection of human rights was reflected in its Constitution, including its article 29 relating to equality of rights and duties.

599. The delegation had also provided information on the efforts made by the State to ensure human dignity for all of those living in Kuwait. Human rights had always been a fundamental element in the development of all public policies in the fields of education, health, the environment, the rights of workers, foreign workers, the independence of women, the rights of children, the elderly and those with special needs.

600. Kuwait had approved 114 of the 159 recommendations made during the review in the Working Group, a large number of which were already being implemented. Kuwait had reviewed a number of other recommendations prior to the fifteenth session of the Council. Its response was contained in the addendum to the Working Group report. A number of those recommendations were not supported, as they ran counter to the provisions of the Constitution, Islamic sharia and other laws, or contained inaccurate or incorrect information. Kuwait had approved a further nine recommendations. A total of 123 recommendations had been approved by Kuwait. The fact that Kuwait had not acknowledged certain recommendations did not mean that Kuwait would not apply some of them following amendments to some national laws.

601. Illegal residency was one of the main difficulties and challenges that Kuwait was striving to face. State bodies were trying to determine the nationality of these residents, but a large number of them hid their identity documents because they feared being deprived of benefits. Kuwait had endeavoured to facilitate the lives of these workers in Kuwait by providing them with all necessary benefits, particularly in the fields of education and health. Despite the difficulties encountered, Kuwait was reviewing very seriously the ways to solve these problems in line with the Constitution and national laws.

602. Kuwait had noted the recommendation on the Rome Statute, although it had already signed it.

603. Kuwait had noted some recommendations on domestic workers, and approved the recommendation pertaining to the fifth paragraph of the new labour law, which required the minister to adopt the necessary decrees for this particular group of workers. The decrees came into force with the adoption of ministerial decree 1182 of 2010. Article 8 of the decree stipulated the rights and benefits of domestic workers, including salary, maximum working hours, leave and living conditions.

604. Kuwait has made all the necessary efforts to promote the role of women in society and approved the recommendation pertaining to equal opportunities, including for diplomatic posts. Kuwait had established a national workplan to ensure gender equality, in accordance with the recommendations of the Committee on the Elimination of Discrimination against women. Kuwait was making further efforts to enhance the role of women in the judiciary, and had noted this recommendation.

605. Kuwait had also approved the recommendations to extend a standing invitation to the special procedures to abrogate *Kafalah* law and to set up a national human rights institution in accordance with the Paris Principles. The establishment of such an institution had the support of all at the very highest level. Kuwait reassured the Council that it would implement all accepted recommendations.

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

606. Qatar noted that Kuwait had accepted the three recommendations it had made on an independent national human rights institution; sharing information about the experience of Bait al-Zakat in the humanitarian field; and juvenile justice. Qatar felt that the acceptance of so many recommendations by Kuwait, and its open and cooperative spirit during the interactive dialogue, demonstrated the sincerity of Kuwait in its interaction with the universal periodic review process and other human rights mechanisms.

607. Algeria welcomed the efforts made by Kuwait to raise living standards, which had resulted in a high standard of development, as also reflected in its human rights situation. Algeria expressed appreciation that Kuwait had accepted the four recommendations that it had made, and encouraged Kuwait to continue to strengthen and consolidate its achievements in the area of human rights. Algeria drew attention to the role played by Kuwait at the international level, in particular the development assistance that Kuwait provided to other countries.

608. Saudi Arabia noted the positive interaction by Kuwait with all human rights mechanisms and its readiness to cooperate and engage in dialogue on human rights, as demonstrated by the acceptance of most recommendations. The review of the human rights situation in Kuwait had been a useful opportunity to learn about the efforts made by Kuwait to develop its legislation and institutions with a view to promoting and protecting human rights. Saudi Arabia appreciated these efforts and encouraged Kuwait to continue them.

609. Yemen noted that Kuwait was a pioneer in the region and an example to be followed with regard to democracy and respect for human rights. The success of the parliamentary elections, which had resulted in a vibrant parliament in which women also participated, was a vital sign of the degree of democracy achieved in Kuwait. Yemen also noted that the acceptance of a large number of recommendations during the review showed the sincerity of the Government of Kuwait in the promotion of human rights principles.

610. The Syrian Arab Republic appreciated the seriousness demonstrated by Kuwait in the universal periodic review process, referring also to the acceptance by Kuwait of most recommendations. It understood the rejection of recommendations not in line with the cultural or religious values of Kuwait, or were outside the scope of internationally recognized norms. Kuwait had a long-standing record of working to promote and protect human rights, without losing sight of its cultural and religious heritage.

611. Bahrain expressed appreciation for the positive steps that Kuwait had taken in accepting and implementing a number of recommendations made during the review, including recommendations made by Bahrain on the rights of persons with disabilities, the strengthening of health indicators and providing health services to all sectors of society. Bahrain welcomed Kuwait's provision of health services to all, especially children and elderly persons, and of free education to the university level, in addition to education for persons with disabilities and their integration into society.

612. Jordan welcomed the positive steps that Kuwait had taken, including with regard to the continuing development and amendment of legislation relevant to the promotion and protection of human rights and fundamental freedoms. In particular, Jordan appreciated the measures taken to strengthen the role of women in society. Kuwait's interaction with the Working Group had demonstrated the importance it attached to the cooperation with the United Nations and OHCHR.

613. Azerbaijan congratulated Kuwait on having accepted the recommendation to extend a standing invitation to all special procedures, particularly its favourable response to the request for a visit by the Special Rapporteur on trafficking in persons, especially women and children. Kuwait had accepted Azerbaijan's recommendations relating to the establishment of a national human rights institution and a plan of action for the promotion of gender equality.

614. Egypt noted the efforts made at the national level for the promotion and protection of human rights, and Kuwait's cooperation with the universal periodic review and other human rights mechanisms. Egypt welcomed Kuwait's acceptance of recommendations to create a national human rights institution in accordance with the Paris Principles, and to prepare a national plan to promote gender equality. Egypt appreciated Kuwait's efforts to combat trafficking and to protect the rights of children, as well as the aid that Kuwait provided at the international level in response to natural catastrophes and for development assistance.

615. Morocco welcomed the cooperative spirit demonstrated by Kuwait in accepting many recommendations, including those made by Morocco on the environment, human trafficking, dialogue between religions and civilizations, education and training on human rights. Morocco reiterated its appreciation for the humane approach taken by Kuwait in its immigration policy. Morocco noted that the Kuwaiti experience was characterized by a good balance between the requirements of democracy and modernity and adherence to Kuwait's cultural and religious values. Morocco expressed appreciation for the programmes designed to protect the most vulnerable sectors of society.

616. Tunisia expressed its appreciation for the efforts made by Kuwait to promote human rights values in accordance with relevant international instruments. Tunisia appreciated in particular the achievements in strengthening the right of women and enabling women to

play an important role in the political field, including by allowing them to vote and run as candidates in parliamentary elections. Tunisia believed that Kuwait's endeavour to achieve a balance between the rights of women and family harmony would have a positive effect on the further development of society.

617. Djibouti encouraged Kuwait to continue to accede to international instruments. Djibouti praised Kuwait for the establishment of several funds that had had a positive impact on the situation of human rights in developing countries. Djibouti encouraged Kuwait to continue its efforts to adopt and develop legislation, particularly the bill aimed at combating trafficking in persons. Djibouti also encouraged Kuwait to establish a national human rights institution and to promote the rights of children and women.

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

618. Action internationale pour la paix et le développement dans la région des Grands Lacs welcomed the fact that ratified international treaties have the same binding force as domestic law. It noted, *inter alia*, that Kuwait had an active and free media, was committed to providing free health services without discrimination and provided international assistance at the rate of more than 0.7 per cent of its GDP. It also noted the measures taken to dismantle illegal networks for the exploitation of foreign workers in cooperation with ILO, and the crucial role played by Kuwait in developing the Arab plan of action for human rights education.

619. Comité international pour le respect et l'application de la Charte Africaine des droits de l'homme et des peuples welcomed the concrete measures taken by Kuwait to ensure the effective enjoyment of all human rights, including through the establishment of the Women's Affairs Commission, the supreme human rights committee. Kuwaiti international assistance in the field of economic and social rights reflected its strong commitment to the Millennium Development Goals and its firm resolve to promote and protect human rights.

620. Verein Sudwind Entwicklungspolitik regretted Kuwait's rejection of the recommendations to ratify optional protocols to human rights treaties. It welcomed, however, the positive developments in the field of international criminal justice and the rights of stateless persons. It urged Kuwait to consider a moratorium on the death penalty and to reconsider its opposition to ending the death penalty. It expressed concern about the inequality of women in Kuwait, particularly of migrant women domestic workers, and about human trafficking.

621. Human Rights Watch welcomed the Government's support for recommendations on protecting the labour rights of domestic workers and granting stateless persons permanent residence, which would help to address two of the most pressing human rights concerns in the country. It contested Kuwait's claim that all persons living within its territory who described themselves as stateless, also known as *Bidun*, were in fact illegal residents who hid other nationalities. It also noted that the law on the organization of the judiciary prohibited courts from reviewing matters relating to State sovereignty, including individuals' claims to nationality, effectively barring stateless residents from contesting their legal status in a court of law. It urged Kuwait to grant the *Bidun* permanent residency status and equal access to civil rights as soon as possible, and to expedite a review of pending claims to nationality.

622. Refugees International noted that the lack of legal status of the *Bidun* had a negative impact on all areas of life, including identity, family life, residence, health, jobs and political visibility. *Bidun* children could not obtain a birth certificate because their parents were not issued marriage certificates. They had no access to Government education. Health care offered free of charge to citizens was withheld from the *Bidun*. Refugees International urged Kuwait to formulate and implement a plan to secure civil and political rights,

including transparent evaluation of all unresolved *Bidun* cases, to instruct immediately the Minister for Health to register every child at birth, and to revise its nationality law, particularly regarding the equal right of women to pass on their nationality to their children.

623. The Cairo Institute for Human Rights Studies noted that, while international treaties enjoyed the power of law according to the Constitution, Kuwait's legislation was in contradiction to ratified international treaties, particularly its Press and Publication Law, and undermined the independence of the judiciary. No political parties officially existed in Kuwait. It called on Kuwait to refrain from violating freedom of expression through detention, trial and deportation of individuals exercising these rights, to modify the Press and Publication Law, and to strengthen guarantees for judicial independence.

624. The Canadian HIV/AIDS Legal Network urged Kuwait to give serious consideration to the recommendation that called for the elimination of discrimination against lesbian, gay, bisexual and transgender persons, and in particular to consider decriminalizing same-sex relations between consenting adults with a view to ensuring the rights to privacy and non-discrimination. It also urged Kuwait to repeal provisions that criminalized dressing as a member of the opposite sex.

625. The Human Rights Information and Training Centre appreciated Kuwait's efforts to improve its human rights record, and made a number of suggestions. Regarding the long-standing issue of persons without citizenship, referred to as *Bidun*, it recommended that Kuwait should take more decisive steps and benefit from the experience of scholars and civil society experts specialized in this area, with a view to settling this problem. It also recommended the prompt establishment of the Public Manpower Authority under the auspices of the Minister for Social Affairs and Labour, with a view to abolishing the sponsorship (*Kafalah*) system. Referring to serious human rights violations against domestic workers, the Centre highlighted the urgent need for regulation of their employment relations. Lastly, it emphasized the importance of awareness-raising on human rights issues.

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

626. Kuwait expressed appreciation to all speakers from States and civil society. The delegation explained that Kuwait was an open society without political prisoners, a small democratic country with a population of 1 million Kuwaitis and 2 million foreigners. While it was a developing country pursuing modernization, Kuwait would like to respect its own system, traditions and customs, of which it was proud.

627. Replying to the points raised by civil society, the delegation pledged to convey their statements to the Government. The problem of illegal residents had existed for many years, and was one that Kuwaiti authorities at all levels wished to solve. In the short term, Kuwait provided illegal residents with their basic rights and services, such as education and health benefits. They also had the right to use the justice system and to go to court. A committee composed of ex-parliamentarians had been established, and it was hoped that a long-term solution to the problem would be found in the near future. The delegation also drew attention to the many benefits accruing from citizenship and to the illegal resident issue as a matter of national security.

628. The delegation recalled that Kuwait spent almost 2 per cent of its GNP on international development assistance.

629. Regarding the situation of domestic workers, the delegation recognized that abuses did occur, since no society was perfect, but that these issues were being handled, including by resorting to the courts and cooperating with the relevant authorities of countries of origin.



630. Kuwait enjoyed freedom of information and the Prime Minister had the right to go to the court against those who would defame him.

631. While capital punishment was in accordance with Islamic laws, Kuwait had not applied the death penalty for some time. The judiciary was a separate authority with full independence from the executive and legislative branches of Government.

### **Belarus**

632. The review of Belarus was held on 12 May 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 Belarus in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/8/BLR/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/8/BLR/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/8/BLR/3).

633. At its 19th meeting, on 23 September 2010, the Council considered and adopted the outcome of the review of Belarus (see section C below).

634. The outcome of the review of Belarus comprises the report of the Working Group on the Universal Periodic Review (A/HRC/15/16), the views of Belarus concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/15/16/Add.1).

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

635. The delegation stated that the universal periodic review process was a unique opportunity to critically analyse the human rights situation in all countries, including Belarus. During the review, Belarus, like other countries, noted the experience of other countries in the field of human rights and had the opportunity to share its own achievements with them. The main objective, based on the results of the review, was the establishment of an effective system for the protection and promotion of human rights at the national level.

636. The delegation expressed its appreciation for the active participation and important contribution of the Member and observer States of the Council during the review. Belarus had received a number of constructive and valuable recommendations concerning the improvement of its national system for the protection and promotion of human rights. The open, result-oriented approach of Belarus to the review was demonstrated by its specific actions. Belarus was one of just a few countries that had started the implementation of recommendations made during the review, even before the adoption of the report of the Working Group.

637. At the initiative of the Government, OHCHR held, in July 2010, a seminar on the universal periodic review in Minsk, the result of which was the adoption of a plan to develop a road map for cooperation between Belarus and OHCHR and other international organizations in view of the effective implementation of accepted recommendations.

638. The draft report of the Working Group included 93 recommendations concerning various aspects of human rights. In a spirit of constructive engagement, Belarus had accepted 55 recommendations during the Working Group session held in May 2010. The remaining recommendations had been considered and thoroughly studied in view of the

existing capacity and international obligations of Belarus, which had followed the rationale of accepting a maximum number of recommendations with the expectation of receiving relevant assistance from international organizations. As a result, Belarus had accepted 75 recommendations of 93, which constituted 70 per cent of all recommendations made.

639. Belarus intended to develop an inter-agency plan of action for the implementation of accepted recommendations made during the review, which would give the Government the opportunity to expand its efforts to promote and protect human rights.

640. The delegation clarified its position regarding the recommendations that Belarus did not accept at this stage. The abolition of the death penalty did not fall within the competence of the Government, as the decision on the application of the death penalty sentences was adopted through national referendum, which, like in other countries, had the highest legal power. In addition, the abolition of the death penalty was not a requirement of international law. At the same time, the Government, following the trend in Europe to abolish the death penalty, continued its efforts to mould public opinion in favour of abolition and cooperated actively with international and regional organizations. An event on the abolition of the death penalty was organized in Minsk under the auspices of the Council of Europe during plenary session of the Human Rights Council, and was attended by representatives of the Government, parliament and civil society.

641. A recommendation was made that Belarus should ratify a number of international human rights treaties. In this respect, the delegation highlighted the fact that Belarus was party to almost all core international human rights treaties. Nevertheless, the Government intended to continue to adhere to the conventions, the provisions of which would complement and strengthen national legislation and could be implemented with available resources at the national level. As an example, the delegation mentioned the acceptance of the recommendation that Belarus accede to the Convention on the Rights of Persons with Disabilities. The domestic procedure for accession to the Convention had been completed even before the report was approved by the Council. The issue of ratification of other instruments would be considered further at a later stage.

642. Belarus attached great importance to the issues of mass-media activities, democratic elections and freedom of association. National legislation was fully consistent with the international obligations of Belarus, in particular with the International Covenant on Civil and Political Rights. A new media law, drafted with the consultative assistance of OSCE, entered into force in 2009 and was aimed at further strengthening media freedom. The electoral code of Belarus was amended in 2010 by taking into account OSCE recommendations to ensure more transparency in the electoral system and strengthen the guarantees of fair elections. It was still too early to draw any conclusions about the effectiveness of those laws.

643. The delegation considered insufficiently justified the proposal to revise legislation concerning non-governmental organizations. A total of 2,274 non-governmental organizations carried out their activities in Belarus, and 68 more organizations had been registered in the first half of 2010. These figures clearly proved that there were no legal obstacles to the registration and full functioning of non-governmental organizations in Belarus. The rate of development of civil society in Belarus was at least not slower than in other countries.

644. The recommendations made during the review that could not currently be accepted by Belarus would remain under the consideration of the Government during the next review. In this respect, the fact that a number of recommendations had been rejected did not mean that they would not be implemented.

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

645. The Russian Federation welcomed the Government's decision to expand its obligations under international human rights treaties and to take relevant measures at the national level, and to contribute to the constructive dialogue on human rights issues at the international level. It took note of Belarus' cooperation in the universal periodic review process, which was demonstrated in the discussions of the Working Group and by the Government's position with regard to recommendations. The Russian Federation was confident that the implementation of accepted recommendations would further the progress documented in broad areas of human rights in Belarus.

646. Algeria commended Belarus for the progress achieved in civil and political rights, as well as in economic, social and cultural rights, and noted that the progress would make the country one of the first in its region and beyond to achieve the Millennium Development Goals. Algeria appreciated the fact that 70 per cent of the recommendations made had been accepted, including four recommendations made by Algeria. There had been indications that recommendations that had not been accepted were still under consideration, which attested to the Government's exemplary commitment to the universal periodic review.

647. Cuba stated that the review at the Working Group session had confirmed Belarus' political commitment to the promotion and protection of human rights. The universal periodic review identified some of the achievements made in the area of human rights, such as illiteracy eradication, free education and health, the low levels of maternal and infant mortality and the drastic reduction of HIV/AIDS. It commended Belarus for having accepted a large number of recommendations, including those made by Cuba. It encouraged Belarus to continue to work for the improvement of the social and economic development of its people.

648. Venezuela (Bolivarian Republic of) noted with appreciation Belarus' readiness to provide thorough information, which had assisted in the constructive discussion on the progress made and the remaining challenges to the promotion of human rights. Thanks to investments in social policy, Belarus provided guarantees for full enjoyment of social rights for all in an inclusive and non-discriminatory manner. Venezuela appreciated the fact that Belarus had met the Millennium Development Goals in the areas of poverty reduction, gender equality and access to primary education before the set deadlines. The delegation encouraged Belarus to continue to invest in the implementation of social policies.

