



# General Assembly

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## Human Rights Council

Thirty-sixth session

11–29 September 2017

Agenda item 1

Organizational and procedural matters

## Report of the Human Rights Council on its thirty-sixth session

*Vice-President and Rapporteur:* Mouayed **Saleh** (Iraq)



## Contents

<i>Chapter</i>	<i>Page</i>
Part One: Resolutions, decisions and President's statement adopted by the Human Rights Council at its thirty-sixth session .....	4
I. Resolutions.....	4
II. Decisions.....	5
III. President's statement.....	6
Part Two: Summary of proceedings .....	7
I. Organizational and procedural matters.....	7
A. Opening and duration of the session.....	7
B. Attendance.....	7
C. Agenda and programme of work .....	7
D. Organization of work.....	7
E. Meetings and documentation .....	8
F. Visits.....	8
G. Election of members of the Human Rights Council Advisory Committee.....	8
H. Selection and appointment of mandate holders .....	8
I. Consideration of and action on draft proposals .....	9
J. Adoption of the report of the session.....	9
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.....	10
A. Update by the United Nations High Commissioner for Human Rights.....	10
B. Reports of the Office of the High Commissioner and the Secretary-General.....	11
C. Consideration of and action on draft proposals .....	12
III. Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development.....	14
A. Panel discussions .....	14
B. Interactive dialogue with special procedure mandate holders .....	17
C. 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.....	23
D. Working Group on the Right to Development.....	24
E. General debate on agenda item 3 .....	24
F. Consideration of and action on draft proposals .....	26
IV. Human rights situations that require the Council's attention .....	38
A. Enhanced interactive dialogue on the situation of human rights in South Sudan .....	38
B. Interactive dialogue with the Independent International Commission of Inquiry on the Syrian Arab Republic.....	38
C. Interactive dialogue with the Commission of Inquiry on Burundi.....	39
D. Interactive dialogue with the independent international fact-finding mission on Myanmar.....	40
E. General debate on agenda item 4.....	40

F.	Consideration of and action on draft proposals .....	42
V.	Human rights bodies and mechanisms .....	45
A.	Complaint procedure .....	45
B.	Expert Mechanism on the Rights of Indigenous Peoples.....	45
C.	Interactive dialogue with the Advisory Committee .....	45
D.	Open-ended intergovernmental working group on a United Nations declaration on the rights of peasants and other people working in rural areas .....	46
E.	General debate on agenda item 5 .....	46
F.	Consideration of and action on draft proposals .....	47
VI.	Universal periodic review .....	57
A.	Consideration of the universal periodic review outcomes .....	57
B.	General debate on agenda item 6 .....	131
C.	Consideration of and action on draft proposals .....	132
VII.	Human rights situation in Palestine and other occupied Arab territories .....	134
	General debate on agenda item 7 .....	134
VIII.	Follow-up to and implementation of the Vienna Declaration and Programme of Action.....	135
A.	Panel discussion.....	135
B.	General debate on agenda item 8 .....	136
IX.	Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up to and implementation of the Durban Declaration and Programme of Action .....	138
A.	Interactive dialogue with the Working Group of Experts on People of African Descent .....	138
B.	General debate on agenda item 9 .....	138
C.	Consideration of and action on draft proposals .....	139
X.	Technical assistance and capacity-building.....	141
A.	Enhanced interactive dialogue on technical assistance and capacity-building for human rights in the Democratic Republic of the Congo .....	141
B.	Interactive dialogue on cooperation and assistance to Ukraine in the field of human rights .....	141
C.	Interactive dialogue on technical assistance and capacity-building to improve human rights in Libya.....	142
D.	Interactive dialogues with special procedure mandate holders .....	142
E.	General debate on agenda item 10.....	144
F.	Consideration of and action on draft proposals .....	145
Annexes		
I.	Attendance.....	150
II.	Agenda .....	156
III.	Documents issued for the thirty-sixth session .....	157
IV.	Advisory Committee members elected by the Human Rights Council at its thirty-sixth session and the date of expiry of their term of membership.....	185
V.	Special procedure mandate holders appointed by the Human Rights Council at its thirty-sixth session .....	186