649. The Syrian Arab Republic thanked the Government for the detailed information on Belarus' position towards the various recommendations made during the review, and demonstrated Belarus' sincere efforts to implement the greatest number of recommendations possible in order to promote and protect human rights for all. It encouraged Belarus to continue its efforts and invited it to fulfil its human rights commitments in accordance with the Charter of the United Nations and the Universal Declaration of Human Rights.

650. Bahrain noted that Belarus had taken the measures necessary to implement the recommendations made during the review and to strengthen and promote human rights, which demonstrated the Government's readiness to further progress in the area of human rights and its commitment to the United Nations. Bahrain noted with appreciation Belarus' efforts to provide free access to health care and to combat trafficking in human beings, including through the establishment of rehabilitation centres for the victims of human trafficking.

651. Viet Nam noted with appreciation Belarus' achievements in promoting and protecting human rights and fundamental freedoms in past years. Belarus was among those countries that had implemented the Millennium Development Goals relating to poverty

eradication, gender equality and access to primary school. It welcomed the active cooperation of Belarus with international organizations and United Nations human rights mechanisms, including the treaty bodies and special procedures. It commended Belarus for accepting the majority of recommendations during the review, and appreciated Belarus' commitment to the follow-up to the recommendations accepted.

652. Azerbaijan noted Belarus' comprehensive and substantive responses to the recommendations, which clearly showed the country's commitment to the promotion and protection of human rights. It congratulated Belarus on the adoption by the General Assembly of the Global Plan of Action to Combat Trafficking in Persons in July 2010, which had been initiated and launched by Belarus, and commended the establishment of the International Training Centre on Migration and Combating Trafficking in Human Beings.

653. Egypt commended Belarus for having achieved the Millennium Development Goals relating to the eradication of poverty, universal primary education and the promotion of gender equality before the set deadline. It acknowledged Belarus' efforts to combat trafficking in human beings and encouraged Belarus to strengthen its active role in this issue at the national and international levels. Egypt noted with appreciation the Government's efforts in the area of the rights of women and children. Lastly, it was confident that Belarus would be in a position to sustain its endeavours to promote and protect all human rights through a holistic approach and a consolidated national human rights infrastructure by engaging relevant stakeholders.

654. Morocco appreciated the efforts made by Belarus to combat trafficking in human beings, in particular the establishment of the International Training Centre on Migration and Combating Trafficking in Human Beings. Morocco welcomed the fact that Belarus had achieved the development goals set in the Millennium Declaration before the deadline, and had taken measures to promote equality between men and women and the rights of vulnerable persons. It encouraged Belarus to continue to make constructive progress in the promotion and protection of human rights.

655. Uzbekistan noted with appreciation that Belarus had accepted two recommendations made by Uzbekistan on the improvement of living standards and the fight against racial discrimination and intolerance. Belarus had taken many measures to improve the human rights situation in the country through the establishment of a legal and institutional basis. It acknowledged the fact that Belarus was party to most international human rights instruments and applied their provisions in its national legislation. Uzbekistan welcomed the Government's efforts to ensure the rights to health and education, and noted Belarus' achievements in combating trafficking in human beings. The review illustrated that Belarus had developed and improved its national human rights system.

656. China noted that Belarus had made remarkable progress in economic and social development and in human rights, as well as in the Millennium Development Goals regarding poverty eradication, gender equality and primary education. It also acknowledged the fact that Belarus continued to work to improve its legal system and to invest in public health and social security, and had accepted most of the recommendations and pledged to implement them, despite the challenges it faced as a developing country.

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

657. Rencontre africaine pour la défense des droits de l'homme acknowledged the positive changes in Belarus since 2008 and led to the improvement in the enjoyment of economic and social rights, including the rights to work, to health and to education. It noted, however, that obstacles to the freedom of expression and assembly remained, in particular the procedures for the registration of human rights defenders, political parties and independent media. The situation of the Roma community remained frail. It noted that

Belarus was the last European country to apply the death penalty and called for its prompt abolition.

658. Amnesty International urged Belarus to declare an immediate moratorium on executions with a view to abolishing the death penalty. Belarus was the only country in Europe to continue to carry out executions; Vasily Yuzepchuk and Andrei Zhuk were executed in March 2010. Amnesty International was also concerned that prisoners and their relatives were not informed in advance of the date of execution. Belarus had committed to ensure fair trials and to respect the absolute prohibition of torture; Amnesty International welcomed Belarus' commitment to introduce a definition of torture into national legislation. It called on the Government to ensure prompt, impartial and comprehensive investigations into all complaints of torture and other ill-treatment, and urged the authorities to take the measures necessary to ensure freedom of expression and association for all, including by simplifying registration procedures for non-governmental organizations and by abolishing article 193.1 of the criminal code.

659. The International Gay and Lesbian Human Rights Commission recalled that Belarus had received recommendations to promote equality, including on the grounds of sexual orientation and gender identity, and to include these grounds in anti-discrimination legislation and to develop public education and police sensitivity programmes. These recommendations were consistent with Belarus' commitment to the principles of equality and non-discrimination; it thus urged Belarus to accept them. It also requested Belarus to ensure that lesbian, gay, bisexual and transgender citizens were treated equally to all other citizens. It reiterated the various calls that were made at the Working Group session to guarantee freedom of expression, assembly and association for all citizens according to the obligations stemming from the International Covenant on Civil and Political Rights.

660. CIVICUS noted with regret that the position of Belarus during the interactive dialogue had been mostly formal and non-constructive. It regretted the fact that Belarus had rejected most of the recommendations concerning urgent issues, such as the abolition of or at least a moratorium on the death penalty, guaranteeing freedom of association, and simplifying the registration procedure of associations, political parties and non-governmental organizations. The ban on the activities of unregistered non-governmental organizations should be abolished and criminal responsibility for such activities should be excluded from the criminal code. CIVICUS hoped that the review of the law on non-commercial organizations planned for 2011 would improve the situation of civil society and that Belarus would implement the recommendations of the Human Rights Committee and submit its overdue reports.

661. The Northern Alliance for Sustainability welcomed the fact that Belarus had accepted recommendation 97.8, which confirmed its intention to continue its action-oriented policy on environmental protection. It also appreciated the acceptance of the recommendation 98.31 made by Norway on violations against human rights defenders, journalists and students. It drew to the attention of the Council a number of important issues that the environmental movement faced in Belarus, such as the fact that activities aimed to protect the environment were not freely carried out because of article 193-1 of the criminal code, which criminalized any activity of non-registered organizations, and the fact that citizens and interest groups of many cities were not in a position to freely express their position on environmental issues. In this respect, it was therefore important that Belarus accept recommendation 98.23 made by Belgium. It expressed the hope that the Government would return to the discussion of this issue.

662. While welcoming Belarus' announcement concerning the invitation of eight special procedures mandate holders, Conscience and Peace Tax International regretted the fact that the list did not include the Special Rapporteur on freedom of religion or belief. It urged Belarus to invite this mandate holder, who could investigate persistent reports of

harassment of minority religious denominations and assess progress in the implementation of the right of conscientious objection to military service. It encouraged Belarus to continue and deepen its engagement with civil society in the drafting of an alternative service law, and hoped that this would help to produce a text compatible with international standards on the implementation of the right of conscientious objection to military service. Lastly, it hoped that, pending promulgation of legislation, the prosecution and imprisonment of conscientious objectors would be suspended.

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

663. The delegation again thanked all delegations for their active participation and support for Belarus' efforts in the protection of human rights. Belarus would continue its cooperation with the Council on various human rights issues.

664. In response to the interventions by non-governmental organizations, the delegation stated that their comments and concerns would be noted in the implementation of the recommendations made in the review. In response to environmental issues addressed by a stakeholder, the delegation stated that Belarus paid special attention to environmental issues and had an active dialogue with relevant stakeholders in the framework of the Aarhus Convention and similar agreements.

665. The delegation referred to a number of achievements made by Belarus in the past 20 years since its independence, including political stability and a well-functioning economy. Belarus was ready to continue open discussions on all issues concerning the work of the Council and the protection of human rights in general, in view of its national interests.

666. In conclusion, the delegation positively assessed the results of the review, and expressed its gratitude to OHCHR for its assistance and to the members of troika for their constructive support during the review.

#### **Guinea-Bissau**

667. The review of Guinea-Bissau was held on 7 May 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 Guinea-Bissau in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/8/GBN/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/8/GBN/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/8/GBN/3).

668. At its 33rd meeting, on 1 October 2010, the Council considered and adopted the outcome of the review of Guinea-Bissau (see section C below).

669. The outcome of the review of Guinea-Bissau comprises the report of the Working Group on the Universal Periodic Review (A/HRC/15/10), with the views of Guinea-Bissau concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/15/10/Add.1).

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

670. The Legal Counsel with the Ministry of Foreign Affairs, Cletche Sanha, thanked Council Members for their understanding, noting with satisfaction that the Council had acknowledged the difficulties and limitations faced by Guinea-Bissau. The country had made major efforts to attend the universal periodic review, which was a crucial phase in the adoption of the final document.

671. Of the 108 recommendations made during the review, 103 recommendations had been accepted, 2 had already been implemented or were in the process of implementation, while 5 were rejected.

672. With regard to the ratification procedures of international legal human rights instruments, Guinea-Bissau had incorporated into its internal legal framework, and in line with the Constitution, the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Rights of the Child and the Optional Protocols thereto on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict; the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol thereto; the Worst Forms of Child Labour Convention, 1999 (No. 182) and the Minimum Age Convention, 1973 (No. 138) of ILO; the Convention on Access to Information, Participation in Decision-Making and Access to Justice in Environmental Matters; the United Nations Convention against Transnational Organized Crime; and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

673. With regard to the implementation in domestic legislation of instruments to which Guinea-Bissau was already a party, the provisions of the above-mentioned conventions were reflected in many parts of national legislation, particularly the Constitution, the General Labour Law, the Public Servant Law, the Penal Code, the Civil Code and the Electoral Law.

674. Concerning the issue of reporting to treaty bodies, Guinea-Bissau had submitted combined initial, second, third, fourth, fifth and sixth periodic reports to the Committee on the Elimination of Discrimination against Women at its forty-fourth session, at the Committee's request. At the request of other committees, particularly the Committee on the Elimination of Racial Discrimination, the Committee on the Rights of the Child, the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, Guinea-Bissau restated its readiness to cooperate despite the major difficulties and limitations the country was facing.

675. Regarding the adoption of specific legislation criminalizing female genital mutilation and a law against domestic violence, the process was ongoing, as the country had just started awareness-raising campaigns for the targeted population. The Government was working in partnership with the Institute for Women and Children and with non-governmental organizations pursuing the same aim. Once this first stage was completed, the authorities would be able to move on to the second stage, namely the adoption of specific legislation criminalizing the above-mentioned practices. The country had already a preliminary draft bill along these lines.

676. In that regard, the delegation emphasized that the fight against practices, such as early and forced marriage, in a society such as in Guinea-Bissau should be conducted gradually, through awareness-raising campaigns, sensitization and continuous dialogue

with the targeted sectors of the population before legislative measures sanctioning these practices could be taken.

677. Concerning the issue of humanizing the detention system, prisoners of different sexes were imprisoned separately. Efforts were being made, funded by development partners, to improve the situation of prisoners.

678. With regard to the inclusive educational system, the Government was of the view that this could only be achieved through progressive measures. The Constitution guaranteed the right to private schools and specialized or general schools, which could be created by individuals or associations. The delegation referred to a private initiative school created by Associação Guineense de Reabilitação e Integração dos Cegos and various international non-governmental frameworks. The association provided special teaching in an institution known as Bengala Branca, funded by the Canadian Fund for Local Initiatives and the Caritas office in Bissau. There was also another association devoted to special teaching for deaf and mute persons.

679. Parliament would soon adopt a law to ensure that the existing national human rights institution is in conformity with the Paris Principles.

680. Regarding child and maternal mortality, trends over recent years had showed that this was gradually being reduced. There was a reduction in the death rate of infants between 0 and 5 years of age, thanks to free vaccination campaigns carried out by the Ministry of Health throughout the country. The delegation also confirmed the support of the international community to minimize the suffering of those who needed assistance.

681. The national human rights commission representative stated that the Government of Guinea-Bissau would continue to implement the recommendations made during the universal periodic review process. She reiterated the commitment of Guinea-Bissau to continue to promote and protect human rights.

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

682. Algeria underscored Guinea-Bissau's commitment to promote human rights and cooperate with the Council. It noted the political instability and extreme poverty the country had experienced since independence, as well as the measures taken in the area of good governance, drug trafficking, national reconciliation and to establish favourable conditions for lasting peace, security and political stability in the country. Despite the re-establishment of constitutional order in 2009, the process of consolidating stability still encountered enormous obstacles, notably the lack of reform in the security sector. Algeria called upon the international community to provide Guinea-Bissau with the assistance necessary to meet challenges.

683. Cuba congratulated Guinea-Bissau on its commitment, and stated that it had been engaged in extensive exchanges of opinion, offering information on the human rights situation with participating countries. Guinea-Bissau had shed light on the steps taken in the areas of health and education, and on programmes aimed at helping the poor. It had accepted the majority of recommendations, including those from Cuba. The implementation of these recommendations would enhance the well-being of the people; the cooperation and financial assistance of the international community were of vital importance. Cuba was ready to continue to provide its modest cooperation to Guinea-Bissau.

684. The United Kingdom of Great Britain and Northern Ireland thanked Guinea-Bissau for its responses to the recommendations, and was particularly pleased to note that all its recommendations had enjoyed the support of Guinea-Bissau. The United Kingdom reaffirmed the importance it attached to Guinea-Bissau working with regional and other



international partners to reform the security sector, ensuring the primacy of the civilian government and the rule of law. The United Kingdom welcomed the commitment made by Guinea-Bissau to improve the human rights situation through its universal periodic review and to address the recommendations that enjoyed its support in a timely and focused manner.

685. Morocco noted the progress made by Guinea-Bissau, but also the difficulties it encountered and the unfavourable socio-economic conditions. It underscored Guinea-Bissau's results in the area of good governance, rule of law and democracy, and stressed the need for the support of the international community. It paid tribute to the efforts made by Guinea-Bissau in seeking peaceful and consensual solutions to its difficulties. Morocco encouraged Guinea-Bissau to continue to consolidate its political and judicial institutions in order to ensure unity and integrity, and to bring lasting peace and stability.

686. Senegal noted the acceptance by Guinea-Bissau of most of the recommendations and its commitment to promote and protect human rights further. This commitment should be maintained by following through the reforms already embarked upon in several sectors, including fighting trafficking in human beings. Senegal invited Guinea-Bissau to continue to cooperate fully with the human rights protection mechanisms, including special procedures. Senegal called on the international community to provide Guinea-Bissau with the aid and assistance it required.

687. Nigeria commended Guinea-Bissau for the additional information it had provided since the Working Group session in May 2010, as well as its constructive engagement. It was encouraged to note that Guinea-Bissau had accepted a substantial number of recommendations, and welcomed its initiatives and programmes to ensure that its people enjoyed human rights. Nigeria encouraged Guinea-Bissau to follow up on the accepted recommendations and to continue to cooperate with the United Nations human rights mechanisms, and called on the international community to provide assistance and to share best practices, which would allow Guinea-Bissau to fulfil its human rights obligations.

688. The Democratic Republic of the Congo congratulated Guinea-Bissau on having accepted the recommendation it made with regard to its adhesion to international human rights instruments, and recommended in particular the ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It encouraged Guinea-Bissau to continue to improve the education system, notably the creation of a school for persons with disabilities. It called on the international community to support the reconstruction efforts in the country.

689. Angola acknowledged Guinea-Bissau's political commitment to improve the human rights situation, even though its recent past had been marked by tragic events. Angola recognized the efforts made to combat poverty, and welcomed the series of programmes launched to strengthen its institutional capacity. Guinea-Bissau had pledged to reduce maternal and child mortality rates. Political and institutional stability was, however, crucial and decisive. Guinea-Bissau's recovery would come about only when there was political stability and peace; it was therefore necessary for the international community to provide support for, above all, the reform of defence and security forces.

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

690. Amnesty International welcomed Guinea-Bissau's support for a number of recommendations, including on the adoption of a law criminalizing female genital mutilation, and encouraged Guinea-Bissau to reconsider the recommendation to take measures to combat other harmful traditional practices. It welcomed Guinea-Bissau's support for recommendations to ratify international human rights treaties and urged it to proceed without delay. It regretted the fact that Guinea-Bissau did not support five

recommendations that were particularly relevant, in the light of the impunity enjoyed by members of the armed forces for human rights violations that occurred in March and June 2009. It urged Guinea-Bissau to end prevailing impunity as a matter of urgency.

691. The Canadian HIV/AIDS Legal Network, in a joint statement with the European Region of the International Lesbian and Gay Federation, welcomed Guinea-Bissau's commitment to equality and non-discrimination. In keeping with that commitment, it commended Guinea-Bissau for being one of six African States to have endorsed the General Assembly joint statement on human rights, sexual orientation and gender identity. It recognized the positive steps taken to end discrimination on these grounds, and encouraged Guinea-Bissau to further implement policies that ensured equality of access to public health services by all marginalized populations; implement laws to protect lesbians, gays, bisexuals and transgender people from discrimination; and implement effective education and training for the police, judicial and State officials.

692. Rencontre africaine pour la défense des droits de l'homme noted the difficulties encountered by Guinea-Bissau in recovering from the civil war. It acknowledged Guinea-Bissau's determination to cooperate with the Council, which should be reflected in the country through changes in social, economic and political sectors. It noted that drug trafficking and transnational crime threatened not only the existence of the State but also the stability and security of neighbouring countries, and welcomed the strategic framework for peace consolidation. It regretted the absence of credible investigation into several murders of political personalities. It called on Guinea-Bissau to take appropriate measures to implement all the recommendations, which would help Guinea-Bissau to recover.

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

693. Guinea-Bissau thanked all delegations. Although it faced many difficulties, the country had made progress in protecting human rights. The shortcomings were due to structural problems that the country had the means to overcome. The State's own structures, together with the support of the international community, could help to address the challenges ahead, which were slowing down the country's progress. The delegation once again appealed to the international community to help Guinea-Bissau to implement the recommendations made.

#### **Kiribati**

694. The review of Kiribati was held on 3 May 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 Kiribati in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/8/KIR/1);
- (b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/8/KIR/2);
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/8/KIR/3).

695. At its 33rd meeting, on 1 October 2010, the Council considered and adopted the outcome of the review on Kiribati (see section C below).

696. The outcome of the review on Kiribati comprises the report of the Working Group on the Universal Periodic Review (A/HRC/15/3), the views of Kiribati concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/15/3/Add.1).

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

697. Pursuant to the request of Kiribati and on its behalf, the President of the Council presented Kiribati's views on the recommendations, given that Kiribati was unable to be present at the meeting. Kiribati submitted its position and views on the recommendations in writing, and were contained in the addendum to the report of the Working Group.

698. Kiribati reiterated its commitment to the universal periodic review process in compliance with General Assembly resolution 60/251. When considering the recommendations, Kiribati had established a working committee, the members of which represented all relevant ministries. The committee's findings formed the basis for Kiribati's response to each recommendation.

699. Kiribati had analysed all recommendations and put them into the following categories, in accordance with national priorities: human rights and other international conventions; legislative reform; human rights institutions; rights awareness; the Kiribati national development plan for the period 2008–2011; child labour policy; human rights special procedures; gender and equality; the Convention on the Rights of the Child; health and education; and the environment.

700. Kiribati had accepted 42 recommendations, not accepted 11, while the remaining 30 would be considered in due process.

701. Kiribati acknowledged that reform was long overdue for many essential underlying institutions, noting that a thorough overhaul of the constitutional and legal frameworks would soon have to be carried out. Without this, there would be little chance for Kiribati to align itself strategically with international conventions and practices.

702. Kiribati faced real challenges posed by climate change. National priorities had thus evolved around concerted efforts to protect the environment, biodiversity and natural living ecosystems. The Government's scarce financial resources were diverted to programmes to mitigate the adverse effects of climate change, given that rising sea levels threatened the very foundations of its fragile islands and livelihoods.

703. Kiribati would continue to work closely with the international community as it sought to achieve fully the objectives of each accepted recommendation. The realization of all recommendations would hinge very much on the availability of resources, both technical and monetary, as well as timely capacity-building.

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

704. Morocco noted Kiribati's request for technical and financial support not only to implement universal periodic review recommendations but also to support the Government's efforts to promote human rights. Such support was essential to establishing a national human rights commission in conformity with the Paris Principles, particularly by providing adequate training with a view to ensuring that staff were qualified and specialized. Such a commission would require a budget that Kiribati did not necessarily have; it would also play a role in the promotion and protection of human rights, particularly by providing advice to the Government concerning the harmonization of national legislation with international instruments; devising national human rights plans of action and programmes in general, and for the promotion and protection of human rights of vulnerable groups in particular; and training and awareness-raising of the public and State officials on human rights. The Council should pay closer attention to technical assistance in the universal periodic review.

705. Algeria stated that Kiribati's positions, as provided by the President on its behalf, reaffirmed its commitment to the universal periodic review and to strengthening human rights. Algeria praised Kiribati's efforts to participate in the universal periodic review, despite the logistic difficulties. Algeria made an appeal for greater assistance for Kiribati. Algeria welcomed the fact that Kiribati had accepted the majority of the recommendations, including three made by Algeria. It encouraged Kiribati to examine positively Algeria's other two recommendations, on examining the possibility of ratifying the main human rights treaties, and on seeking technical assistance from the international community and specialized United Nations agencies in order to create a national human rights institution and to overcome the difficulties and constraints noted in Kiribati's national report. Algeria called on OHCHR to make additional efforts to facilitate the participation of countries with small populations such as Kiribati in the universal periodic review.

706. The United Kingdom of Great Britain and Northern Ireland thanked Kiribati, through the secretariat, for its participation in the Working Group session. It appreciated the fact that Kiribati had been able to study the recommendations and to provide responses to them. The United Kingdom recognized that this exercise required a considerable effort by Kiribati in view of its obvious resource challenges. The United Kingdom looked forward to the implementation of the accepted recommendations, and hoped that Kiribati would accept additional recommendations from those that were still under consideration.

707. New Zealand stated that the adoption of the universal periodic review report for Kiribati highlighted the difficulties that States may face when participating in the process, particularly small island States without representation in Geneva. It understood why such a long and expensive journey to Geneva for a representative of Kiribati may not be an attractive option. As the first cycle of the universal periodic review came to an end and with the approaching review of the Council, it was time to consider this issue. New Zealand commended Kiribati for accepting the recommendations relating to the participation of women in decision-making and the need for an adequate law to prosecute cases of domestic violence. It expressed, however, its disappointment that more recommendations relating to the rights of women had not been accepted, particularly those aimed at ensuring compliance with the Convention on the Elimination of All Forms of Discrimination against Women. New Zealand was pleased to see that Kiribati was prepared to consider extending a standing invitation to all special procedures, while noting the difficulties faced by Kiribati in meeting reporting obligations to international instruments.

708. Australia commended Kiribati for its comprehensive and considered response to the recommendations made in the course of the universal periodic review, which was a major effort by Kiribati, given the small size of its public service and limited resources. By its active participation in the United Nations human rights machinery, Kiribati had displayed its commitment to human rights. Australia was pleased to note that Kiribati had accepted its three recommendations, and that the decision not to accept certain recommendations was primarily due to national capacity and resource constraints. Australia commended the President of the Council for the manner in which he worked with Kiribati to ensure the presentation of its responses. The universal periodic review process was an enormous challenge for Kiribati, and OHCHR had an important role in helping small States to manage this process.

709. Maldives welcomed the insightful and honest presentation made by Kiribati on 3 May 2010, and acknowledged that meeting the deadline for the submission of its position on the recommendations was a remarkable effort in the light of the small size of Kiribati's public service and capacity constraints. Kiribati was a small island developing State with shared characteristics and common challenges with Maldives, especially the impact of climate change and capacity constraints. Climate change had a wide range of implications for the full enjoyment of human rights, and Member States had a responsibility to desist

from actions that would knowingly undermine human rights in Kiribati and to take meaningful action to reduce their greenhouse gas emissions to a safe level. Developed nations also had a human rights obligation to assist Kiribati in adapting to the inevitable effects of global warming. Maldives also highlighted that it was imperative for the international community to assist Kiribati in implementing the recommendations.

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

710. Amnesty International noted with concern the difficulties that had prevented Kiribati from attending the adoption of its universal periodic review outcome, and stated that this was a reminder that support for small developing countries should be strengthened. It regretted the fact that Kiribati considered it not feasible to ratify the international covenants and other human rights instruments. Amnesty International welcomed the efforts to address violence against women; it urged Kiribati to implement in full its obligations under the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child to protect women and children from violence, and to eradicate cultural practices that contributed to discrimination against women and girls. It also urged Kiribati to realize its plans to develop specific legislation on eliminating violence against women, and encouraged States Members of the United Nations and regional bodies to support the Government's efforts to protect women and children.

711. The Canadian HIV/AIDS Legal Network and ILGA-Europe commended Kiribati for its willingness to positively consider recommendations 66.23 and 66.41, as this would strengthen Kiribati's commitment to the core principles of equality and non-discrimination. They urged Kiribati to act promptly to implement each of the recommendations in furtherance of the commitment to the principles of equality and to the values of respect, fairness and equal dignity for all. In view of the absence of Kiribati on the podium, they requested that written copies of all statements be collated and submitted to Kiribati, as this would greatly facilitate communications with it.

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

712. The President of the Council stated that Kiribati had noted the 30 recommendations that remained under its consideration.

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

713. At its 20th meeting, on 23 September 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: Argentina, Belgium (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 Ukraine), Brazil, China, Cuba, Hungary, Poland, Russian Federation, United States of America;

(b) Representatives of the following observer States: Algeria, Armenia, Austria, Azerbaijan, Colombia, Cyprus, Honduras, Romania, Sudan, Turkey;

(c) Observers for the following non-governmental organizations: Action Canada for Population and Development (also on behalf of Franciscans International), Amnesty International, Colombian Commission of Jurists, Human Rights Watch, International Indian Treaty Council, Verein Sudwind Entwicklungspolitik.

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

### **Kyrgyzstan**

714. At the 14th meeting, on 21 September 2010, the Council adopted draft decision 15/101 without a vote (for the text as adopted, see part one, chap. II).

### **Guinea**

715. At the 14th meeting, on 21 September 2010, the Council adopted draft decision 15/102 without a vote (for the text as adopted, see part one, chap. II).

### **Lao People's Democratic Republic**

716. At the 15th meeting, on 21 September 2010, the Council adopted draft decision 15/103 without a vote (for the text as adopted, see part one, chap. II).

### **Spain**

717. At the 15th meeting, on 21 September 2010, the Council adopted draft decision 15/104 without a vote (for the text as adopted, see part one, chap. II).

### **Lesotho**

718. At the 15th meeting, on 21 September 2010, the Council adopted draft decision 15/105 without a vote (for the text as adopted, see part one, chap. II).

### **Kenya**

719. At the 16th meeting, on 22 September 2010, the Council adopted draft decision 15/106 without a vote (for the text as adopted, see part one, chap. II).

### **Armenia**

720. At the 16th meeting, on 22 September 2010, the Council adopted draft decision 15/107 without a vote (for the text as adopted, see part one, chap. II).

### **Sweden**

721. At the 17th meeting, on 22 September 2010, the Council adopted draft decision 15/108 without a vote (for the text as adopted, see part one, chap. II).

### **Grenada**

722. At the 17th meeting, on 22 September 2010, the Council adopted draft decision 15/109 without a vote (for the text as adopted, see part one, chap. II).

### **Turkey**

723. At the 17th meeting, on 22 September 2010, the Council adopted draft decision 15/110 without a vote (for the text as adopted, see part one, chap. II).

### **Guyana**

724. At the 18th meeting, on 23 September 2010, the Council adopted draft decision 15/111 without a vote (for the text as adopted, see part one, chap. II).

**Kuwait**

725. At the 18th meeting, on 23 September 2010, the Council adopted draft decision 15/112 without a vote (for the text as adopted, see part one, chap. II).

**Belarus**

726. At the 18th meeting, on 23 September 2010, the Council adopted draft decision 15/113 without a vote (for the text as adopted, see part one, chap. II).

**Guinea-Bissau**

727. At the 33rd meeting, on 1 October 2010, the Council adopted draft decision 15/114 without a vote (for the text as adopted, see part one, chap. II).

**Kiribati**

728. At the 33rd meeting, on 1 October 2010, the Council adopted draft decision 15/115 without a vote (for the text as adopted, see part one, chap. II).

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

### A. Follow-up to Human Rights Council resolutions S-9/1, S-12/1 and 13/9

729. At the 23rd meeting, on 27 September 2010, the High Commissioner introduced her report on the status of implementation of Council resolution 13/9 on follow-up to the report of the United Nations Independent International Fact-Finding Mission on the Gaza Conflict (A/HRC/15/52) and the report of the Secretary-General on the progress made in the implementation of the recommendations of the Fact-Finding Mission (A/HRC/15/51), in accordance with Council resolution S-12/1.

730. At the same meeting, on the same day, Christian Tomuschat, the Chairperson-Rapporteur of the Committee of independent experts in international humanitarian and human rights laws, established by the Council in its resolution 13/9 to monitor and assess any domestic, legal or other proceedings undertaken by the Government of Israel on the Palestinian side in the light of General Assembly resolution 64/254, presented the report of the Committee (A/HRC/15/50). The two other members of the Committee, Justice Mary McGowan and Param Cumaraswamy, were also present.

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

732. During the ensuing interactive dialogue on the report of the Committee, at the same meeting, the following made statements and asked the members of the Committee questions:

(a) Representatives of States Members of the Council: Bahrain, Bangladesh, Brazil, China, Cuba, Egypt<sup>50</sup> (also on behalf of the Non-Aligned Movement), Libyan Arab Jamahiriya, Malaysia, Pakistan (on behalf of the Organization of the Islamic Conference), Qatar, Saudi Arabia, Senegal, Switzerland, Syrian Arab Republic<sup>50</sup> (also on behalf of the Group of Arab States), United States of America;

(b) Representatives of the following observer States: Algeria, Indonesia, Iran (Islamic Republic of), Iraq, Lebanon, Morocco, Sudan, Tunisia, Turkey, United Arab Emirates, Yemen;

(c) Observers for intergovernmental organizations: European Union, League of Arab States;

(d) Observers for the following non-governmental organizations: Amnesty International, BADIL Resource Center for Palestinian Residency and Refugee Rights, Fédération internationale des ligues des droits de l'homme (also on behalf of Al-Haq, Law in the Service of Man), Palestinian Centre for Human Rights, United Nations Watch.

733. At the same meeting, the Chairperson-Rapporteur of the Committee answered questions and made his concluding remarks.

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<sup>50</sup> Observer of the Council speaking on behalf of Member and observer States.



## B. General debate on agenda item 7

734. At its 23rd and 24th meetings, on 27 September 2010, the Council held a general debate on agenda item 7, during which the following made statements:

(a) The representatives of Israel and of 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, Belgium (on behalf of the European Union, Albania, Bosnia and Herzegovina, Croatia, Montenegro, the Republic of Moldova, Serbia, the former Yugoslav Republic of Macedonia and Turkey), Cuba, Egypt<sup>50</sup> (on behalf of the Non-Aligned Movement), Libyan Arab Jamahiriya, Malaysia, Maldives, Nigeria (on behalf of the Group of African States), Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Russian Federation, Saudi Arabia, Spain, Switzerland, Syrian Arab Republic<sup>50</sup> (on behalf of the Group of Arab States), Thailand, United States of America;

(c) Representatives of the following observer States: Afghanistan, Algeria, Democratic People's Republic of Korea, Egypt, Iceland, Indonesia, Iran (Islamic Republic of), Lebanon, Morocco, Oman, Sri Lanka, Sudan, Turkey, Venezuela (Bolivarian Republic of), Yemen;

(d) Observers for the following non-governmental organizations: Al-Haq, Law in the Service of Man (also on behalf of the Al Mezan Centre for Human Rights, the BADIL Resource Center for Palestinian Residency and Refugee Rights, Defence for Children International, the Palestinian Centre for Human Rights and the Women's Centre for Legal Aid and Counseling), Association for World Education, BADIL Resource Center for Palestinian Residency and Refugee Rights, Cairo Institute for Human Rights Studies, Charitable Institute for Protecting Social Victims, Coordinating Board of Jewish Organizations (also on behalf of B'nai B'rith International), European Union of Jewish Students, Human Rights Watch, Mouvement contre le racisme et pour l'amitié entre les peuples (also on behalf of the BADIL Resource Center for Palestinian Residency and Refugee Rights, International Educational Development Inc., the International Youth and Student Movement for the United Nations and the International Organization for the Elimination of All Forms of Racial Discrimination), Nord-Sud XXI, Organization for Defending Victims of Violence, Palestinian Centre for Human Rights (also on behalf of Fédération internationale des ligues des droits de l'homme), Rencontre africaine pour la défense des droits de l'homme, United Nations Watch, World Union for Progressive Judaism.

## C. Consideration of and action on draft proposals

### **Follow-up to the report of the Committee of independent experts in international humanitarian and human rights law established pursuant to Council resolution 13/9**

735. At the 30th meeting, on 29 September 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.34, sponsored by Pakistan, on behalf of the Organization of the Islamic Conference, and co-sponsored by Palestine and the Syrian Arab Republic, on behalf of the Group of Arab States. Subsequently, Venezuela (Bolivarian Republic of) joined the sponsors.

736. At the same meeting, the representative of Pakistan orally revised the draft resolution.

737. Also at the same meeting, the representative of Palestine made a statement as a concerned party.

738. 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).

739. At the same meeting, the representatives of Belgium (on behalf of States members of the European Union that are members of the Council, the United Kingdom of Great Britain and Northern Ireland and the United States of America) made statements in explanation of vote before the vote.

740. 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/15/L.34 as orally revised. The draft resolution as orally revised was adopted by 27 votes in favour, 1 against, with 19 abstentions. The voting was as follows:

*In favour:*

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

*Against:*

United States of America

*Abstaining:*

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

741. For the text as adopted, see part one, chapter I, resolution 15/6.

742. At the same meeting, the representatives of Switzerland, Uruguay and Zambia made statements in explanation of vote after the vote.

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

743. At its 22nd meeting, on 24 September 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, Belgium (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, Turkey and Ukraine), Brazil (on behalf of MERCOSUR), China, Costa Rica<sup>50</sup> (on behalf of the Group of Latin American and Caribbean States), Nigeria (on behalf of the Group of African States), Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Russian Federation, Syrian Arab Republic<sup>50</sup> (also on behalf of the Group of Arab States), United States of America;

(b) Representatives of the following observer States: Algeria, Azerbaijan, Morocco, Slovenia.

(c) Observers for the following non-governmental organizations: Action Canada for Population and Development, Action internationale pour la paix et le développement des Grands Lacs, Afro-Asian People's Solidarity Organization, Agence internationale pour le développement, Amnesty International, Association for World Education, Centrist Democratic International, European Union for Public Relations, Femmes Afrique Solidarité, France Libertés (also on behalf of the American Association of Jurists, International Educational Development Inc. and Mouvement contre le racisme et pour l'amitié entre les peuples), Fundación Para la Libertad, Indian Council of Education, International Club for Peace Research, International Humanist and Ethical Union, International Institute for Non-aligned Studies, International Institute for Peace, International Lesbian and Gay Association – Europe, International Service for Human Rights (also on behalf of the Cairo Institute for Human Rights Studies, the Canadian HIV/AIDS Legal Network, the Asian Forum for Human Rights and Development and Human Rights Watch), Marangopoulos Foundation for Human Rights, Verein Sudwind Entwicklungspolitik, Widows Rights International, World Federation of Democratic Youth, World Union for Progressive Judaism.

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

744. At the 32nd meeting, on 30 September 2010, the President stated that, in the light of the growing number of instances of religious intolerance, such as discrimination, conflating a religion with terrorism or desecrating or destroying holy books, religious sites or shrines, he had been empowered, by the agreement of all Council Members, to make the following declaration:

The Council condemns recent instances of religious intolerance, prejudice and related discrimination and violence, which continue to occur in all parts of the world. The international community should stand united against all forms of religious intolerance and should engage in practical steps to end such intolerance. The Council encourages efforts to establish collaborative networks to build mutual understanding and promote dialogue. The Council stresses that these efforts should be made to protect individuals of all religions and beliefs in a non-discriminatory way, and should apply to promote understanding among them. The Council also recognizes that open, constructive and respectful debate, as well as interfaith dialogue, can have a positive effect. The Council reiterates the call by the Secretary-General on the necessity for the voices of moderation to be heard and for mutual respect to prevail.

745. At the same meeting, the President also informed the States Members of the Council, observer States and other observers that draft resolution A/HRC/15/L.1 had been withdrawn by its co-sponsors.

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

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

746. At the 26th meeting, on 28 September 2010, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Githu Muigai, presented his reports (A/HRC/15/45 and A/HRC/15/53).