## Part One

### Resolutions, decisions and President's statement adopted by the Human Rights Council at its thirty-sixth session

#### I. Resolutions

<i>Resolution</i>	<i>Title</i>	<i>Date of adoption</i>
36/1	Composition of staff of the Office of the United Nations High Commissioner for Human Rights	28 September 2017
36/2	Mission by the Office of the United Nations High Commissioner for Human Rights to improve the human rights situation and accountability in Burundi	28 September 2017
36/3	The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination	28 September 2017
36/4	Mandate of the Independent Expert on the promotion of a democratic and equitable international order	28 September 2017
36/5	Unaccompanied migrant children and adolescents and human rights	28 September 2017
36/6	Enforced or involuntary disappearances	28 September 2017
36/7	Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence	28 September 2017
36/8	The full enjoyment of human rights by all women and girls and the systematic mainstreaming of a gender perspective into the implementation of the 2030 Agenda for Sustainable Development	28 September 2017
36/9	The right to development	28 September 2017
36/10	Human rights and unilateral coercive measures	28 September 2017
36/11	Mandate of the open-ended intergovernmental working group to elaborate the content of an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies	28 September 2017
36/12	World Programme for Human Rights Education	28 September 2017
36/13	Mental health and human rights	28 September 2017
36/14	Human rights and indigenous peoples	28 September 2017
36/15	Mandate of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes	28 September 2017
36/16	Human rights in the administration of justice, including juvenile justice	29 September 2017
36/17	The question of the death penalty	29 September 2017
36/18	Conscientious objection to military service	29 September 2017
36/19	Renewal of the mandate of the Commission of Inquiry on Burundi	29 September 2017
36/20	The human rights situation in the Syrian Arab Republic	29 September 2017
36/21	Cooperation with the United Nations, its representatives and mechanisms in the field of human rights	29 September 2017
36/22	Promotion and protection of the human rights of peasants and other people working in rural areas	29 September 2017

<i>Resolution</i>	<i>Title</i>	<i>Date of adoption</i>
36/23	Mandate of the Working Group of Experts on People of African Descent	29 September 2017
36/24	From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance	29 September 2017
36/25	Technical assistance and capacity-building in the field of human rights in the Central African Republic	29 September 2017
36/26	Technical assistance and capacity-building to improve human rights in the Sudan	29 September 2017
36/27	Assistance to Somalia in the field of human rights	29 September 2017
36/28	Enhancement of technical cooperation and capacity-building in the field of human rights	29 September 2017
36/29	Promoting international cooperation to support national human rights follow-up systems, processes and related mechanisms, and their contribution to the implementation of the 2030 Agenda for Sustainable Development	29 September 2017
36/30	Technical assistance and capacity-building in the field of human rights in the Democratic Republic of the Congo	29 September 2017
36/31	Human rights, technical assistance and capacity-building in Yemen	29 September 2017
36/32	Advisory services and technical assistance for Cambodia	29 September 2017

## II. Decisions

<i>Decision</i>	<i>Title</i>	<i>Date of adoption</i>
36/101	Outcome of the universal periodic review: Bahrain	21 September 2017
36/102	Outcome of the universal periodic review: Ecuador	21 September 2017
36/103	Outcome of the universal periodic review: Tunisia	21 September 2017
36/104	Outcome of the universal periodic review: Morocco	21 September 2017
36/105	Outcome of the universal periodic review: Indonesia	21 September 2017
36/106	Outcome of the universal periodic review: Finland	21 September 2017
36/107	Outcome of the universal periodic review: United Kingdom of Great Britain and Northern Ireland	21 September 2017
36/108	Outcome of the universal periodic review: India	21 September 2017
36/109	Outcome of the universal periodic review: Brazil	21 September 2017
36/110	Outcome of the universal periodic review: Philippines	22 September 2017
36/111	Outcome of the universal periodic review: Algeria	22 September 2017
36/112	Outcome of the universal periodic review: Poland	22 September 2017
36/113	Outcome of the universal periodic review: Netherlands	22 September 2017
36/114	Outcome of the universal periodic review: South Africa	22 September 2017
36/115	Extension of the mandate of the independent international fact-finding mission on Myanmar	29 September 2017

### III. President's statement

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<i>President's statement</i>	<i>Title</i>	<i>Date of adoption</i>
PRST 36/1	Reports of the Advisory Committee	29 September 2017

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## **Part Two**

### **Summary of proceedings**

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

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

1. The Human Rights Council held its thirty-sixth session at the United Nations Office at Geneva from 11 to 29 September 2017. The President of the Council opened the session.
2. In accordance with rule 8 (b) of the rules of procedure of the Human Rights Council, as contained in part VII of the annex to Council resolution 5/1, the organizational meeting of the thirty-sixth session was held on 28 August 2017.
3. The thirty-sixth session consisted of 42 meetings over 15 days (see para. 11 below).

##### **B. Attendance**

4. The session was attended by representatives of States members of the Human Rights Council, observer States of the Council, observers for non-Member States of the United Nations and other observers, and 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**

5. At its 1st meeting, on 11 September 2017, the Human Rights Council adopted the agenda and programme of work of the thirty-sixth session.

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

6. At the 1st meeting, on 11 September 2017, the President referred to the introduction of an online system for inscription on the lists of speakers for all general debates, and individual and clustered interactive dialogues at the thirty-sixth session of the Human Rights Council. He also referred to the modalities and schedule of the online inscription, which was launched on 6 September 2017.
7. At the same meeting, the President outlined the speaking time limits applied during the thirty-fifth session of the Human Rights Council, which would also be applied during the thirty-sixth session. The speaking time limits for the interactive dialogues with special procedure mandate holders and the panel discussions would be two minutes for States members of the Council, observer States and other observers.
8. Also at the same meeting, the President outlined the speaking time limits for the general debates, which would be 2 minutes and 30 seconds for States members of the Human Rights Council and 1 minute and 30 seconds for observer States and other observers.
9. At the same meeting, the President referred to the modalities concerning the tabling of draft proposals after the tabling deadline. At the organizational meeting of the thirty-sixth session, the Human Rights Council had agreed that an extension of the deadline for the submission of draft proposals would be granted only once, under exceptional circumstances, for a maximum of 24 hours.
10. At the 22nd meeting, on 21 September 2017, the President outlined the speaking time limits 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; where appropriate, 2 minutes for the national human rights institution with A status of the

State concerned; up to 20 minutes for States members of the Human Rights Council, observer States and United Nations agencies to express their views on the outcome of the review, with varying speaking times according to the number of speakers in accordance with the modalities set out in the annex to Council resolution 16/21; and up to 20 minutes for stakeholders to make general comments on the outcome of the review.