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

(a) Representatives of States Members of the Council: Bangladesh, Brazil, China, Djibouti, Libyan Arab Jamahiriya, Malaysia, Maldives, Nigeria (on behalf of the Group of African States), Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Poland, Russian Federation, Saudi Arabia, Senegal, Switzerland, Thailand, United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of the following observer States: Algeria, Armenia, Azerbaijan, Denmark, Egypt, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Philippines, Sweden, Venezuela (Bolivarian Republic of);

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

(d) Observers for the following non-governmental organizations: Cairo Institute for Human Rights Studies, Human Rights First, International Movement Against All Forms of Discrimination and Racism, Ligue internationale contre le racisme et l'antisémitisme.

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

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

749. At the 26th meeting, on 28 September 2010, the Chairperson-Rapporteur of the Working Group of Experts on People of African Descent, Mirjana Najcevska, presented the report of the Working Group (A/HRC/15/18).

750. At the same meeting, the representative of the United States of America made a statement as a concerned country.

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

(a) Representatives of States Members of the Council: Brazil, Ecuador, Nigeria (on behalf of the Group of African States), Senegal;

(b) Representatives of the following observer States: Algeria, Honduras, Venezuela (Bolivarian Republic of).

752. At the same meeting, the Chairperson-Rapporteur of the Working Group answered questions and made her concluding remarks.

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

753. At its 26th and 27th meetings, on 28 September 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: Belgium (on behalf of the European Union, Albania, Armenia, Bosnia and Herzegovina, Georgia, Iceland, Montenegro, the Republic of Moldova, Serbia, the former Yugoslav Republic of Macedonia and Ukraine), Cuba, Egypt<sup>51</sup> (on behalf of the Non-Aligned Movement), Guatemala, Libyan Arab Jamahiriya, Nigeria (on behalf of the Group of African States), Pakistan (on behalf of the Organization of the Islamic Conference), Qatar, Russian Federation, Saudi Arabia, Syrian Arab Republic<sup>51</sup> (on behalf of the Group of Arab States), United States of America;

(b) Representatives of the following observer States: Azerbaijan, Iran (Islamic Republic of), Israel, Kuwait, Turkey;

(c) Observer for the Holy See;

(d) Observers for the following non-governmental organizations: Afro-Asian People's Solidarity Organization, Association for World Education, Association of World Citizens, Cairo Institute for Human Rights Studies, Charitable Institute for Protecting Social Victims, Commission to Study the Organization of Peace, European Union of Public Relations, France-Libertés: Fondation Danielle Mitterrand, Fraternité Notre Dame, Inc., International Club for Peace Research, International Educational Development, Inc., International Humanist and Ethical Union, International Institute for Peace, International Islamic Federation of Student Organizations (also on behalf of the World Muslim Congress), International Youth and Student Movement for the United Nations, Liberation, Mbororo Social and Cultural Development Association of Cameroon, Mouvement contre le racismisme et pour l'amitié entre les peuples, Organization for Defending Victims of Violence,

<sup>51</sup> Observer of the Council speaking on behalf of Member and observer States.

Rencontre africaine pour la défense des droits de l'homme, United Nations Watch, Verein Sudwind Entwicklungspolitik, World Union for Progressive Judaism.

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

#### **Nelson Mandela International Day**

754. At the 34th meeting, on 1 October 2010, the representative of South Africa introduced draft decision A/HRC/15/L.21, sponsored by Australia and co-sponsored by Nigeria, on behalf of the Group of African States. Subsequently, Albania, Andorra, Argentina, Armenia, Austria, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Bulgaria, Cambodia, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Ecuador, Estonia, Finland, France, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kuwait, Latvia, Lebanon, Lithuania, Luxembourg, Malaysia, Maldives, Malta, Mexico, Monaco, Nepal, the Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Palestine, Panama, Peru, Poland, Portugal, Qatar, the Republic of Moldova, Romania, the Russian Federation, Saint Kitts and Nevis, Saudi Arabia, Serbia, Singapore, Slovakia, Slovenia, Spain, Sri Lanka, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Ukraine, the United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam and Yemen joined the sponsors.

755. At the same meeting, the representative of South Africa orally revised the draft decision.

756. Also at the same meeting, the representatives of the Libyan Arab Jamahiriya and the United States of America made general comments in relation to the draft decision as orally revised.

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

758. At the same meeting, the draft decision, as orally revised, was adopted without a vote (for the text as adopted, see part one, chap. II, decision 15/117).

## X. Technical assistance and capacity-building

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

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

759. At the 25th meeting, on 28 September 2010, the President informed States Members of the Council, observer States and other observers that the interactive dialogue with the independent expert on the situation of human rights in Burundi on the report of the previous mandate holder, Akich Okola, covering the latter's activities and findings since the renewal of his mandate in 2008, would not take place, given that the Government of Burundi had not received the said report. The President also stated that the delegation of Burundi had no objection to deferring the interactive dialogue to the sixteenth session.

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

760. At the 27th meeting, on 28 September 2010, the Special Rapporteur on the situation of human rights in Cambodia, Surya Prasad Subedi, presented his report (A/HRC/15/46).

761. At the same meeting, the representative of Cambodia made a statement as the concerned country.

762. 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, Japan, Malaysia, Switzerland, Thailand, United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of the following observer States: Algeria, Australia, Canada, Indonesia, Ireland, Lao People's Democratic Republic, Myanmar, Nepal, Philippines, Singapore, Sweden, Viet Nam;

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

(d) Observers for the following non-governmental organizations: Amnesty International, Asian Forum for Human Rights and Development, Human Rights Watch.

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

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

764. At the 29th meeting, on 29 September 2010, the independent expert on the situation of human rights in Somalia, Shamsul Bari, presented his report (A/HRC/15/48).

765. At the same meeting, the representative of Somalia made a statement as the concerned country.

766. 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: Bahrain, Bangladesh, China, Djibouti, Nigeria (on behalf of the Group of African States), Norway, Saudi Arabia, Switzerland, Syrian Arab Republic<sup>51</sup> (on behalf of the Group of Arab States), Thailand, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of the following observer States: Algeria, Australia, Canada, Egypt, Ethiopia, Italy, Kuwait, Sudan, Sweden, United Republic of Tanzania, Yemen;

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

(d) Observers for the following non-governmental organizations: Cairo Institute for Human Rights Studies, Freedom House, Human Rights Watch, International Educational Development, Inc.

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

## **B. Stand-alone interactive dialogue**

### **Stand-alone interactive dialogue on assistance to Somalia in the field of human rights**

768. At its 28th meeting, on 29 September 2010, the Council held a stand-alone interactive dialogue on assistance to Somalia in the field of human rights, in accordance with Council decision 14/119. The High Commissioner made opening remarks for the discussion.

769. At the same meeting, the participants Shamsul Bari, Mark Bowden, Boubacar Gaoussou Diarra, Abdirahman Haji Aden Ibbi, Augustine P. Mahiga, George Okoth-Obbo, Omar Farukh Osman, Abdullahi M. Shirwa and Charles Vincent made statements.

770. During the ensuing discussion, at the same meeting, the following made statements and asked the participants questions:

(a) Representatives of States Members of the Council: Brazil, Djibouti, Ghana, Japan, Mexico, Nigeria (on behalf of the Group of African States), Pakistan (on behalf of the Organization of the Islamic Conference), Spain, Switzerland, Syrian Arab Republic<sup>51</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: Algeria, Australia, Egypt, Ethiopia, Israel, Italy, Kenya, United Arab Emirates, Yemen;

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

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

(e) Observers for non-governmental organizations: Amnesty International, Cairo Institute for Human Rights Studies.

771. At the same meeting, the participants Mark Bowden, Boubacar Gaoussou Diarra, Abdirahman Haji Aden Ibbi, Augustine P. Mahiga, George Okoth-Obbo, Omar Farukh Osman, Abdullahi M. Shirwa and Charles Vincent answered questions and made their concluding remarks.

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

772. At its 29th meeting, on 29 September 2010, the Council held a general debate on the country-specific reports submitted under agenda item 2 and introduced by the Chief of the Africa Branch, Field Operation and Technical Cooperation Division of OHCHR, under agenda item 10.



773. At the same meeting, the representative of Cambodia made a statement as the concerned country.

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

(a) Representatives of States Members of the Council: Brazil, Belgium (on behalf of the European Union, Albania, Armenia, Bosnia and Herzegovina, Croatia, Iceland, Montenegro, the Republic of Moldova, Serbia, the former Yugoslav Republic of Macedonia, Turkey and Ukraine), Chile, Switzerland, Thailand, United States of America;

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

(c) Observer for national human rights institutions: International Coordinating Committee of national human rights institutions;

(d) Observers for non-governmental organizations: Human Rights Watch, Rencontre africaine pour la défense des droits de l'homme.

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

775. At the 31st meeting, on 30 September 2010, the President of the Council made a statement on technical assistance and capacity-building in Haiti (for the text of the President's statement, see part one, chap. III, PRST/15/1).

776. 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 text (see annex II).

777. At the same meeting, the representative of Haiti made a statement as the concerned country.

778. Also at the same meeting, the representatives of Brazil, France, the United States of America and Uruguay (on behalf of the Group of Latin American and Caribbean States) made general comments in relation to the draft text.

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

779. At the 32nd meeting, on 30 September 2010, the representative of Japan introduced draft resolution A/HRC/15/L.17, sponsored by Japan and co-sponsored by Denmark, New Zealand, Norway, Serbia and the United States of America. Subsequently, Australia, Austria, Bulgaria, Canada, Croatia, Cyprus, the Czech Republic, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Lithuania, Luxembourg, Malta, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Switzerland joined the sponsors.

780. At the same meeting, the representative of Japan orally revised the draft resolution.

781. Also at the same meeting, the representative of Cambodia made a statement as the concerned country.

782. 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).

783. At the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 15/20).

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

784. At the 34th meeting, on 1 October 2010, the representative of Nigeria, on behalf of the Group of African States, introduced draft resolution A/HRC/15/L.2, sponsored by Nigeria, on behalf of the Group of African States. Subsequently, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, the Czech Republic, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Lithuania, Luxembourg, Malta, New Zealand, Norway, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Zambia joined the sponsors.

785. At the same meeting, the representative of Nigeria orally revised the draft resolution.

786. Also at the same meeting, the representative of Somalia made a statement as the concerned country.

787. 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).

788. At the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 15/28).

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

## Annexes

### Annex I

#### Attendance

##### States Members of the Human Rights Council

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

##### States Members of the United Nations represented by observers

Afghanistan	Cambodia	El Salvador
Albania	Canada	Equatorial Guinea
Algeria	Chad	Eritrea
Andorra	Colombia	Estonia
Armenia	Congo	Ethiopia
Australia	Costa Rica	Fiji
Austria	Côte d'Ivoire	Finland
Azerbaijan	Croatia	Gambia
Belarus	Cyprus	Georgia
Benin	Czech Republic	Germany
Bhutan	Democratic People's Republic of Korea	Greece
Bolivia (Plurinational State of)	Democratic Republic of the Congo	Guinea
Bosnia and Herzegovina	Denmark	Guinea-Bissau
Botswana	Dominica	Guyana
Brunei Darussalam	Dominican Republic	Haiti
Bulgaria	Egypt	Iceland
		India
		Indonesia

Iran (Islamic Republic of)	Montenegro	Sri Lanka
Iraq	Morocco	Saint Kitts and Nevis
Ireland	Mozambique	Sudan
Israel	Myanmar	Swaziland
Italy	Namibia	Sweden
Jamaica	Nepal	Syrian Arab Republic
Kazakhstan	Netherlands	Tajikistan
Kenya	New Zealand	The former Yugoslav Republic of Macedonia
Kuwait	Nicaragua	Timor-Leste
Lao People's Democratic Republic	Oman	Togo
Latvia	Panama	Tunisia
Lebanon	Paraguay	Turkey
Lesotho	Peru	United Arab Emirates
Liechtenstein	Philippines	United Republic of Tanzania
Lithuania	Portugal	Uzbekistan
Luxembourg	Romania	Venezuela (Bolivarian Republic of)
Madagascar	Rwanda	Viet Nam
Malta	San Marino	Yemen
Monaco	Serbia	Zimbabwe
Mongolia	Singapore	
	Slovenia	
	Somalia	
	South Africa	

### **Non-member States represented by observers**

Holy See

### **Other observers**

Palestine

### **Specialized agencies and related organizations**

International Labour Office

International Organization for Migration

United Nations Children's Fund

United Nations Educational, Scientific and Cultural Organization

United Nations Interregional Crime

and Justice Research Institute

United Nations Relief and Works

Agency for Palestine in the Near East

World Health Organization

World Trade Organization

### **Intergovernmental organizations**

African Union

African, Asian, Caribbean and Pacific Group

European Union

International Humanitarian Fact-Finding Commission

International Organization of la Francophonie

League of Arab States

## Other entities

Sovereign Military Order of Malta

## National human rights institutions, international coordinating committees and regional groups of national institutions

Defensor del Pueblo de España  
Kenya National Commission on Human Rights

National Human Rights Commission of Nigeria

## Non-governmental organizations

3D Trade Human Rights Equitable Economy

Action Canada for Population and Development

Action internationale pour la paix et le développement dans la région des Grands Lacs

African-American Society for Humanitarian Aid and Development

Afro-Asian Peoples' Solidarity Organization

Agence internationale pour le développement (Aide-Fédération)

Agir ensemble pour les droits de l'homme

AIDS Information Switzerland

Al-Hakim Foundation

Al-Haq, Law in the Service of Man

Al-Zubair Charity Foundation

Amnesty International

Anti-Slavery International

Arab Commission for Human Rights

Asia Pacific Forum on Women, Law and Development

Asian Forum for Human Rights and Development (Forum-Asia)

Asian Indigenous and Tribal Peoples Network

Asian Legal Resource Centre

Asia-Pacific Human Rights Information Centre (Hurights Osaka)

Association des Badinga du Congo

Association for the Prevention of Torture

Association of World Citizens

Association for World Education

Associazione Comunità Papa Giovanni XXIII

Badil Resource Center for Palestinian Residency and Resource Rights

Baha'i International Community

Bridges International

Cairo Institute for Human Rights Studies

Canadian HIV/AIDS Legal Network

Caritas Internationalis (International Confederation of Catholic Charities)

Catholic Organisation for Relief and Development (Cordaid)

Center for International Environmental Law

Center for Reproductive Rights

Centre for Human Rights and Peace Advocacy

Centre indépendant de recherches et d'initiatives pour le dialogue

Centre on Housing Rights and Evictions

Centrist Democratic International

Centro de Derechos Humanos Miguel Agustín Pro Juárez

Centro Regional de Derechos Humanos y Justicia de Género

Cercle de recherche sur les droits de la personne humaine

Charitable Institute for Protecting Social Victims

Civicus – World Alliance for Citizen Participation

Colombian Commission of Jurists

Commission of the Churches on International Affairs of the World Council of Churches

Commission to Study the Organization of Peace

Company of the Daughters of Charity of St. Vincent de Paul

Conectas Direitos Humanos

Congregation of Our Lady of Charity of the Good Shepherd	Indian Council of Education
Conscience and Peace Tax International	Indian Council of South America
Consultative Council of Jewish Organizations	Indigenous Peoples' Center for Documentation, Research and Information
Coordinating Board of Jewish Organizations	International Association of Democratic Lawyers
Defense for Children International	International Bar Association
Democracy Coalition Project	International Bridges to Justice, Inc.
Dominicans for Justice and Peace (Order of Preachers)	International Catholic Child Bureau
Earthjustice	International Centre for Human Rights and Democratic Development (Rights and Democracy)
Eastern Sudan Women Development Organization	International Club for Peace Research
Equality Now	International Commission of Jurists
European Disability Forum	International Committee for the Indians of the Americas (Incomindios Switzerland)
European Region of the International Lesbian and Gay Association	International Committee for the Respect and Application of the African Charter on Human and People's Rights
European Union of Jewish Students	International Council of Environmental Law
European Union of Public Relations	International Council on Human Rights Policy
Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos	International Educational Development, Inc.
Federatie van Nederlandse Verenigingen tot Integratie Van Homoseksualiteit (COC Nederland)	International Federation of Acat (Action by Christians for the Abolition of Torture – FIACAT)
Femmes Africa Solidarité	International Federation of Business and Professional Women
Foundation for Aboriginal and Islander Research Action	International Federation of Human Rights Leagues
France Libertés: Fondation Danielle Mitterrand	International Federation of Social Workers
Franciscans International	International Federation of University Women
Fraternité Notre Dame	International Federation Terre des Hommes
Freedom House	International Human Rights Association of American Minorities
Friedrich Ebert Foundation	International Humanist and Ethical Union
Friends World Committee for Consultation (Quakers)	International Indian Treaty Council
Fundacion para la Libertad	International Institute for Non-Aligned Studies
Geneva for Human Rights	International Institute for Peace
Geneva International Model United Nations	International Islamic Federation of Student Organizations
Global Alliance against Traffic in Women	International Movement against all Forms of Discrimination and Racism
Grand Council of the Crees (Eeyou istchee)	
Hawa Society for Women	
Himalayan Research and Cultural Foundation	
Human Rights Advocates, Inc.	
Human Rights First	
Human Rights Information and Training Centre	
Human Rights Watch	

International Movement ATD Fourth World	Nord-Sud XXI
International Movement for Fraternal Union among Races and Peoples	Northern Alliance for Sustainability
International Muslim Women's Union	Norwegian Forum for Environment and Development
International Organization for the Right to Education and Freedom of Education	Open Society Institute
International Pen	Organisation mondiale des associations pour l'éducation prénatale
International Publishers Association	Organisation pour la Communication en Afrique et de promotion de la coopération économique internationale (Ocaproce International)
International Save the Children Alliance	Organization for Defending Victims of Violence
International Service for Human Rights	Palestinian Centre for Human Rights
International Volunteerism Organization for Women, Education and Development – VIDES	Pax Christi International
International Women Bond	Pax Romana
International Work Group for Indigenous Affairs	Peace Worldwide
International Youth and Student Movement for the United Nations	Permanent Assembly for Human Rights
Iranian Elite Research Center	Planetary Association for Clean Energy, Inc.
Islamic Human Rights Commission	Rencontre africaine pour la défense des droits de l'homme
Istituto Internazionale Marie Ausiliatrice	Reporters without Borders – International
Ius Primi Viri International Association	Servas International
Izza Peace Foundation	Shimin Gaikou Centre
Kenya Alliance for Advancement of Children	Social Service Agency of the Protestant Church in Germany
Khiam Rehabilitation Centre for Victims of Violence	Society for Threatened Peoples
Lesbian and Gay Federation in Germany Liberation	Society Studies Center
Ligue internationale contre le racisme et l'antisémitisme	Soka Gakkai International
Maarij Foundation for Peace and Development	Sudan Council of Voluntary Agencies
Mandat International	Syriac Universal Alliance
Marangopoulos Foundation for Human Rights	Unesco Centre Basque Country (Unesco Etxea)
Maryam Ghasemi Educational Charity Institute	Union de l'action féminine
Mbororo Social and Cultural Development Association (Mboscuda)	United Nations Watch
MISEREOR	United Towns Agency for North-South Cooperation
Mouvement contre le racisme et pour l'amitié entre les peuples	Urban Justice Center
Myochikai (Arigatou Foundation)	Verein Sudwind Entwicklungspolitisch (Sudwind)
National Association of Community Legal Centres, Inc.	War on Want
New Humanity	Widows Rights International
Nippon Foundation	Women's Human Rights International Association
Nonviolent Radical Party transnational and transparty	Women's International League for Peace and Freedom
	Women's World Summit Foundation
	World Alliance of Young Men's Christian Associations

World Association for the School as an  
Instrument of Peace  
World Evangelical Alliance  
World Federation of Democratic Youth  
World Federation of Trade Unions  
World Federation of United Nations  
Associations

World Muslim Congress  
World Organization against Torture  
World Student Christian Federation  
World Union for Progressive Judaism  
World Vision International  
Worldwide Organization for Women



## Annex II

### **Administrative and programme budget implications of resolutions adopted by the Human Rights Council at its fifteenth session**

#### **15/2**

#### **Special Rapporteur on contemporary forms of slavery**

1. In paragraphs 3, 10 and 11 of draft resolution A/HRC/15/L.9, the Human Rights Council would:
  - (a) Decide to renew, for a three-year period, the mandate of the Special Rapporteur on contemporary forms of slavery, including its causes and its consequences;
  - (b) Request the Special Rapporteur to submit annual reports on the activities of the mandate to the Human Rights Council, together with recommendations on measures that should be taken to combat and eradicate contemporary forms of slavery and slavery-like practices and to protect the human rights of victims of such practices;
  - (c) Request the Secretary-General to give the Special Rapporteur all human and financial assistance, from within existing resources, for the effective fulfilment of his/her mandate.
2. Should the draft resolution be adopted by the Human Rights Council, it is estimated that provisions of \$56,600 per year would be required to implement the activities called for in the draft resolution. The requirements have been included under section 23 (Human Rights) of the programme budget for the biennium 2010–2011, however experience has shown they are at a minimal level.
3. While no additional appropriations would be sought from the General Assembly, the Secretariat will to the extent possible in implementing the terms of the draft resolution meet additional requirements that would arise, such as (a) staff to support the Special Rapporteur in undertaking his/her studies and during field visits; and (b) additional travel for the Special Rapporteur and/or experts for formal consultations with partners and stakeholders, including appropriate conference services for those meetings, within resources available under the programme budget for the biennium 2010–2011.
4. Since the period of extension of the mandate of the Special Rapporteur extends into the biennium 2012–2013, in drawing up the estimates for the proposed programme for the biennium 2012–2013 a thorough review of the expenditure pattern of the activities of the Special Rapporteur will be carried out and addressed in that context.
5. With regard to paragraph 11, attention is drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990 and subsequent resolutions, the most recent of which is resolution 64/243 of 24 December 2009, in which the Assembly reaffirmed that the Fifth Committee is the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters and reaffirmed the role of the Advisory Committee on Administrative and Budgetary Questions.

**15/6****Follow-up to the report of the committee of independent experts in international humanitarian and human rights law established pursuant to Council resolution 13/9**

6. Under the terms of paragraphs 8 and 9 of draft resolution A/HRC/15/L.34, the Human Rights Council would:

(a) Decide to renew and resume the mandate of the committee of independent experts in international humanitarian and human rights law established pursuant to Human Rights Council resolution 13/9, and would request this committee to present its report to the Council at its sixteenth session; it would also request the United Nations High Commissioner for Human Rights to continue providing its members with all administrative, technical and logistic assistance required to enable them to fulfil their mandate promptly and efficiently;

(b) Request the High Commissioner to present a report on the implementation of the resolution to the Council at its sixteenth session.

7. Should the draft resolution be adopted by the Human Rights Council, it is estimated that a total amount of \$618,200 would be required to implement the activities called for in the draft resolution, as follows:

(a) An estimated amount of \$432,800 required under section 2 (General Assembly and Economic and Social Council Affairs and Conference Management) would provide for processing pre- and post-session documentation of the Committee and providing interpretation services during a 10-day mission by the high-level expert to the region;

(b) Under section 23 (Human Rights) an estimated amount of \$185,400 would provide for: (i) travel and daily subsistence allowance of three high-level experts twice to Geneva for five days, and one 10-day mission to the region; (ii) travel and daily subsistence allowance for three staff members of the Office of the United Nations High Commissioner for Human Rights (OHCHR) (one P-4 and one P-3, and one administrative assistant) and a Security Officer for 10 days to the region; (iii) protection if required for the region: armoured vehicles, equipment and close protection while on mission; (iv) replacement for two months of OHCHR staff members assisting the experts (salaries of two staff members at the P-4 and P-3 levels); and (v) general operating expenses, including communications and other related expenses, videoconferencing, rental of vehicles and premises. The requirements are summarized below.

	<i>United States dollars</i>
Section 2, General Assembly and Economic and Social Council Affairs and Conference Management	432 800
Section 23, Human Rights	185 400
<b>Total</b>	<b>618 200</b>

8. The requirements have not been included under sections 2 and 23 of the programme budget for the biennium 2010–2011. The Secretariat will, to the extent possible, in implementing the terms of the draft resolution meet additional requirements, within resources available under the programme budget for the biennium 2010–2011. The expenditure performance will be reported to the General Assembly in the second

performance report for the biennium 2010–2011 and, if need be, additional requirements would be sought at that time.

## 15/7

### **Human rights and indigenous peoples**

9. Under the terms of paragraphs 7 and 8 of draft resolution A/HRC/15/L.5, the Human Rights Council would, decide to hold:

(a) On an annual basis, and without prejudice to the outcome of the Council's review of its work and functioning, an interactive dialogue with the Expert Mechanism on the Rights of Indigenous Peoples following the presentation of its report, within existing resources;

(b) Within existing resources, a half-day panel, at its eighteenth session, on the role of languages and culture in the promotion and protection of indigenous peoples' well-being and identity.

10. Should the draft resolution be adopted by the Human Rights Council, it is estimated that requirements of \$40,200 would arise to implement the activities called for in paragraphs 7 and 8.

11. The estimated requirements of \$40,200 have not been included under section 23 (Human Rights) of the programme budget for the biennium 2010–2011 to carry out the activities foreseen in the draft resolution. The Secretary-General will, to the extent possible, meet the additional requirements from within the provisions approved for section 23 of the programme budget for the biennium 2010–2011. Additional requirements are therefore not anticipated upon the adoption of the draft resolution by the Council.

12. With regard to paragraphs 7 and 8, attention is drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990 and subsequent resolutions, the most recent of which is resolution 64/243 of 24 December 2009, in which the Assembly reaffirmed that the Fifth Committee is the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters and reaffirmed the role of the Advisory Committee on Administrative and Budgetary Questions.

## 15/12

### **The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination**

13. Under the terms of paragraphs 11, 18 and 19 of draft resolution A/HRC/15/L.31, the Human Rights Council would:

(a) Decide to renew, for a period of three years, the mandate of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, to continue to undertake the tasks contained in resolution 7/21 of 28 March 2008, as well as in all other relevant resolutions on the subject;

(b) Request the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Working Group with all the necessary assistance and support for the fulfilment of its mandate, both professional and financial, including through the promotion of cooperation between the Working Group and other components of the United Nations system that deal with countering mercenary-related activities, in order to meet the demands of its current and future activities;

(c) Request the Working Group to consult States, intergovernmental organizations, non-governmental organizations and other relevant actors of civil society in the implementation of the resolution and to report its findings on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination to the General Assembly at its sixty-fifth session, and to the Council at its eighteenth session.

14. Should the draft resolution be adopted by the Human Rights Council, it is estimated that a total sum of \$327,600 per annum or \$655,200 per biennium would be required to implement the ongoing activities called for under its terms, as follows:

	<i>United States dollars</i>
Section 2, General Assembly and Economic and Social Council Affairs and Conference Management	106 800
Section 23, Human Rights	217 000
Section 28 E, Administration, Geneva	3 800
<b>Total</b>	<b>327 600</b>

15. The estimated requirements enumerated under paragraph 3 above have been included under sections 2, 23, and 28 E of the programme budget for the biennium 2010–2011 for the activities of the Working Group. No additional appropriations are therefore required to implement activities falling under the terms of paragraphs 11, 18 and 19 of the draft resolution.

16. With regard to paragraph 18, attention is drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990 and subsequent resolutions, the most recent of which is resolution 64/243 of 24 December 2009, in which the Assembly reaffirmed that the Fifth Committee is the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters and reaffirmed the role of the Advisory Committee on Administrative and Budgetary Questions.

## **15/14**

### **Human rights and indigenous peoples: mandate of the Special Rapporteur on the rights of indigenous peoples**

17. Under the terms of paragraph 1 and subparagraphs 1 (e) and 1 (j) of draft resolution A/HRC/15/L.6, the Human Rights Council would:

(a) Decide to extend the mandate of the Special Rapporteur on the rights of indigenous peoples for a period of three years;

(b) Request the Special Rapporteur to work in close cooperation with the Permanent Forum on Indigenous Issues and to participate in its annual session;

(c) Request the Special Rapporteur to submit a report on the implementation of his mandate to the Council in accordance with its annual programme of work.

18. Should the draft resolution be adopted by the Human Rights Council, it is estimated that provisions of \$59,800 per year would be required to implement the activities called for in the draft resolution. The requirements have been included under section 23 (Human Rights) of the programme budget for the biennium 2010–2011, however experience has shown they are at a minimal level.

19. While no additional appropriations would be sought from the General Assembly, the Secretariat will to the extent possible in implementing the terms of the draft resolution meet additional requirements that would arise such as (a) staff to support the mandate holder in undertaking his/her studies and during field visits; and (b) additional travel for the mandate holder and/or experts for formal consultations with partners and stakeholders, including appropriate conference services for those meetings, within resources available under the programme budget for the biennium 2010–2011.

20. Since the period of extension of the mandate of the Special Rapporteur extends into the biennium 2012–2013, in drawing up the estimates for the proposed programme for the biennium 2012–2013 a thorough review of the expenditure pattern of the activities of the Special Rapporteur will be carried out and addressed in that context.

## 15/15

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

21. Under the terms of paragraphs 2, 2 (f) and 5 of draft resolution A/HRC/15/L.7, the Human Rights Council would:

(a) Decide to extend the mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, for a period of three years;

(b) Request the Special Rapporteur to develop a regular dialogue and discuss potential areas of cooperation with Governments and all relevant actors, including specialized agencies and programmes with, inter alia, the Counter-Terrorism Committee of the Security Council, including its Executive Directorate, the Counter-Terrorism Task Force, OHCHR, the Terrorism Prevention Branch of the United Nations Office of Drugs and Crime and treaty bodies, as well as non-governmental organizations and other regional and subregional institutions, and to report regularly to the Human Rights Council and to the General Assembly;

(c) Request the Secretary-General and the High Commissioner to provide all the necessary human, technical and financial assistance to the Special Rapporteur for the effective fulfilment of his/her mandate.

22. Should the draft resolution be adopted by the Human Rights Council, to implement the activities called for in the draft resolution, it is estimated that provisions of \$74,000 per annum or \$148,000 would be required including (a) \$17,000 per annum or \$34,000 per biennium under section 2 (General Assembly and Economic and Social Council Affairs and Conference Management); (b) \$55,300 per annum or \$110,600 per biennium under section 23 (Human Rights); and (c) \$1,700 per annum or \$3,400 per biennium under section 28 E (Administration, Geneva). The requirements under all these sections have been included in the programme budget for the biennium 2010–2011, however experience has shown they are at a minimal level.

23. While no additional appropriations would be sought from the General Assembly, the Secretariat will to the extent possible in implementing the terms of the draft resolution meet additional requirements that would arise, such as (a) staff to support the Special Rapporteur in undertaking his/her studies and during field visits; and (b) additional travel for the Special Rapporteur and/or experts for formal consultations with partners and stakeholders, including appropriate conference services for those meetings, within resources available under the programme budget for the biennium 2010–2011.

24. Since the period of extension of the mandate of the Special Rapporteur extends into the biennium 2012–2013, in drawing up the estimates for the proposed programme for the biennium 2012–2013 a thorough review of the expenditure pattern of the activities of the Special Rapporteur will be carried out and addressed in that context.

25. With regard to paragraph 5, attention is drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990 and subsequent resolutions, the most recent of which is resolution 64/243 of 24 December 2009, in which the Assembly reaffirmed that the Fifth Committee is the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters and reaffirmed the role of the Advisory Committee on Administrative and Budgetary Questions.

## 15/18 Arbitrary detention

26. It is noted that this draft resolution has been adopted following the indication, orally, that there are additional resource requirements in the implementation of the terms of the draft resolution. The detailed programme budget implications contained in this oral statement is hereby submitted, as a record, to the Council.

27. This oral statement is made in accordance with rule 153 of the rules of procedure of the General Assembly.

28. Under the terms of paragraphs 11, 12 and 13 of draft resolution A/HRC/15/L.24, the Human Rights Council would:

(a) Decide to extend the mandate of the Working Group on Arbitrary Detention for a further period of three years, in accordance with Commission on Human Rights resolutions 1991/42 and 1997/50 and with Human Rights Council resolution 6/4;

(b) Request the Secretary-General to provide all necessary assistance to the Working Group, particularly with regard to the staffing and resources needed for the effective fulfilment of its mandate, especially in respect of field missions;

(c) Request the Office of the United Nations High Commissioner for Human Rights to organize in 2011, within existing resources, a two-day event to commemorate the twentieth anniversary of the establishment of the Working Group.

29. Should the draft resolution be adopted by the Human Rights Council, it is estimated that a total sum of \$1,299,000 per annum or \$2,598,000 per biennium would be required to implement the ongoing activities called for under paragraphs 11 and 12, as follows:

	<i>United States dollars</i>
Section 2, General Assembly and Economic and Social Council Affairs and Conference Management	1 075 500
Section 23, Human Rights	181 700
Section 28 E, Administration, Geneva	41 800
<b>Total</b>	<b>1 299 000</b>

30. The estimated requirements enumerated under paragraph 3 above have been included under sections 2, 23, and 28 E of the programme budget for the biennium 2010–2011 for the activities of the Working Group. No additional appropriations are therefore required to implement activities falling under the terms of paragraphs 11 and 12 of the draft resolution.

31. With respect to paragraph 13, it is estimated that a total amount of \$349,800 would be required for conference servicing, travel of five members and one consultant for three months for organization and participation in the two-day event to be held in 2011, as follows:

<i>United States dollars</i>	
Section 2, General Assembly and Economic and Social Council Affairs and Conference Management	267 300
Section 23, Human Rights	80 800
Section 28 E, Administration, Geneva	1 700
<b>Total</b>	<b>349 800</b>

32. The requirements enumerated in paragraph 30 above for the holding of the two-day event have not been included under the programme budget for the biennium 2010–2011.

33. Currently, the Secretary-General has been requested to implement various decisions and resolutions of the Human Rights Council, including the fifteenth session of the Council, and in response to various mandates of the General Assembly relating to human rights issues, which have financial implications on the programme budget for the biennium 2010–2011 estimated at \$9,527,800 of which, the Secretary-General is proposing to absorb an amount estimated at \$3,662,700.

34. The Council is also informed that there are other mandates that are likely to command additional requirements in the programme budget in the bienniums 2010–2011 or 2012–2013, as follows: (a) the entry into force of the International Convention on the Protection of All Persons from Enforced Disappearance; (b) the decision of the Committee on the Elimination of Racial Discrimination to request the General Assembly to authorize the Committee to meet for an additional week per session (two additional weeks of sessional meetings per year) in 2012 and 2013; and (c) the decision of the Committee against Torture to request the General Assembly to authorize the Committee to meet for an additional week per session in 2011 and 2012.

35. With regard to the biennium 2012–2013, in his report (A/65/333), the Secretary-General also stated that an additional amount of \$283,100 would be required in the biennium 2012–2013 relating to Council resolution 14/8. It is also estimated that the programme budget implications of draft resolutions tabled at the current fifteenth session of the Council will command new resources in the biennium 2012–2013 of about \$4,963,300.

36. Against this background of the various mandates and its related additional resource requirements in the biennium 2010–2011, the Council is hereby informed that, since at this juncture the programme budget for the biennium 2010–2011 has been tasked with absorption of significant amounts of requirements for additional resources, it is proposed that General Assembly approval be sought for all additional resources arising from the Council's mandates that cannot be met from within available resources. Although the Secretariat will endeavour to identify areas from which resources can be redeployed to meet the additional requirements, the Secretariat, after having exhausted all possibilities of absorption, may have to seek additional resources under the programme budget for the biennium 2010–2011, through established procedures.

37. The Human Rights Council will recall that the General Assembly, in part V of its resolution 63/263, endorsed the conclusions and recommendations of the Advisory Committee on Administrative and Budgetary Questions that there is merit in presenting an annual report on the revised estimates arising from resolutions and decisions adopted by the Council (A/63/541). As such, the programme budget implications of the decisions and

resolutions of the current session will only be presented to the Assembly at its sixty-sixth session. Given that some of the draft resolutions of the current session require immediate action and that their implementation requires additional resources, including those for conference services, which are not included in the calendar of conferences for the biennium 2010–2011, the Secretary-General could issue an addendum to his report (A/65/333) only upon the timely submission of the Council's report on the decisions and resolutions of its fifteenth session to the Assembly at the main part of its sixty-fifth session.

38. With regard to paragraph 12, attention is drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990 and subsequent resolutions, the most recent of which is resolution 64/243 of 24 December 2009, in which the Assembly reaffirmed that the Fifth Committee is the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters and reaffirmed the role of the Advisory Committee on Administrative and Budgetary Questions.

## **15/20**

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

39. Under the terms of paragraphs 9 and 10 of draft resolution A/HRC/15/L.17, the Human Rights Council would:

(a) Decide to extend by one year the mandate of the special procedure on the situation of human rights in Cambodia, and request the Special Rapporteur to report on the implementation of his mandate to the Council at its eighteenth session, and to engage in a constructive manner with the Government of Cambodia for the further improvement of the situation of human rights in the country;

(b) Request the Secretary-General to report to the Council at its eighteenth session on the role and achievements of OHCHR in assisting the Government and people of Cambodia in the promotion and protection of human rights.

40. Should the draft resolution be adopted by the Human Rights Council, it is estimated that a sum of \$49,800 per annum would be required to implement activities under the terms of the draft resolution.