## **E. Meetings and documentation**

11. The Human Rights Council held 42 fully serviced meetings during its thirty-sixth session.<sup>1</sup>

12. The list of the resolutions, decisions and President's statement adopted by the Human Rights Council is contained in part one of the present report.

## **F. Visits**

13. At the 1st meeting, on 11 September 2017, the following delivered statements to the Human Rights Council: Minister for Foreign Affairs of Qatar, Mohammed bin Abdulrahman bin Jassim al-Thani; Minister for Foreign Affairs of the Bolivarian Republic of Venezuela, Jorge Arreaza Montserrat; Minister for Foreign Affairs of Finland, Timo Soini; Minister of State for the Commonwealth and the United Nations of the United Kingdom of Great Britain and Northern Ireland, Lord Ahmad of Wimbledon; Vice Minister for Institutional and Consular Management of the Plurinational State of Bolivia, Carmen Almendras.

14. At the 2nd meeting, on the same day, the President of the Cambodian Human Rights Committee, Keo Remy, delivered a statement to the Human Rights Council.

15. At the 5th meeting, on 12 September 2017, the Minister of Justice of Burkina Faso, Bessolé René Bagoro, delivered a statement to the Human Rights Council.

16. At the 7th meeting, on 13 September 2017, the Secretary-General of the Association of Southeast Asian Nations (ASEAN), Le Luong Minh, and the Minister for Human Rights of Yemen, Mohammed Muhsen Askar, delivered statements to the Human Rights Council.

17. At the 35th meeting, on 27 September 2017, the President of the Central African Republic, Faustin Archange Touadera, delivered a statement to the Human Rights Council.

## **G. Election of members of the Human Rights Council Advisory Committee**

18. At its 42nd meeting, on 29 September 2017, the Human Rights Council elected, pursuant to its resolutions 5/1 and 16/21, seven experts to the Council's Advisory Committee. The Council had before it a note by the Secretary-General (A/HRC/36/17 and Add.1) containing the nomination of candidates for election, in accordance with Council decision 6/102, and the biographical data of the candidates (see annex IV).

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

19. At its 42nd meeting, on 29 September 2017, the Human Rights Council appointed, pursuant to Council resolutions 5/1 and 16/21 and its decision 6/102, seven special procedure mandate holders (see annex V).

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<sup>1</sup> The proceedings of the thirty-sixth session of the Human Rights Council can be followed through the archived webcasts of the Council sessions at <http://webtv.un.org>.



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

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

20. At the 42nd meeting, on 29 September 2017, the President of the Human Rights Council introduced draft President's statement A/HRC/36/L.65.

21. At the same meeting, the Human Rights Council adopted President's statement PRST 36/1.

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

22. At the 42nd meeting, on 29 September 2017, the Vice-President and Rapporteur of the Human Rights Council made a statement on the draft report of the Council on its thirty-sixth session.

23. At the same meeting, the Human Rights Council adopted ad referendum the draft report (A/HRC/36/2) and entrusted the Rapporteur with its finalization.

24. Also at the same meeting, the President of the Human Rights Council made a closing statement.

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

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

25. At the 1st meeting, on 11 September 2017, the United Nations High Commissioner for Human Rights made a statement providing an update of the activities of his Office.

26. At its 4th and 5th meetings, on 12 September 2017, the Human Rights Council held a general debate on the oral update by the High Commissioner, during which the following made statements:

(a) Representatives of States members of the Human Rights Council: Bangladesh, Belgium, Bolivia (Plurinational State of), Botswana, Brazil, China, Croatia, Cuba, Ecuador, Egypt (also on behalf of the Group of Arab States), Egypt (also on behalf of Algeria, Bangladesh, Belarus, Bolivia (Plurinational State of), Cuba, Ecuador, Malaysia, Nicaragua, Pakistan, the Philippines, the Russian Federation, Saudi Arabia, the United Arab Emirates, Venezuela (Bolivarian Republic of), Viet Nam and Zimbabwe), El Salvador, Estonia<sup>2</sup> (also on behalf of the European Union, Bosnia and Herzegovina, Liechtenstein, Montenegro and the former Yugoslav Republic of Macedonia), Ethiopia, Georgia, Germany, Hungary, India, Indonesia (also on behalf of the Association of Southeast Asian Nations), Iraq, Japan, Latvia, Morocco<sup>2</sup> (also on behalf of Bahrain, Burundi, the Central African Republic, Comoros, Côte d'Ivoire, Gabon, Guinea, Jordan, Kuwait, Oman, Qatar, Saudi Arabia, Senegal and the United Arab Emirates), Netherlands, Nicaragua<sup>2</sup> (also on behalf of Algeria, Angola, Bolivia (Plurinational State of), Cuba, Ecuador, Mozambique, Namibia, Nigeria, South Africa, Timor-Leste, the United Republic of Tanzania, Venezuela (Bolivarian Republic of) and Zimbabwe), Nigeria, Norway<sup>2</sup> (also on behalf of Albania, Andorra, Australia, Austria, Belgium, Benin, Bosnia and Herzegovina, Bulgaria, Burkina Faso, Canada, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czechia, Denmark, Estonia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, Indonesia, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Monaco, Montenegro, Mozambique, the Netherlands, New Zealand, Panama, Paraguay, Poland, Portugal, the Republic of Korea, Romania, Rwanda, Serbia, Sierra Leone, Slovakia, Slovenia, Spain, Sweden, Switzerland, Thailand, Timor-Leste, Togo, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uruguay and Zambia), Pakistan<sup>2</sup> (on behalf of the Organization of Islamic Cooperation), Paraguay, Paraguay (also on behalf of Argentina, Brazil, Canada, Chile, Colombia, Costa Rica, Guatemala, Honduras, Mexico, Panama and Peru), Philippines, Portugal, Qatar, Republic of Korea, Rwanda (also on behalf of the European Union, Argentina, Australia, Bangladesh, Belgium, Bosnia and Herzegovina, Botswana, Canada, Chile, Costa Rica, Côte d'Ivoire, Czechia, Denmark, Finland, France, Germany, Ghana, Liberia, Guatemala, Hungary, Italy, Japan, Liechtenstein, Luxembourg, Mali, Mexico, Morocco, Mozambique, the Netherlands, New Zealand, Nigeria, Norway, Panama, Qatar, Republic of Korea, Romania, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, South Sudan, Spain, Sweden, Switzerland, the United Republic of Tanzania, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay), Saudi Arabia, Slovenia, South Africa, Switzerland, Tunisia (also on behalf of the Group of African States), United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela (Bolivarian Republic of) (also on behalf of the Movement of Non-Aligned Countries);

(b) Representatives of observer States: Afghanistan, Algeria, Angola, Armenia, Australia, Azerbaijan, Bahrain, Benin, Cambodia, Canada, Central African Republic, Chile, Costa Rica, Czechia, Democratic People's Republic of Korea, Denmark, Estonia, France, Greece, Honduras, Iceland, Iran (Islamic Republic of), Ireland, Israel, Italy, Jordan, Kuwait, Lesotho, Libya, Liechtenstein, Malaysia, Maldives, Mali, Mexico, Montenegro, Morocco,

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

Myanmar, Nepal, Nicaragua, Poland, Republic of Moldova, Russian Federation, Senegal, Singapore, South Sudan, Spain, Sudan, Sweden, Syrian Arab Republic, Thailand, Turkey, Uganda, Ukraine, Uruguay, Viet Nam, Zambia;

(c) Observers for non-governmental organizations: ABC Tamil Oli, Action internationale pour la paix et le développement dans la région des Grands Lacs (also on behalf of Comité international pour le respect et l'application de la charte africaine des droits de l'homme et des peuples and Organisation internationale pour le développement intégral de la femme), Africa culture internationale, African Regional Agricultural Credit Association, Alsalam Foundation, American Association of Jurists (also on behalf of Asociación Española para el Derecho Internacional de los Derechos Humanos, France Libertés: Fondation Danielle Mitterrand, Indian Council of South America, International Association of Democratic Lawyers, International Educational Development, International Fellowship of Reconciliation, International Youth and Student Movement for the United Nations, International-Lawyers.org and Liberation), Americans for Democracy and Human Rights in Bahrain, Asian Forum for Human Rights and Development, Asian Legal Resource Centre, Association Bharathi centre culturel franco-tamoul, Association for the Protection of Women and Children's Rights, Association Thendral, Badil Resource Center for Palestinian Residency and Refugee Rights, Cairo Institute for Human Rights Studies, Canners International Permanent Committee, Center for Environmental and Management Studies, Center for Organisation Research and Education, CIVICUS: World Alliance for Citizen Participation, Commission africaine des promoteurs de la santé et des droits de l'homme, Commission to Study the Organization of Peace, Conectas Direitos Humanos (also on behalf of Centro de Estudios Legales y Sociales), Conseil international pour le soutien à des procès équitables et aux droits de l'homme, European Union of Public Relations, Human Rights Watch, Indian Council of South America, Indigenous People of Africa Coordinating Committee, International Association for Democracy in Africa, International Association of Democratic Lawyers, International Buddhist Relief Organisation, International Career Support Association, International Commission of Jurists, International Federation for Human Rights Leagues, International Movement against All Forms of Discrimination and Racism, International Muslim Women's Union, International Organization for the Elimination of All Forms of Racial Discrimination, International Service for Human Rights, International-Lawyers.org, Liberation, Organisation pour la communication en Afrique et de promotion de la coopération économique internationale, Pan African Union for Science and Technology, Rencontre africaine pour la défense des droits de l'homme, Russian Peace Foundation, Society for Threatened Peoples, Tamil Uzhagam, Tourner la page, United Nations Watch, United Schools International, Verein Südwind Entwicklungspolitik, Victorious Youths Movement, Villages unis, World Environment and Resources Council, World Evangelical Alliance, World Muslim Congress.

27. At the 6th meeting, on 12 September 2017, the representatives of Azerbaijan, Bahrain, China, the Democratic People's Republic of Korea, India, Japan, Pakistan, the Philippines, Ukraine and Venezuela (Bolivarian Republic of) made statements in exercise of the right of reply.

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

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

29. At the 12th meeting, on 15 September 2017, the United Nations Deputy High Commissioner for Human Rights presented thematic reports prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Secretary-General under agenda items 2, 3 and 5.

30. At its 12th meeting, on 15 September 2017, and at its 13th and 14th meetings, on 18 September, the Human Rights Council held a general debate on thematic reports under agenda items 2 and 3, presented by the Deputy High Commissioner (see chap. III, sect. E).

31. At the 21st meeting, on 20 September 2017, the Assistant Secretary-General for Human Rights presented thematic reports prepared by OHCHR and the Secretary-General under agenda items 2 and 5.

32. At its 21st meeting, on 20 September 2017, and at its 26th and 27th meetings, on 22 September, the Human Rights Council held a general debate on agenda item 5 (see chap. IV, sect. E).

33. At the 37th meeting, on 28 September 2017, the Deputy High Commissioner presented country reports prepared by OHCHR and the Secretary-General under agenda items 2 and 10.

34. At the same meeting and at the 38th meeting, on the same day, the Human Rights Council held a general debate under agenda item 10 (see chap. X, sect. E).

## C. Consideration of and action on draft proposals

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

35. At the 39th meeting, on 28 September 2017, the representative of Cuba introduced draft resolution A/HRC/36/L.1, sponsored by Cuba and co-sponsored by Bolivia (Plurinational State of), China, Egypt (on behalf of the Group of Arab States), Nicaragua, Panama, the Philippines, Qatar and Venezuela (Bolivarian Republic of). Subsequently, Angola, Bangladesh, Belarus, Botswana, the Democratic People's Republic of Korea, Ecuador, Honduras, Indonesia, Malaysia, Maldives, the Russian Federation, South Africa, Sri Lanka and Thailand joined the sponsors.

36. At the same meeting, the representatives of Japan and Latvia (on behalf of States members of the European Union that are members of the Human Rights Council) made statements in explanation of vote before the vote in relation to the draft resolution.

37. Also at the same meeting, at the request of the representative of Latvia, a recorded vote was taken on the draft resolution. The voting was as follows:

#### *In favour:*

Bangladesh, Bolivia (Plurinational State of), Botswana, Brazil, Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Ghana, India, Indonesia, Iraq, Kenya, Kyrgyzstan, Mongolia, Nigeria, Panama, Paraguay, Philippines, Qatar, Rwanda, Saudi Arabia, South Africa, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of)

#### *Against:*

Albania,<sup>3</sup> Belgium, Croatia, Georgia, Germany, Hungary, Japan, Latvia, Netherlands, Portugal, Republic of Korea, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America

#### *Abstaining:*

Togo

38. The Human Rights Council adopted the draft resolution by 31 votes to 15, with 1 abstention (resolution 36/1).

### **Mission by the Office of the United Nations High Commissioner for Human Rights to improve the human rights situation and accountability in Burundi**

39. At the 39th meeting, on 28 September 2017, the representative of Tunisia (on behalf of the Group of African States) introduced draft resolution A/HRC/36/L.33, sponsored by Tunisia (on behalf of the Group of African States).

40. At the same meeting, the representative of Tunisia orally revised the draft resolution.

<sup>3</sup> The representative of Albania subsequently stated that there had been an error in the delegation's vote and that it had intended to abstain from the vote on the draft resolution.

41. Also at the same meeting, the representative of Burundi made a statement as the State concerned.

42. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated administrative and programme budget implications of the draft resolution as orally revised. The Chief of Programme Support and Management Services of OHCHR made a statement on the budgetary implications of the draft resolution as orally revised.

43. At the same meeting, the representatives of Latvia (on behalf of States members of the European Union that are members of the Human Rights Council) and the United States of America made statements in explanation of vote before the vote in relation to the draft resolution as orally revised.

44. Also at the same meeting, at the request of the representative of Latvia, a recorded vote was taken on the draft resolution as orally revised. The voting was as follows:

*In favour:*

Bangladesh, Bolivia (Plurinational State of), Brazil, Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Ghana, India, Iraq, Kenya, Nigeria, Saudi Arabia, South Africa, Togo, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

Albania, Belgium, Croatia, Georgia, Germany, Hungary, Latvia, Netherlands, Portugal, Republic of Korea, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America

*Abstaining:*

Botswana, Indonesia, Japan, Kyrgyzstan, Mongolia, Panama, Paraguay, Philippines, Qatar

45. The draft resolution as orally revised was adopted by 23 votes to 14, with 9 abstentions (resolution 36/2).

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

#### A. Panel discussions

##### **Biennial panel discussion on the issue of unilateral coercive measures and human rights**

46. At its 10th meeting, on 14 September 2017, the Human Rights Council held, pursuant to Council resolution 27/21 and its corrigendum and resolution 34/13, its biennial panel discussion with a focus on the theme “Resources and compensation necessary to promote accountability and reparations”.