41. Estimated requirements of \$49,800 per annum or \$99,600 per biennium have been included under section 23 (Human Rights) of the programme budget for the biennium 2010–2011 for the activities of the Special Rapporteur. No additional appropriations would be required should the Council adopt the draft resolution.

## **15/21**

### **The rights to freedom of peaceful assembly and of association**

42. It is noted that this draft resolution has been adopted following the indication, orally, that there are additional resource requirements in the implementation of the terms of the draft resolution. The detailed programme budget implications contained in this oral statement is hereby submitted, as a record, to the Council.

43. Under the terms of paragraphs 4, 7 and 8 of draft resolution A/HRC/15/L.23, the Human Rights Council would:

(a) Decide to appoint, for a period of three years, a special rapporteur on the rights to freedom of peaceful assembly and of association, whose tasks will include:

(i) Gathering all relevant information, including national practices and experiences, relating to the protection and promotion of the rights to freedom of



peaceful assembly and of association, and to study trends, developments and challenges in relation to the exercise of these rights, and to make recommendations on ways and means to ensure the promotion and protection of the rights to freedom of peaceful assembly and of association in all its manifestations;

(ii) Incorporating, in his or her first report, an elaboration of the framework through which he or she will consider best practices, including national practices and experiences, that promote and protect the rights to freedom of peaceful assembly and of association, taking into account in a comprehensive manner the relevant elements of work available within the Human Rights Council;

(iii) Seeking, receiving and responding to information from Governments, non-governmental organizations, relevant stakeholders and any other parties who have knowledge of these matters, with a view to protecting and promoting the rights to freedom of peaceful assembly and of association;

(iv) Integrating a gender perspective throughout the work of his or her mandate;

(v) Contributing to the provision of technical assistance or advisory services by OHCHR to better promote and protect the rights to freedom of peaceful assembly and of association;

(vi) Reporting on violations, wherever they may occur, of the rights to freedom of peaceful assembly and of association, as well as discrimination against, threats or use of violence, harassment, persecution, intimidation or reprisals directed at persons exercising these rights, and draw the attention of the Human Rights Council and the United Nations High Commissioner for Human Rights to situations which are of particularly serious concern;

(vii) Undertaking his or her activities such that the present mandate will not include those matters of specific competence of the International Labour Organization and its specialized supervisory mechanisms and procedures with respect to employers' and workers' rights to freedom of association, with a view to avoiding unnecessary duplication;

(viii) Working in coordination with other mechanisms of the Human Rights Council, with other competent United Nations bodies and with human rights treaty bodies, and to take all necessary measures to avoid unnecessary duplication with those mechanisms;

(b) Request the Special Rapporteur to submit each year to the Council a report covering activities relating to his/her mandate;

(c) Request the Secretary-General and the High Commissioner to provide all the necessary human and financial resources for the effective fulfilment of the mandate by the Special Rapporteur.

44. Should the draft resolution be adopted by the Human Rights Council, an estimated total amount of \$511,800 would be required to implement activities in response to the terms of the draft resolution, as follows:

(a) An estimated amount of \$51,900 required under section 2 (General Assembly and Economic and Social Council Affairs and Conference Management) would provide for conference services for the organization of a two-day consultation each year (interpretation for two days each year in English/French/Spanish; translation in English/French/Spanish for a concept note and background paper; translation of agenda and compendium of best practices into the official languages of the United Nations);

(b) Under section 23 (Human Rights), an estimated amount of \$458,200 would provide for (i) travel and daily subsistence allowance for the Special Rapporteur, on two field missions each year to Geneva to attend the annual consultation meeting of special procedures mandate holders; to submit a yearly report to the Human Rights Council; to New York, to submit a yearly report to the General Assembly and to attend annual consultations with member States and other relevant stakeholders; (ii) travel and daily subsistence allowance for OHCHR staff to accompany the expert during field missions; (iii) travel of one treaty body member or special procedures mandate holder to Geneva to participate in each of the three annual consultations; (iv) travel of five experts (one from each region) for each of the three annual consultations; (v) consultant services (9 months at P-3 level each year) to support the special rapporteur with highly specialized expertise; (vi) one staff member at P-3 level (12 months per annum), one staff member at G-5 level (12 months per annum) and six months general temporary assistance at the P-3 level; and (vii) general operating expenses for services, communications and supplies during field missions;

(c) Under section 28 E (Administration, Geneva), an estimated amount of \$1,700 would provide for conference-servicing support services.

The estimated requirements are summarized as follows:

	<i>United States dollars</i>
Section 2, General Assembly and Economic and Social Council Affairs and Conference Management	51 900
Section 23, Human Rights	458 200
Section 28 E, Administration, Geneva	1 700
<b>Total</b>	<b>511 800</b>

45. The requirements of \$511,800 have not been included under sections 2, 23 and 28 E of the programme budget for the biennium 2010–2011.

46. Currently, the Secretary-General has been requested to implement various decisions and resolutions of the Human Rights Council, including those of the fifteenth session of the Council, and in response to various mandates of the General Assembly relating to human rights issues, which have financial implications for the programme budget for the biennium 2010–2011 estimated at \$9,527,800, of which the Secretary-General is proposing to absorb an amount estimated at \$3,662,700.

47. The Council is also informed that there are other mandates that are likely to command additional requirements in the programme budget in the bienniums 2010–2011 or 2012–2013 as follows: (a) the entry into force of the International Convention on the Protection of All Persons from Enforced Disappearance; (b) the decision of the Committee on the Elimination of Racial Discrimination to request the General Assembly to authorize the Committee to meet for an additional week per session (two additional weeks of sessional meetings per year) in 2012 and 2013; and (c) the decision of the Committee against Torture to request the Assembly to authorize the Committee to meet for an additional week per session in 2011 and 2012.

48. With regard to the biennium 2012–2013, in his report (A/65/333), the Secretary-General also stated that an additional amount of \$283,100 will be required in the biennium 2012–2013 relating to Human Rights Council resolution 14/8. It is also estimated that the programme budget implications of draft resolutions tabled at the fifteenth session of the Council will command new resources in the biennium 2012–2013 of about \$4,963,300.

49. Against this background of the various mandates and its related additional resource requirements in the biennium 2010–2011, the Council is hereby informed that, since at this juncture, the programme budget for the biennium 2010–2011 has been tasked with absorption of significant amounts of requirements for additional resources, it is proposed that General Assembly approval be sought for all additional resources arising from the Council's mandates that cannot be met from within available resources. Although the Secretariat will endeavour to identify areas from which resources can be redeployed to meet the additional requirements, the Secretariat, after having exhausted all possibilities of absorption, may need to seek additional resources under the programme budget for the biennium 2010–2011, through established procedures.

50. Since the mandate is for a three-year period, provisions of \$1,023,600 would be required for the biennium 2012–2013. The requirements for 2012–2013 would be considered within the context of the proposed programme budget for the biennium 2012–2013.

51. The Council will recall that the General Assembly, in part V of its resolution 63/263, endorsed the conclusions and recommendations of the Advisory Committee on Administrative and Budgetary Questions, that there is merit in presenting an annual report on the revised estimates arising from resolutions and decisions adopted by the Human Rights Council (A/63/541). As such, the programme budget implications of the decisions and resolutions of the current session will only be presented to the Assembly at its sixty-sixth session. Given that some of the draft resolutions of the current session require immediate action and that their implementation requires additional resources, including those for conference services, which are not included in the calendar of conferences for the biennium 2010–2011, the Secretary-General could issue an addendum to his report (A/65/333) only upon the timely submission of the Council's report on its decisions and resolutions adopted at its fifteenth session to the Assembly during the main part of its sixty-fifth session.

52. With regard to paragraph 8, attention is drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990 and subsequent resolutions, the most recent of which is resolution 64/243 of 24 December 2009, in which the Assembly reaffirmed that the Fifth Committee is the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters and reaffirmed the role of the Advisory Committee on Administrative and Budgetary Questions.

## **15/22**

### **The right of everyone to the enjoyment of the highest attainable standard of physical and mental health**

53. Under the terms of paragraphs 1, 12, 13 and 14 of draft resolution A/HRC/15/L.28, the Human Rights Council would:

(a) Decide to extend the mandate of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health for a further period of three years;

(b) Request the Special Rapporteur, with the assistance of OHCHR, in consultation with States, relevant United Nations agencies, national human rights institutions and other relevant stakeholders, to prepare, within existing resources, a thematic study on the realization of the right to health of older persons, including main existing challenges and best practices;

(c) Decide to address the thematic study requested in paragraph 12 above, within existing resources, in a panel within the programme of work of its eighteenth session, and invites OHCHR, the World Health Organization, Advisory Committee members and other relevant United Nations bodies and agencies to participate in an interactive dialogue on the study in the Council;

(d) Request the United Nations High Commissioner for Human Rights to continue to provide all necessary resources for the effective fulfilment of the Special Rapporteur's mandate.

54. Should the draft resolution be adopted by the Human Rights Council, it is estimated that provisions of \$133,300 per annum or \$266,600 per biennium would be required to implement the activities under its terms, including (a) \$51,800 per annum or \$103,600 per biennium under section 2 (General Assembly and Economic and Social Council Affairs and Conference Management); (b) \$79,800 per annum or \$159,600 per biennium under section 23 (Human Rights); and (c) \$1,700 per annum or \$3,400 per biennium under section 28 E (Administration, Geneva). The requirements have been included under the aforementioned sections of the programme budget for the biennium 2010–2011; however, experience has shown they are at a minimal level.

55. While no additional appropriations would be sought from the General Assembly, the Secretariat will to the extent possible in implementing the terms of the draft resolution meet additional requirements that would arise such as (a) staff to support the Special Rapporteur in undertaking his/her studies and during field visits; and (b) additional travel for the Special Rapporteur and/or experts for formal consultations with partners and stakeholders, including appropriate conference services for those meetings, within resources available under the programme budget for the biennium 2010–2011.

56. Since the period of extension of the mandate of the Special Rapporteur extends into the biennium 2012–2013, in drawing up the estimates for the proposed programme budget for the biennium 2012–2013 a thorough review of the expenditure pattern of the activities of the Special Rapporteur will be carried out and addressed in that context.

57. With regard to the paragraphs of the draft resolutions cited in paragraph 53 above, attention is drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990 and subsequent resolutions, the most recent of which is resolution 64/243 of 24 December 2009, in which the Assembly reaffirmed that the Fifth Committee is the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters and reaffirmed the role of the Advisory Committee on Administrative and Budgetary Questions.

## **15/23**

### **Elimination of discrimination against women**

58. Under the terms of paragraph 18 of draft resolution A/HRC/15/L.15, the Human Rights Council would decide to establish, for a period of three years, a working group of experts, of balanced geographical representation, on the issue of discrimination against women in law and practice, whose tasks will be:

(a) To develop a dialogue with States, the relevant United Nations entities, national human rights institutions, experts on different legal systems and civil society organizations, to identify, promote and exchange views on best practices related to the elimination of laws that discriminate against women or have a disproportionately negative effect on women or are discriminatory to women in terms of implementation or impact and, in that regard, to prepare a compendium of best practices;

(b) To undertake a study, in cooperation with and reflecting the views of States and relevant United Nations entities, national human rights institutions and civil society organizations on the ways and means in which the mandate holder can cooperate with States to fulfil their commitments to eliminate discrimination against women in law and in practice;

(c) To make recommendations on improvement of legislation and implementation of law and to contribute to the realization of the Millennium Development Goals, in particular goal 3 on the promotion of gender equality and the empowerment of women;

(d) To work in close coordination, in the context of the fulfilment of its mandate, with other special procedures and subsidiary organs of the Council, relevant United Nations entities, including the Commission on the Status of Women and UN-Women, and in particular the Committee on the Elimination of Discrimination against Women and other treaty bodies, within their respective mandates, with a view to avoiding unnecessary duplication;

(e) To take into account the views of other stakeholders, including relevant regional human rights mechanisms, national human rights institutions and civil society organizations;

(f) To submit an annual report to the Council, starting at its twentieth session, on the issue of discrimination against women in law and practice, and on good practices in eliminating such laws, drawing upon the findings of the United Nations human rights machinery and the broader United Nations system.

59. Under the terms of paragraph 22 of draft resolution A/HRC/15/L.15, the Human Rights Council would request the working group to contribute to the provision of technical assistance or advisory services by OHCHR to better promote the elimination of discrimination against women.

60. Under the terms of paragraph 23 of draft resolution A/HRC/15/L.15, the Human Rights Council would request the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the necessary human and financial assistance to the working group for the effective fulfilment of its mandate.

61. Should the draft resolution be adopted by the Human Rights Council, it is estimated that a total amount of \$1,621,400 would be required to implement activities in response to the terms of the draft resolution, as follows:

(a) An estimated amount of \$592,500 required under section 2 (General Assembly and Economic and Social Council Affairs and Conference Management) would provide for conference services;

(b) Under section 23 (Human Rights), an estimated amount of \$1,021,100 would provide for (i) travel and daily subsistence allowance of members of the working group; two field missions each year, three sessions per year (one in New York and two in Geneva), travel to Geneva to attend the annual consultation meeting of special procedures mandate holders; and to submit a yearly report to the Human Rights Council; to New York, for consultation with the Commission on the Status of Women and UN-Women; (ii) travel and daily subsistence allowance of OHCHR staff to accompany the working group during field missions, and for coordination outside Geneva; (iii) consultant services (nine months at P-3 level each year) to support the working group with highly specialized expertise; (iv) three staff members at P-4, P-3 and P-2 levels (12 months per annum), one staff member at the G-5 level (12 months per annum); and (v) general operating expenses for interpretation services, communications, other miscellaneous expenses and supplies during field missions;

(c) Under section 28 E (Administration, Geneva), an estimated amount of \$7,800 would provide for conference servicing support services.

The estimated requirements are summarized as follows:

	<i>United States dollars</i>
Section 2, General Assembly and Economic and Social Council Affairs and Conference Management	592 500
Section 23, Human Rights	1 021 100
Section 28 E, Administration, Geneva	7 800
<b>Total</b>	<b>1 621 400</b>

62. The requirements have not been included under sections 2, 23 and 28 E of the programme budget for the biennium 2010–2011.

63. Currently, the Secretary-General has been requested to implement various decisions and resolutions of the Human Rights Council, including those of the fifteenth session of the Council, and in response to various mandates of the General Assembly relating to human rights issues, which have financial implications on the programme budget for the biennium 2010–2011 estimated at \$9,527,800, of which the Secretary-General is proposing to absorb an amount estimated at \$3,662,700.

64. The Council is also informed that there are other mandates that are likely to command additional requirements in the programme budget in the bienniums 2010–2011 or 2012–2013, as follows: (a) the entry into force of the International Convention on the Protection of All Persons from Enforced Disappearance; (b) the decision of the Committee on the Elimination of Racial Discrimination to request the General Assembly to authorize the Committee to meet for an additional week per session (two additional weeks of sessional meetings per year) in 2012 and 2013; and (c) the decision of the Committee against Torture to request the Assembly to authorize the Committee to meet for an additional week per session in 2011 and 2012.

65. With regard to the biennium 2012–2013, in his report (A/65/333), the Secretary-General also stated that an additional amount of \$283,100 will be required in the biennium 2012–2013 relating to Human Rights Council resolution 14/8. It is also estimated that the programme budget implications of the draft resolutions tabled at the fifteenth session of the Council will command new resources in the biennium 2012–2013 of about \$4,963,300.

66. Against this background of the various mandates and its related additional resource requirements in the biennium 2010–2011, the Council is hereby informed that, since at this juncture the programme budget for the biennium 2010–2011 has been tasked with absorption of significant amounts of requirements for additional resources, it is proposed that General Assembly approval be sought for all additional resources arising from the Council's mandates that cannot be met from within available resources. Although the Secretariat will endeavour to identify areas from which resources can be redeployed to meet the additional requirements, the Secretariat, after having exhausted all possibilities of absorption, may need to seek additional resources under the programme budget for the biennium 2010–2011, through established procedures.

67. Since the mandate is for a three-year period, provisions of \$3,242,800 would be required for the biennium 2012–2013. The requirements for 2012–2013 would be considered in the context of the proposed programme budget for the biennium 2012–2013.

68. The Council will recall that the General Assembly, in part V of its resolution 63/263, endorsed the conclusions and recommendations of the Advisory Committee on

Administrative and Budgetary Questions, that there is merit in presenting an annual report on the revised estimates arising from resolutions and decisions adopted by the Human Rights Council (A/63/541). As such, the programme budget implications of the decisions and resolutions of the current session will only be presented to the Assembly at its sixty-sixth session. Given that some of the draft resolutions of the current session require immediate action and that their implementation requires additional resources, including those for conference services, which are not included in the calendar of conferences for the biennium 2010–2011, the Secretary-General could issue an addendum to his report (A/65/333) only upon the timely submission of the Council's report on the decisions and resolutions adopted at its fifteenth session to the General Assembly during the main part of its sixty-fifth session.

69. With regard to paragraph 23, attention is drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990 and subsequent resolutions, the most recent of which is resolution 64/243 of 24 December 2009, in which the Assembly reaffirmed that the Fifth Committee is the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters and reaffirmed the role of the Advisory Committee on Administrative and Budgetary Questions.

## **15/24**

### **Human rights and unilateral coercive measures**

70. Under the terms of paragraph 15 of draft resolution A/HRC/15/L.11, the Human Rights Council would request OHCHR to prepare a thematic study on the impact of unilateral coercive measures on the enjoyment of human rights, including recommendations on actions aimed at ending such measures, taking into account all previous reports, resolutions and relevant information available to the United Nations system in this regard, and to present this study to the Council at its eighteenth session.

71. Should the draft resolution be adopted by the Human Rights Council, it is estimated that consultancy requirements of \$28,000 would arise to implement the activity, called for under paragraph 15.

72. The requirements of \$28,000 have been included under section 23 (Human Rights) of the programme budget for the biennium 2010–2011 for the activity. Additional appropriations will not be required should the draft resolution be adopted by the Council.

## **15/26**

### **Open-ended intergovernmental working group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies**

73. Under the terms of paragraphs 4, 5, 7 and 8 of draft resolution A/HRC/15/L.22, the Human Rights Council would:

(a) Decide to establish an intergovernmental open-ended working group with a mandate to elaborate a legally binding instrument on the regulation, monitoring and oversight of the impact of the activities of private military and security companies on the enjoyment of human rights, on the basis of the principles, main elements and the draft text for a possible convention proposed by the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the rights of peoples to self-determination;

(b) Also decide that the intergovernmental open-ended working group should meet every year until the fulfilment of its mandate, that it should have a session of five working days a year and that its first session would take place no later than May 2011;

(c) Affirm the importance of providing the intergovernmental open-ended working group with the necessary expertise and expert advice to fulfil its mandate, and would decide that the members of the Working Group on the use of mercenaries who were involved in the elaboration of the principles, main elements and the draft text for a possible convention should participate in the intergovernmental open-ended working group as resource persons;

(d) Request the Secretary-General and the United Nations High Commissioner for Human Rights to provide the working group with all the necessary financial and human resources for the fulfilment of its mandate.