47. The Director of the Thematic Engagement, Special Procedures and Right to Development Division of OHCHR made an opening statement for the panel. The Ambassador and Permanent Representative of the Bolivarian Republic of Venezuela to the United Nations Office and other international organizations in Geneva, Jorge Valero, moderated the discussion for the panel.

48. At the same meeting, the following panellists made statements: Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, Idriss Jazairy; Vice-Rector and Head of the International Law Department, International University “MITSO”, Minsk, Alena Douhan; member of the Human Rights Council Advisory Committee, Jean Ziegler; Independent Expert on the promotion of a democratic and equitable international order, Alfred de Zayas.

49. The Human Rights Council divided the ensuing panel discussion into two speaking slots, which were held at the same meeting. During the first speaking slot, the following made statements and asked the panellists questions:

(a) Representatives of States members of the Human Rights Council: Bolivia (Plurinational State of), China, Cuba (also on behalf of Algeria, Belarus, Bolivia (Plurinational State of), the Democratic People’s Republic of Korea, Ecuador, Egypt, Malaysia, Nicaragua, Pakistan, the Philippines, the Sudan, Uganda, Venezuela (Bolivarian Republic of), Viet Nam and Zimbabwe), Ecuador, Egypt (also on behalf of the Group of Arab States), Pakistan<sup>4</sup> (on behalf of the Organization of Islamic Cooperation), Qatar, Tunisia (on behalf of the Group of African States), Venezuela (Bolivarian Republic of) (on behalf of the Movement of Non-Aligned Countries);

(b) Representatives of observer States: Iran (Islamic Republic of), Russian Federation;

(c) Observer for a national human rights institution: National Human Rights Committee of Qatar;

(d) Observers for non-governmental organizations: United Nations Watch, Verein Südwind Entwicklungspolitik.

50. At the end of the first speaking slot, the panellists answered questions and made comments.

51. During the second speaking slot, the following made statements and asked the panellists questions:

(a) Representatives of States members of the Human Rights Council: Iraq, United Arab Emirates, Venezuela (Bolivarian Republic of);

(b) Representatives of observer States: Algeria, Fiji, Nicaragua, Pakistan, Sudan, Zimbabwe;

<sup>4</sup> Observer of the Human Rights Council speaking on behalf of member and observer States.

(c) Observers for non-governmental organizations: Conseil international pour le soutien à des procès équitables et aux droits de l'homme, Iraqi Development Organization, Ma'arij Foundation for Peace and Development (also on behalf of Eastern Sudan Women Development Organization).

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

#### **Annual half-day discussion on the human rights of indigenous peoples**

53. At its 19th meeting, on 20 September 2017, the Human Rights Council held, pursuant to Council resolutions 18/8 and 33/13, a half-day panel discussion with a focus on the theme "Tenth anniversary of the adoption of the United Nations Declaration on the Rights of Indigenous Peoples".

54. The Deputy High Commissioner made an opening statement for the panel. Chair-Rapporteur of the Expert Mechanism on the Rights of Indigenous Peoples, Albert Kwokwo Barume, moderated the discussion for the panel.

55. At the same meeting, the following panellists made statements: Coordinator of the Red de Jóvenes Indígenas de América Latina y El Caribe, Dalí Angel; Attorney at the Indian Law Resource Center, Karla General.

56. The ensuing panel discussion was divided into two speaking slots, which were held at the same meeting. During the first speaking slot, the following made statements and asked the panellists questions:

(a) Representatives of States members of the Human Rights Council: Brazil, China, Paraguay, Philippines;

(b) Representatives of observer States: Australia, Canada, Denmark (also on behalf of Finland, Iceland, Norway and Sweden), Greece, Guatemala, Mexico;

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

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

(e) Observer for a national human rights institution: Ombudsman Office of Ecuador;

(f) Observers for non-governmental organizations: Amnesty International, Conselho Indigenista Missionário.

57. At the end of the first speaking slot, the panellists answered questions and made comments.

58. During the second speaking slot, the following made statements:

(a) Representatives of States members of the Human Rights Council: Bolivia (Plurinational State of), Ecuador, United States of America, Venezuela (Bolivarian Republic of);

(b) Representatives of observer States: Chile, Iran (Islamic Republic of), Lesotho, Malaysia, Mongolia, Russian Federation, Spain, Holy See;

(c) Observers for United Nations entities, specialized agencies and related organizations: International Fund for Agricultural Development, United Nations Development Programme;

(d) Observer for a national human rights institution: Australian Human Rights Commission (by video message);

(e) Observers for non-governmental organizations: CIVICUS: World Alliance for Citizen Participation, Defence for Children International, Indian Council of South America.

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

60. Also at the same meeting, the Grand Chief of the Confederacy of Treaty Six First Nations, Wilton Littlechild, made concluding remarks.

**Panel discussion on the impact of multiple and intersecting forms of discrimination and violence in the context of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of all human rights by women and girls**

61. At its 30th meeting, on 25 September 2017, the Human Rights Council held, pursuant to Council resolution 32/17 and further to the High Commissioner's report A/HRC/35/10, a panel discussion on the impact of multiple and intersecting forms of discrimination and violence in the context of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of all human rights by women and girls.

62. The Deputy High Commissioner made an opening statement for the panel. The Ambassador and Permanent Representative of Brazil to the United Nations Office and other international organizations in Geneva, Maria Nazareth Farani Azevêdo, moderated the discussion for the panel.

63. At the same meeting, the following panellists made statements: member of the Committee on the Elimination of Discrimination against Women, Hilary Gbedemah; Chair of the Committee on the Elimination of Racial Discrimination, Anastasia Crickley; Professor in the Department of Economics at the University of Valle, Colombia, Carlos Augusto Viáfara López; researcher and United Nations Youth Delegate for Belgium in 2015 and 2016, Warda El-Kaddouri.

64. The ensuing panel discussion was divided into two speaking slots, which were held at the same meeting. During the first speaking slot, the following made statements and asked the panellists questions:

(a) Representatives of States members of the Human Rights Council: Austria<sup>4</sup> (also on behalf of Croatia and Slovenia), Colombia<sup>4</sup> (also on behalf of Argentina, Brazil, Paraguay and Uruguay), Pakistan<sup>4</sup> (on behalf of the Organization of Islamic Cooperation), Portugal (on behalf of the Community of Portuguese-speaking Countries), Tunisia (on behalf of the Group of African States), United Arab Emirates;

(b) Representatives of observer States: Israel, Italy, Malaysia, Montenegro, Spain;

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

(d) Observers for non-governmental organizations: Action Canada for Population and Development, Friends World Committee for Consultation, International Movement against All Forms of Discrimination and Racism, Verein Südwind Entwicklungspolitik.

65. At the end of the first speaking slot, also at the same meeting, the panellists answered questions and made their comments.

66. During the second speaking slot, the following made statements:

(a) Representatives of States members of the Human Rights Council: Bangladesh, Bolivia (Plurinational State of), Ecuador, Georgia, India, Iraq, Saudi Arabia, Tunisia;

(b) Representatives of observer States: Bulgaria, Burkina Faso, Canada, Greece, Libya, Maldives, Mexico, Pakistan, Sierra Leone, Holy See;

(c) Observers for non-governmental organizations: Conseil international pour le soutien à des procès équitables et aux droits de l'homme, International Organization for the Elimination of All Forms of Racial Discrimination, International Organization for the Right to Education and Freedom of Education.

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



## **B. Interactive dialogues with special procedure mandate holders**

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

68. At the 1st meeting, on 11 September 2017, the Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances, Houria Es-Slami, presented the Working Group's reports (A/HRC/36/39 and Add.1–3).

69. At the same meeting, the representative of Albania made a statement as the State concerned.

70. During the ensuing interactive dialogue, at the 1st and 2nd meetings, on the same day, the following made statements and asked the Chair-Rapporteur questions:

(a) Representatives of States members of the Human Rights Council: Belgium, China, Egypt, Iraq, Japan, Latvia, Paraguay, Philippines, Portugal, South Africa, Tunisia, Venezuela (Bolivarian Republic of);

(b) Representatives of observer States: Armenia, Bahrain, Benin, Bosnia and Herzegovina, Cyprus, France, Greece, Iran (Islamic Republic of), Libya, Maldives, Montenegro, Morocco, Nepal, Pakistan, Russian Federation, Sudan, Ukraine;

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

(d) Observers for non-governmental organizations: Americans for Democracy and Human Rights in Bahrain, Article 19: International Centre against Censorship, Asian Legal Resource Centre, Centro de Estudios Legales y Sociales, Colombian Commission of Jurists, Comisión Mexicana de Defensa y Promoción de los Derechos Humanos, Conseil international pour le soutien à des procès équitables et aux droits de l'homme, Franciscans International, International Commission of Jurists, United Nations Watch, Verein Südwind Entwicklungspolitik, Women's International League for Peace and Freedom.

71. At the 2nd meeting, the Chair-Rapporteur answered questions and made her concluding remarks.

72. At the 3rd meeting, on the same day, the representative of the Russian Federation made a statement in exercise of the right of reply.

### **Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence**

73. At the 1st meeting, on 11 September 2017, the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Pablo de Greiff, presented his reports (A/HRC/36/50 and Add.1).