74. Should the draft resolution be adopted by the Human Rights Council, it is estimated that a total amount of \$242,700 would be required to implement activities in response to its terms as follows:

(a) An estimated amount of \$135,600 required under section 2 (General Assembly and Economic and Social Council Affairs and Conference Management) would provide for conference services in all official languages for five days per year;

(b) Under section 23 (Human rights), an estimated amount of \$103,200 would provide for (i) travel and daily subsistence allowance for members of the working group to Geneva to attend the annual consultation meeting of special procedures mandate holders, to submit a yearly report to the Human Rights Council; to each of the three annual consultations; to New York, for consultation with Committee on the Status of Women, UN-Women and other relevant entities and bodies; and (ii) three months' general temporary assistance at the P-4 level, and two months' general temporary assistance at the General Service level;

(c) Under section 28 E (Administration, Geneva), an estimated amount of \$3,900 would provide for conference-servicing support services.

The estimated requirements are summarized as follows:

	<i>United States dollars</i>
Section 2, General Assembly and Economic and Social Council Affairs and Conference Management	135 600
Section 23, Human Rights	103 200
Section 28 E, Administration, Geneva	3 900
<b>Total</b>	<b>242 700</b>

75. The requirements enumerated in paragraph 74 above have not been included under the programme budget for the biennium 2010–2011.

76. Currently, the Secretary General has been requested to implement various decisions and resolutions of the Human Rights Council, including those adopted at the fifteenth session of the Council, and in response to various mandates of the General Assembly relating to human rights issues, which have financial implications for the programme budget for the biennium 2010–2011 estimated at \$9,527,800, of which the Secretary-General is proposing to absorb an amount estimated at \$3,662,700.

77. The Council is also informed that there are other mandates that are likely to command additional requirements in the programme budget in the bienniums 2010–2011 or



2012–2013, as follows: (a) the entry into force of the International Convention on the Protection of All Persons from Enforced Disappearance; (b) the decision of the Committee on the Elimination of Racial Discrimination to request the General Assembly to authorize the Committee to meet for an additional week per session (two additional weeks of sessional meetings per year) in 2012 and 2013; and (c) the decision of the Committee against Torture to request the General Assembly to authorize the Committee to meet for an additional week per session in 2011 and 2012.

78. With regard to the biennium 2012–2013, in his report (A/65/333), the Secretary-General also stated that an additional amount of \$283,100 would be required in the biennium 2012–2013 relating to Human Rights Council resolution 14/8. It is also estimated that the programme budget implications of draft resolutions tabled at the fifteenth session of the Council would command new resources in the biennium 2012–2013 of about \$4,963,300.

79. Against this background of the various mandates and its related additional resource requirements in the biennium 2010–2011, the Council is hereby informed that, since at this juncture the programme budget for the biennium 2010–2011 has been tasked with absorption of significant amounts of requirements for additional resources, it is proposed that General Assembly approval be sought for all additional resources arising from the Council's mandates that cannot be met from within available resources. Although the Secretariat will endeavour to identify areas from which resources can be redeployed to meet the additional requirements, the Secretariat, after having exhausted all possibilities of absorption, may need to seek additional resources under the programme budget for the biennium 2010–2011 through established procedures.

80. Since the mandate is for a three-year period, provisions of \$485,400 would be required for the biennium 2012–2013. The requirements for 2012–2013 would be considered within the context of the proposed programme budget for the biennium 2012–2013.

81. The Council will recall that the General Assembly, in part V of its resolution 63/263, endorsed the conclusions and recommendations of the Advisory Committee on Administrative and Budgetary Questions, that there is merit in presenting an annual report on the revised estimates arising from resolutions and decisions adopted by the Human Rights Council (A/63/541). As such, the programme budget implications of the decisions and resolutions of the current session will only be presented to the General Assembly at its sixty-sixth session. Given that some of the draft resolutions of the current session requires immediate action and that their implementation requires additional resources, including those for conference services which are not included in the calendar of conferences, for the biennium 2010–2011, the Secretary-General could issue an addendum to his report (A/65/333), only upon the timely submission of the Council's report on the decisions and resolutions of its fifteenth session, to the Assembly during the main part of its sixth-fifth session.

## **15/27**

### **The situation of human rights in the Sudan**

82. Under the terms of draft resolution A/HRC/15/L.35 (amendment to A/HRC/15/L.3), the Human Rights Council would decide to renew the mandate of the independent expert on the situation of human rights in the Sudan for a period of one year, who shall assume the mandate and responsibilities set out by the Council in its resolutions 6/34, 6/35, 9/17 and 11/10; request the independent expert to engage with the newly created human rights forums in the Sudan as well as the human rights sections of the African Union, the United

Nations Mission in the Sudan and the African Union-United Nations Hybrid Operation in Darfur and to submit a report to the Council for consideration at its eighteenth session; and request the Secretary-General to provide the independent expert with all necessary assistance to discharge the mandate fully.

83. Should the draft resolution be adopted by the Human Rights Council, it is estimated that a sum of \$77,700 per annum would be required to implement activities under its terms.

84. Estimated requirements of \$77,700 per annum or \$155,400 per biennium have been included under section 23 (Human Rights) of the programme budget for the biennium 2010–2011 for the activities of the independent expert. No additional appropriations would be required should the Council adopt the draft resolution.

## **15/28**

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

85. Under the terms of paragraphs 10 and 15 of draft resolution A/HRC/15/L.2, the Human Rights Council would:

(a) Call upon OHCHR and all stakeholders to assist Somalia to adequately prepare for the forthcoming universal periodic review in May 2011, including through the allocation of financial resources from the universal periodic review Trust Fund;

(b) Decide to extend the mandate of the independent expert for one year with a view to maximizing the provision and flow of technical assistance to Somalia in the field of human rights, in order to support the efforts of the transitional federal Government and its subnational authorities to ensure the respect of human rights and strengthen the human rights regime in its work to complete the outstanding task of the transitional mandate, and request him to report to the Council at its eighteenth session on the implementation of technical cooperation inside Somalia.

86. Should the draft resolution be adopted by the Human Rights Council, it is estimated that requirements of \$86,200 per annum would arise in response to its terms.

87. Estimated requirements of \$86,200 per annum or \$172,400 per biennium have been included under section 23 (Human Rights) of the programme budget for the biennium 2010–2011 for the activities of the independent expert. No additional appropriations would be required should the draft resolution be adopted by the Council.

88. With regard to paragraph 10, attention is drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990 and subsequent resolutions, the most recent of which is resolution 64/243 of 24 December 2009, in which the Assembly reaffirmed that the Fifth Committee is the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters and reaffirmed the role of the Advisory Committee on Administrative and Budgetary Questions.

## **Decision 15/116**

### **Human rights and issues related to terrorist hostage-taking**

89. Under the terms of paragraphs 1 and 3 of draft resolution A/HRC/15/L.20, the Human Rights Council would:

(a) Decide to convene, within existing resources, a panel discussion at its sixteenth session on the issue of human rights in the context of hostage-taking, ransom payments and impunity for terrorists involved;

(b) Request OHCHR to liaise with the Special Rapporteur on the promotion and protection of human rights while countering terrorism and all concerned parties and stakeholders, including relevant United Nations bodies and agencies, with a view to ensuring their participation in the panel discussion.

90. Should the draft resolution be adopted by the Human Rights Council, it is estimated that a sum of \$28,800 would be required to implement activities under its terms.

91. The requirements of \$28,800 estimated to provide for the travel and daily subsistence allowance expenses of five experts to participate in the panel discussion have not been included under section 23 (Human Rights) of the programme budget for the biennium 2010–2011. The additional requirements are proposed to be met from within available resources approved under section 23 of the programme budget for the biennium 2010–2011. No additional resources would therefore be required should the Council adopt the draft resolution.

92. With regard to paragraph 1, attention is drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990 and subsequent resolutions, the most recent of which is resolution 64/243 of 24 December 2009, in which the Assembly reaffirmed that the Fifth Committee is the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters and reaffirmed the role of the Advisory Committee on Administrative and Budgetary Questions.

### **Decision 15/117**

#### **Nelson Mandela International Day**

93. Under the terms of paragraphs 1 and 3 of draft resolution A/HRC/15/L.21, the Human Rights Council would:

(a) Decide to hold a high-level panel discussion during its seventeenth session to reflect on the current human rights situations worldwide in respect of racism, racial discrimination, xenophobia and related intolerance, drawing inspiration from the exemplary example of Nelson Mandela to promote and protect human rights without distinction to race, colour or national or ethnic origin;

(b) Request OHCHR to take the necessary measures for the observance by the Council of Nelson Mandela International Day.

94. Should the draft resolution be adopted by the Human Rights Council, it is estimated that a sum of \$35,200 would be required to implement activities foreseen under the terms of the draft resolution.

95. The requirements of \$35,200 estimated to provide for the travel and daily subsistence allowance for three high-level speakers from different regions to participate in the high-level panel discussion and for printing 500 copies of *A Long Walk to Freedom: The Autobiography of Nelson Mandela* in English have not been included under section 23 (Human Rights) of the programme budget for the biennium 2010–2011. The additional requirements are proposed to be met from within available resources approved under section 23 of the programme budget for the biennium 2010–2011. No additional resources would therefore be required should the Council adopt the draft resolution.

**PRST/15/1**

**Technical assistance and strengthening of capacities in Haiti**

96. Under the terms of paragraphs 14, 15 and 16 of draft resolution A/HRC/15/L.4, the Human Rights Council would:

(a) Decide to extend for one year, until September 2011, the mandate of the independent expert on the situation of human rights in Haiti, previously renewed by the Council in the President's statement PRST/9/1;

(b) Request the independent expert to collaborate with international institutions, donors and the international community to ensure that they bring their expertise and sufficient resources to support the efforts of the Haitian authorities in the reconstruction of Haiti;

(c) Also request the independent expert to present his report to the Human Rights Council at its seventeenth session.

97. Should the draft resolution be adopted by the Human Rights Council, it is estimated that a sum of \$55,200 per annum would be required to implement activities under the terms of the draft resolution.

98. Estimated requirements of \$55,200 per annum or \$110,400 per biennium have been included under section 23 (Human Rights) of the programme budget for the biennium 2010–2011 for the activities of the independent expert. No additional appropriations would be required as a result of the adoption of the draft resolution.

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## Annex III

### Agenda

- Item 1. Organizational and procedural matters
- Item 2. Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General
- Item 3. Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development
- Item 4. Human rights situations that require the Council's attention
- Item 5. Human rights bodies and mechanisms
- Item 6. Universal periodic review
- Item 7. Human rights situation in Palestine and other occupied Arab territories
- Item 8. Follow-up to and implementation of the Vienna Declaration and Programme of Action
- Item 9. Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up to and implementation of the Durban Declaration and Programme of Action
- Item 10. Technical assistance and capacity-building

## Annex IV

## List of documents issued for the fifteenth session of the Human Rights Council

### *Documents issued in the general series*

<i>Symbol</i>		<i>Agenda item</i>
A/HRC/15/1	1	Annotations to the agenda
A/HRC/15/1/Corr.1	1	Corrigendum
A/HRC/15/2	6	Report of the Working Group on the Universal Periodic Review: Kyrgyzstan
A/HRC/15/3	6	Report of the Working Group on the Universal Periodic Review: Kiribati
A/HRC/15/3/Add.1	6	Addendum
A/HRC/15/4	6	Report of the Working Group on the Universal Periodic Review: Guinea
A/HRC/15/4/Add.1	6	Addendum
A/HRC/15/5	6	Report of the Working Group on the Universal Periodic Review: Lao People's Democratic Republic
A/HRC/15/5/Add.1	6	Addendum
A/HRC/15/6	6	Report of the Working Group on the Universal Periodic Review: Spain
A/HRC/15/6/Add.1	6	Addendum
A/HRC/15/7	6	Report of the Working Group on the Universal Periodic Review: Lesotho
A/HRC/15/7/Add.1	6	Addendum
A/HRC/15/8	6	Report of the Working Group on the Universal Periodic Review: Kenya
A/HRC/15/9	6	Report of the Working Group on the Universal Periodic Review: Armenia
A/HRC/15/9/Add.1	6	Addendum
A/HRC/15/10	6	Report of the Working Group on the Universal Periodic Review: Guinea-Bissau
A/HRC/15/10/Add.1	6	Addendum
A/HRC/15/11	6	Report of the Working Group on the Universal Periodic Review: Sweden

<i>Symbol</i>		<i>Agenda item</i>
A/HRC/15/11/Add.1	6	Addendum
A/HRC/15/12	6	Report of the Working Group on the Universal Periodic Review: Grenada
A/HRC/15/13	6	Report of the Working Group on the Universal Periodic Review: Turkey
A/HRC/15/13/Add.1	6	Addendum
A/HRC/15/14	6	Report of the Working Group on the Universal Periodic Review: Guyana
A/HRC/15/14/Add.1	6	Addendum
A/HRC/15/15	6	Report of the Working Group on the Universal Periodic Review: Kuwait
A/HRC/15/15/Add.1	6	Addendum
A/HRC/15/16	6	Report of the Working Group on the Universal Periodic Review: Belarus
A/HRC/15/16/Add.1	9	Addendum
A/HRC/15/17	1	Conference servicing and secretariat support for the Human Rights Council: report of the Secretary-General
A/HRC/15/18	9	Report of the Working Group of Experts on People of African Descent: mission to the United States of America
A/HRC/15/19	2 and 3	Question of death penalty: report of the Secretary-General
A/HRC/15/20	3	Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences
A/HRC/15/20/Add.1	3	Addendum: communications to and from Governments
A/HRC/15/20/Add.2	3	Addendum: mission to Mauritania
A/HRC/15/20/Add.3	3	Addendum: mission to Ecuador
A/HRC/15/20/Add.4	1	Addendum: mission to Brazil
A/HRC/15/21	1	Report of the international fact-finding mission to investigate violations of international law, including international humanitarian and human rights law, resulting from the Israeli attacks on the flotilla of ships carrying humanitarian assistance

<i>Symbol</i>		<i>Agenda item</i>
A/HRC/15/22	3	Report of the Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights
A/HRC/15/22/Add.1	3	Addendum: communications to and from Governments
A/HRC/15/22/Add.2	3	Addendum: mission to Kyrgyzstan
A/HRC/15/22/Add.3	3	Addendum: mission to India
A/HRC/15/23	3	Report of the Working Group on the Right to Development on its eleventh session
A/HRC/15/24	2 and 3	Consolidated report of the Secretary-General and the High Commissioner for Human Rights on the right to development
A/HRC/15/25	3	Report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the right of peoples to self-determination
A/HRC/15/25/Add.1	3	Addendum: communications to and from Governments
A/HRC/15/25/Add.2	3	Addendum: mission to Afghanistan
A/HRC/15/25/Add.3	3	Addendum: mission to the United States of America
A/HRC/15/25/Add.4	3	Addendum: regional consultation for Asia and the Pacific on the activities of private military and security companies
A/HRC/15/25/Add.5	3	Addendum: regional consultation for Africa on the activities of private military and security companies
A/HRC/15/25/Add.6	3	Addendum: regional consultation for Western European and Other Groups on the activities of private military and security companies
A/HRC/15/26	2 and 3	Report of the Office of the United Nations High Commissioner for Human Rights on the right to the truth and on forensic genetics and human rights
A/HRC/15/27	2 and 3	Report of the High Commissioner on the seminar “A human rights approach to combating human trafficking: challenges and opportunities. Implementing the Recommended Principles and Guidelines on Human Rights and Human Trafficking”
A/HRC/15/27/Add.1	2 and 3	Addendum: views on the Recommended Principles and Guidelines on Human Rights and Human Trafficking



<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/15/28	2 and 3	Draft plan of action for the second phase (2010–2014) of the World Programme for Human Rights Education: note by the United Nations High Commissioner for Human Rights
A/HRC/15/29	2 and 3	Study of the Office of the United Nations High Commissioner for Human Rights on challenges and best practices in the implementation of the international framework for the protection of the rights of the child in the context of migration
A/HRC/15/30	5	Draft set of principles and guidelines for the elimination of discrimination against persons affected by leprosy and their family members: submitted by the Human Rights Council Advisory Committee
A/HRC/15/31	3	Report of the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation
A/HRC/15/31/Add.1	3	Addendum: progress report on the compilation of good practices
A/HRC/15/31/Add.2	3	Addendum: preliminary note on the mission to Slovenia
A/HRC/15/31/Add.3	3	Addendum: mission to Egypt
A/HRC/15/31/Add.3/Corr.1	3	Corrigendum
A/HRC/15/32	3	Report of the independent expert on human rights and international solidarity
A/HRC/15/33	2 and 3	Report of the United Nations High Commissioner for Human Rights on the right to the truth
A/HRC/15/34	2 and 3	Report of the United Nations High Commissioner for Human Rights on the rights of indigenous peoples
A/HRC/15/35	5	Progress report of the Expert Mechanism on the Rights of Indigenous Peoples on indigenous peoples and the right to participate in decision-making
A/HRC/15/36	5	Report of the Expert Mechanism on the Rights of Indigenous Peoples on its third session
A/HRC/15/37	3	Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people
A/HRC/15/37/Add.1	3	Addendum: communications to and from Governments

<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/15/37/Add.2	3	Addendum: the situation of indigenous peoples in Botswana
A/HRC/15/37/Add.3	3	Addendum: the situation of indigenous peoples in Colombia: follow-up to the recommendations made by the previous Special Rapporteur
A/HRC/15/37/Add.4	3	Addendum: situation of indigenous peoples in Australia
A/HRC/15/37/Add.5	3	Addendum: situation of indigenous peoples in the Russian Federation
A/HRC/15/37/Add.6	3	Addendum: preliminary note on the situation of the Sámi People in the Sápmi region spanning Norway, Sweden and Finland
A/HRC/15/37/Add.7	3	Addendum: observations on the progress made and challenges faced in the implementation of the constitutional guarantees of the rights of indigenous peoples in Ecuador
A/HRC/15/37/Add.8	3	Addendum: preliminary note on the application of the principle of consultation with indigenous peoples in Guatemala and the case of the Martín mine
A/HRC/15/37/Add.9	3	Addendum: preliminary note on the mission to New Zealand
A/HRC/15/38	2 and 3	Practical implications of a change in the mandate of the Voluntary Fund for Indigenous Populations: report of the United Nations High Commissioner for Human Rights
A/HRC/15/39	2 and 3	Report of the High Commissioner containing the conclusion of the 15th Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asia-Pacific Region (21 to 23 April 2010)
A/HRC/15/40	2 and 3	Thematic study of the Office of the United Nations High Commissioner for Human Rights on discrimination against women, in law and practice, and how the issue is addressed throughout the United Nations human rights system
A/HRC/15/41	3	Progress report of the independent expert on the question of human rights and extreme poverty on the draft guiding principles on extreme poverty and human rights

<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/15/42	2 and 3	Rights of persons belonging to national or ethnic, religious and linguistic minorities: report of the United Nations High Commissioner for Human Rights
A/HRC/15/43	2 and 3	Human rights and unilateral coercive measures: report of the Secretary-General
A/HRC/15/44	5	Note by the United Nations High Commissioner for Human Rights transmitting the report of the seventeenth meeting of special procedures of the Human Rights Council
A/HRC/15/45	9	Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on the implementation of General Assembly resolutions 63/162 and 64/147
A/HRC/15/46	10	Report of the Special Rapporteur on the situation of human rights in Cambodia
A/HRC/15/47	10	Role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and the people of Cambodia in the promotion and protection of human rights: report of the Secretary-General
A/HRC/15/48	10	Report of the independent expert on the situation of human rights in Somalia
A/HRC/15/49	2 and 3	Note by the Secretariat on the status of the update of the report of the Secretary-General on the comparative summary of existing communications and inquiry procedures and practices under international human rights instruments and under the United Nations system (E/CN.4/2005/WG.23/2)
A/HRC/15/50	7	Report of the Committee of independent experts in international humanitarian and human rights laws to monitor and assess any domestic, legal or other proceedings undertaken by both the Government of Israel and the Palestinian side, in the light of General Assembly resolution 64/254, including the independence, effectiveness and genuineness of these investigations and their conformity with international standards

<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/15/51	7	Progress made in the implementation of the recommendations of the Fact-Finding Mission by all concerned parties, including United Nations bodies, in accordance with paragraph 3 of section B of Human Rights Council resolution S-12/1: report of the Secretary-General
A/HRC/15/52	7	Report of the United Nations High Commissioner for Human Rights on the follow-up to the report of the United Nations Independent International Fact-Finding Mission on the Gaza Conflict
A/HRC/15/52/Add.1	7	Advice of the Office of Legal Counsel on the establishment of an escrow fund pursuant to Human Rights Council resolution 13/9: addendum
A/HRC/15/53	9	Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on the manifestations of defamation of religions, and in particular on the ongoing serious implications of Islamophobia for the enjoyment of all rights by their followers
A/HRC/15/53/Corr.1	9	Corrigendum
A/HRC/15/54	2 and 3	Summary of the Human Rights Council panel discussion on the protection of journalists in situations of armed conflict, prepared by the Office of the United Nations High Commissioner for Human Rights
A/HRC/15/55	3	Joint report of the independent expert on the question of human rights and extreme poverty and the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation: mission to Bangladesh
A/HRC/15/56	2 and 3	Report of the Office of the United Nations High Commissioner for Human Rights on the international workshop on enhancing cooperation between international and regional mechanisms for the promotion and protection of human rights
A/HRC/15/56/Corr.1	2 and 3	Corrigendum
A/HRC/15/57	4	Update on the report of the independent expert on the situation of human rights in the Sudan

<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/15/58	3	Annual report of the Special Representative of the Secretary-General for Children and Armed Conflict
A/HRC/15/59	2 and 9	Note by the Secretariat on the report of the Secretary-General on a draft programme of activities for the International Year for People of African Descent
A/HRC/15/60	1	Report of the Human Rights Council on its fifteenth session
A/HRC/14/41	4	Report of the independent expert on the situation of human rights in the Sudan
A/HRC/14/41/Corr.1	4	Corrigendum
A/HRC/14/41/Add.1	4	Report of the independent expert on the situation of human rights in the Sudan: addendum

*Documents issued in the limited series*

<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/15/L.1	9	Condemning the call to “burn a Koran day”
A/HRC/15/L.2	10	Assistance to Somalia in the field of human rights
A/HRC/15/L.3	4	The situation of human rights in the Sudan
A/HRC/15/L.4	4	Assistance technique et renforcement des capacités pour Haïti
A/HRC/15/L.5	3	Human rights and indigenous peoples
A/HRC/15/L.6	3	Human rights and indigenous peoples: mandate of the Special Rapporteur on the rights of indigenous peoples
A/HRC/15/L.7	3	Protection of human rights and fundamental freedoms while countering terrorism: mandate of the Special Rapporteur on the promotion of human rights and fundamental freedoms while countering terrorism
A/HRC/15/L.8	3	Human rights of migrants
A/HRC/15/L.8/Rev.1	3	Human rights of migrants
A/HRC/15/L.9	3	Special Rapporteur on contemporary forms of slavery
A/HRC/15/L.10	1	Draft report of the Human Rights Council on its fifteenth session
A/HRC/15/L.11	3	Human rights and unilateral coercive measures

<i>Symbol</i>		<i>Agenda item</i>
A/HRC/15/L.12	3	The right to development
A/HRC/15/L.13	3	Adequate housing as a component of the right to an adequate standard of living
A/HRC/15/L.14	3	Human rights and access to safe drinking water and sanitation
A/HRC/15/L.15	3	Elimination of discrimination against women
A/HRC/15/L.16	3	Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers
A/HRC/15/L.17	10	Advisory services and technical assistance for Cambodia
A/HRC/15/L.18	3	Elimination of discrimination against persons affected by leprosy and their family members
A/HRC/15/L.19	3	The right to education: follow-up to Human Rights Council resolution 8/4
A/HRC/15/L.20	3	Impunity for terrorist hostage takers, ransoms payments, and human rights
A/HRC/15/L.21	9	Nelson Mandela International Day
A/HRC/15/L.22	3	Open-ended intergovernmental working group on the elaboration of a legally binding instrument on the regulation, monitoring and oversight of the impact of the activities of private military and security companies on the enjoyment of human rights
A/HRC/15/L.23	3	The rights to freedom of peaceful assembly and of association
A/HRC/15/L.24	3	Arbitrary detention
A/HRC/15/L.25	3	Draft guiding principles on extreme poverty and human rights
A/HRC/15/L.26	3	World Programme for Human Rights Education: adoption of the plan of action for the second phase
A/HRC/15/L.27	3	Preventable maternal mortality and morbidity and human rights: follow-up to Council resolution 11/8
A/HRC/15/L.28	3	Right of everyone to the enjoyment of the highest attainable standard of physical and mental health
A/HRC/15/L.29	3	Forensic genetics and human rights

<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/15/L.30	2	Strengthening dialogue, coordination and cooperation between the Human Rights Council and the Office of the High Commissioner for Human Rights
A/HRC/15/L.31	3	The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination
A/HRC/15/L.32	3	Human rights and international solidarity
A/HRC/15/L.33	1	Follow-up resolution to the report of the independent international fact-finding mission
A/HRC/15/L.34	7	Follow-up to the report of the Committee of independent experts in international humanitarian and human rights law established pursuant to Human Rights Council resolution 13/9
A/HRC/15/L.35	4	Amendments to L.3

*Documents issued in the Government series*

<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/15/G/1	7	Note verbale dated 5 August 2010 from the Permanent Mission of the Syrian Arab Republic addressed to the Office of the United Nations High Commissioner for Human Rights
A/HRC/15/G/2	6	Letter dated 27 August 2010 from the Permanent Representative of Cyprus to the United Nations Office at Geneva addressed to the President of the Human Rights Council
A/HRC/15/G/3	6	Letter dated 13 September 2010 from the Permanent Mission of Azerbaijan to the United Nations Office at Geneva addressed to the President of the Human Rights Council
A/HRC/15/G/4	6	Letter dated 17 September 2010 from the Permanent Mission of Turkey to the United Nations Office at Geneva addressed to the President of the Human Rights Council
A/HRC/15/G/5	10	Note verbale dated 22 September 2010 from the Permanent Mission of Cambodia addressed to the Office of the United Nations High Commissioner for Human Rights
A/HRC/15/G/6	4	Note verbale dated 30 September 2010 from the Permanent Mission of China addressed to the Office of the United Nations High Commissioner for Human Rights

<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/15/G/7	1	Note verbale dated 25 October 2010 from the Permanent Representative of Belgium, on behalf of the European Union, addressed to the secretariat of the Human Rights Council
A/HRC/15/G/8	3	Letter dated 3 November 2010 from the Permanent Representative of Slovenia addressed to the President of the Human Rights Council

*Documents issued in the non-governmental organization series*

<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/15/NGO/1	3	Written statement submitted by the International Council of Environmental Law
A/HRC/15/NGO/2	4	Written statement submitted by Pax Christi International
A/HRC/15/NGO/3	4	Written statement submitted by Pax Christi International
A/HRC/15/NGO/4	7	Written statement submitted by Pax Christi International
A/HRC/15/NGO/5	4	Joint written statement submitted by the American Association of Jurists (AAJ), the International Association of Democratic Lawyers (IADL), France Libertés and Mouvement contre le racisme et pour l'amitié entre les peuples (MRAP)
A/HRC/15/NGO/6	9	Written statement submitted by the International Human Rights Association of American Minorities (IHRAAM)
A/HRC/15/NGO/7	4	Written statement submitted by the International Human Rights Association of American Minorities (IHRAAM)
A/HRC/15/NGO/8	3	Written statement submitted by the International Human Rights Association of American Minorities (IHRAAM)
A/HRC/15/NGO/9	3	Written statement submitted by Pax Christi International
A/HRC/15/NGO/10	3	Written statement submitted by the Centre on Housing Rights and Evictions (COHRE)
A/HRC/15/NGO/11	4	Written statement submitted by the Centre on Housing Rights and Evictions (COHRE)
A/HRC/15/NGO/12	4	Written statement submitted by the Asian Legal Resource Centre (ALRC)



<i>Symbol</i>		<i>Agenda item</i>
A/HRC/15/NGO/13	3	Written statement submitted by the Asian Legal Resource Centre (ALRC)
A/HRC/15/NGO/14	4	Written statement submitted by the Asian Legal Resource Centre (ALRC)
A/HRC/15/NGO/15	4	Written statement submitted by the Asian Legal Resource Centre (ALRC)
A/HRC/15/NGO/16	4	Written statement submitted by the Asian Legal Resource Centre (ALRC)
A/HRC/15/NGO/17	4	Written statement submitted by the Asian Legal Resource Centre (ALRC)
A/HRC/15/NGO/18	3	Written statement submitted by the Asian Legal Resource Centre (ALRC)
A/HRC/15/NGO/19	3	Written statement submitted by the Asian Legal Resource Centre (ALRC)
A/HRC/15/NGO/20	4	Written statement submitted by the Asian Legal Resource Centre (ALRC)
A/HRC/15/NGO/21	4	Written statement submitted by the Asian Legal Resource Centre (ALRC)
A/HRC/15/NGO/22	3	Written statement submitted by the Asian Legal Resource Centre (ALRC)
A/HRC/15/NGO/23	4	Written statement submitted by the Asian Legal Resource Centre (ALRC)
A/HRC/15/NGO/24	3	Written statement submitted by the Shimin Gaikou Centre (Citizens' Diplomatic Centre for the Rights of Indigenous Peoples)
A/HRC/15/NGO/25	3	Written statement submitted by the Organization for Defending Victims of Violence
A/HRC/15/NGO/26	7	Written statement submitted by the Organization for Defending Victims of Violence
A/HRC/15/NGO/27	9	Written statement submitted by the Organization for Defending Victims of Violence
A/HRC/15/NGO/30	4	Written statement submitted by the Asian Legal Resource Centre (ALRC)
A/HRC/15/NGO/31	4	Written statement submitted by the Asian Legal Resource Centre (ALRC)
A/HRC/15/NGO/32	4	Written statement submitted by the Society for Threatened Peoples

<i>Symbol</i>		<i>Agenda item</i>
A/HRC/15/NGO/33	3	Joint written statement submitted by Franciscans International, the Global Alliance Against Traffic in Women (GAATW) and Anti-Slavery International
A/HRC/15/NGO/34	4	Written statement submitted by the Cairo Institute for Human Rights Studies
A/HRC/15/NGO/35	9	Written statement submitted by the Cairo Institute for Human Rights Studies
A/HRC/15/NGO/36	6	Written statement submitted by the Cairo Institute for Human Rights Studies
A/HRC/15/NGO/37	4	Written statement submitted by the Cairo Institute for Human Rights Studies
A/HRC/15/NGO/38	4	Written statement submitted by the Cairo Institute for Human Rights Studies
A/HRC/15/NGO/39	4	Written statement submitted by the Cairo Institute for Human Rights Studies
A/HRC/15/NGO/40	3	Written statement submitted by the Association Comunità Papa Giovanni XXIII
A/HRC/15/NGO/41	2 and 3	Written statement submitted by the Federation of Western Thrace Turks in Europe
A/HRC/15/NGO/42	3	Written statement submitted by Apprentissage Sans Frontières
A/HRC/15/NGO/43	8	Written statement submitted by Marangopoulos Foundation for Human Rights (MFHR)
A/HRC/15/NGO/44	7	Joint written statement submitted by the Palestinian Centre for Human Rights, Al-Haq Law in the Service of Man, the Al-Mezan Centre for Human Rights, BADIL, Resource Center for Palestinian Residency and Refugee Rights, Defence for Children International (DCI) and Fédération internationale des droits de l'homme (FIDH)
A/HRC/15/NGO/45	4	Written statement submitted by the Maarif Foundation for Peace and Development (MFPD)
A/HRC/15/NGO/46	4	Written statement submitted by the Al Zubair Charitable Foundation (ZCF)
A/HRC/15/NGO/47	7	Joint written statement by Al-Haq Law in the Service of Man, the Al-Mezan Centre for Human Rights, the BADIL Resource Center for Palestinian Residency and Refugee Rights, Defence for Children International and the Palestinian Centre for Human Rights

<i>Symbol</i>		<i>Agenda item</i>
A/HRC/15/NGO/48	4	Written statement submitted by the Cairo Institute for Human Rights Studies
A/HRC/15/NGO/49	9	Joint written statement submitted by France Libertés: Fondation Danielle Mitterrand and Mouvement contre le racisme et pour l'amitié entre les peuples
A/HRC/15/NGO/50	4	Written statement submitted by the International Humanist and Ethical Union
A/HRC/15/NGO/51	3	Written statement submitted by the Society Studies Centre (MADA ssc)
A/HRC/15/NGO/52	4	Written statement submitted by Reporters Without Borders
A/HRC/15/NGO/53	3	Written statement submitted by Equality Now
A/HRC/15/NGO/54	4	Joint Written statement submitted by France Libertés: Fondation Danielle Mitterrand, the Women's Human Rights International Association (WHRIA) and Mouvement contre le racisme et pour l'amitié entre les peuples
A/HRC/15/NGO/55	3	Written statement submitted by Amnesty International
A/HRC/15/NGO/56	10	Written statement submitted by Amnesty International
A/HRC/15/NGO/57	4	Written statement submitted by Amnesty International
A/HRC/15/NGO/58	10	Written statement submitted by Amnesty International
A/HRC/15/NGO/59	4	Written statement submitted by Amnesty International
A/HRC/15/NGO/60	3	Written statement submitted by the International NGO Forum on Indonesian Development
A/HRC/15/NGO/61	3	Joint written statement submitted by Bridges International, the International Women Bond and the African-American Society for Humanitarian Aid and Development (ASHAD)
A/HRC/15/NGO/62	3	Joint written statement submitted by the Sudan National Committee on Harmful Traditional Practices (SNCTP) and the African-American Society for Humanitarian Aid and Development (ASHAD)
A/HRC/15/NGO/63	5	Written statement submitted by the African-American Society for Humanitarian Aid and Development (ASHAD)

<i>Symbol</i>		<i>Agenda item</i>
A/HRC/15/NGO/64	7	Written statement submitted by the Sudan Council of Voluntary Agencies (SCOVA)
A/HRC/15/NGO/65	4	Joint written statement submitted by Lawyers' Rights Watch Canada and Lawyers Without Borders Canada
A/HRC/15/NGO/66	4	Written statement submitted by the Sudan Council of Voluntary Agencies (SCOVA)
A/HRC/15/NGO/67	4	Joint written statement submitted by the Eastern Sudan Women Development Organization and the Hawa Society for Women
A/HRC/15/NGO/68	3	Written statement submitted by the International NGO Forum on Indonesia Development (INFID)
A/HRC/15/NGO/69	3	Written statement submitted by the International NGO Forum on Indonesia Development (INFID)
A/HRC/15/NGO/70	3	Written statement submitted by the International Alliance of Women (IAW), the Commission of the Churches on International Affairs of the World Council of Churches (CCIA/WCC), the Brahma Kumaris World Spiritual University (BKWSU), the International Association of Soldiers for Peace, Zonta International, the International Federation of Settlements and Neighbourhood Centres (IFS), the International Council of Women (ICW-CIF), the International Youth and Student Movement for the United Nations (ISMUN), the Women's Federation for World Peace International (WFWPI), Soroptimist International (SI), the Asian Legal Resource Centre (ALRC), Franciscans International (FI), Civicus (World Alliance for Citizen Participation) and the International Federation of Business and Professional Women (BPW-International)
A/HRC/15/NGO/70/Corr.1	3	Corrigendum
A/HRC/15/NGO/71	4	Written statement submitted by International Educational Development, Inc.
A/HRC/15/NGO/72	4	Written statement submitted by International Educational Development, Inc.
A/HRC/15/NGO/73	10	Written statement submitted by International Educational Development, Inc.
A/HRC/15/NGO/74	3	Written statement submitted by International Educational Development, Inc.

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<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/15/NGO/75	3	Written statement submitted by Human Rights Advocates Inc.
A/HRC/15/NGO/76	4	Written statement submitted by the Association for World Education
A/HRC/15/NGO/77	4	Written statement submitted by the Association for World Education
A/HRC/15/NGO/78	3	Written statement submitted by Agence internationale pour le développement
A/HRC/15/NGO/79	6	Written statement submitted by Fundación para la libertad – Askatasun Bidean
A/HRC/15/NGO/80	9	Written statement submitted by the Association for World Education

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*Documents issued in the national institution series*

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<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/15/NI/1	3	Information presented by the Equality and Human Rights Commission of Great Britain
A/HRC/15/NI/2	3	Information presented by the Equality and Human Rights Commission of Great Britain

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## Annex V

### **Special procedures mandate holders appointed by the Human Rights Council at its fifteenth session**

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

Chaloka Beyani (Zambia)

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

Juan Ernesto Mendez (Argentina)

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