74. During the ensuing interactive dialogue, at the 1st and 2nd meetings, on the same day, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States members of the Human Rights Council: Belgium, China, Egypt, Iraq, Latvia, Paraguay, South Africa, Switzerland, Tunisia (also on behalf of the Group of African States), United States of America, Uruguay<sup>4</sup> (also on behalf of Argentina, Brazil, Chile, Colombia and Costa Rica), Venezuela (Bolivarian Republic of);

(b) Representatives of observer States: Armenia, Australia, Austria, Benin, Burkina Faso, Colombia, France, Greece, Italy, Iran (Islamic Republic of), Morocco, Nepal, Pakistan, Russian Federation, Sierra Leone, Sweden;

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

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

(e) Observers for non-governmental organizations: Association for Defending Victims of Terrorism, Colombian Commission of Jurists, Comisión Mexicana de Defensa y Promoción de los Derechos Humanos, Conseil international pour le soutien à des procès équitables et aux droits de l'homme, Franciscans International, International Educational Development (also on behalf of Association of Human Rights in Kurdistan – Geneva and Ensemble contre la peine de mort), Lutheran World Federation, United Nations Watch, Verein Südwind Entwicklungspolitik.

75. At the 2nd meeting, the Special Rapporteur answered questions and made his concluding remarks.

### **Independent Expert on the enjoyment of all human rights by older persons**

76. At the 3rd meeting, on 11 September 2017, the Independent Expert on the enjoyment of all human rights by older persons, Rosa Kornfeld-Matte, presented her reports (A/HRC/36/48 and Add.1–2).

77. At the same meeting, the representatives of Namibia and Singapore made statements as the States concerned.

78. During the ensuing interactive dialogue, at the 3rd meeting, on 11 September 2017, and at the 5th and the 6th meetings, on 12 September, the following made statements and asked the Independent Expert questions:

(a) Representatives of States members of the Human Rights Council: Bangladesh, Botswana, Brazil, Brazil (also on behalf of Argentina, Austria, El Salvador, Montenegro, Namibia, the Philippines, Portugal, Singapore, Slovenia, Tunisia and Uruguay), China, Ecuador, Egypt, Germany, India, Iraq, Japan, Pakistan<sup>4</sup> (on behalf of the Organization of Islamic Cooperation), Paraguay, Philippines, Portugal, Qatar, Slovenia, South Africa, Tunisia (also on behalf of the Group of African States), United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela (Bolivarian Republic of);

(b) Representatives of observer States: Algeria, Australia, Austria, Azerbaijan, Benin, Chile, Greece, Israel, Lesotho, Malaysia, Maldives, Mexico, Montenegro, Morocco, Pakistan, Russian Federation, Sierra Leone, Sudan, Thailand, Viet Nam;

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

(d) Observers for national human rights institutions: National Human Rights Council of Morocco, National Human Rights Commission of the Republic of Korea (on behalf of Global Alliance of National Human Rights Institutions) (by video message);

(e) Observers for non-governmental organizations: Graduate Women International, HelpAge International, International Longevity Center Global Alliance (also on behalf of International Network for the Prevention of Elder Abuse), Liberation, Rencontre africaine pour la défense des droits de l'homme, Verein Südwind Entwicklungspolitik.

79. At the 3rd meeting, on 11 September 2017, and at the 6th meeting, on 12 September, the Independent Expert answered questions and made her concluding remarks.

80. At the 3rd meeting, on 11 September 2017, the representatives of Qatar, the United Arab Emirates (also on behalf of Bahrain, Egypt and Saudi Arabia) and Venezuela (Bolivarian Republic of) made statements in exercise of the right of reply.

### **Special Rapporteur on the human rights to safe drinking water and sanitation**

81. At the 3rd meeting, on 11 September 2017, the Special Rapporteur on the human rights to safe drinking water and sanitation, Léo Heller, presented his reports (A/HRC/36/45 and Add.1–2).

82. At the same meeting, the representatives of Mexico and Portugal made statements as the States concerned.

83. Also at the same meeting, the National Human Rights Commission of Mexico (by video message) and the Ombudsman of Portugal made statements.

84. During the ensuing interactive dialogue, at the 3rd meeting, on 11 September 2017, and at the 5th and the 6th meetings, on 12 September, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States members of the Human Rights Council: Bangladesh, Bolivia (Plurinational State of), Botswana, Brazil, China, Ecuador, Egypt, Ethiopia, Germany, Hungary, India, Iraq, Kyrgyzstan, Pakistan<sup>4</sup> (on behalf of the Organization of Islamic Cooperation), Saudi Arabia, Slovenia, South Africa, Switzerland, Tunisia, Venezuela (Bolivarian Republic of);

(b) Representatives of observer States: Algeria, Azerbaijan, Benin, Burkina Faso, Chile, Djibouti, Fiji, Finland, France, Greece, Iran (Islamic Republic of), Madagascar, Malaysia, Maldives, Morocco, Pakistan, Peru, Serbia, Sierra Leone, Spain, Sudan, Holy See, State of Palestine;

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

(d) Observer for the Sovereign Military Hospitaller Order of St. John of Jerusalem, of Rhodes and of Malta;

(e) Observers for non-governmental organizations: Alsalam Foundation (also on behalf of Americans for Democracy and Human Rights in Bahrain), Association pour l'intégration et le développement durable au Burundi, Center for Organisation Research and Education, Franciscans International, Global Institute for Water, Environment and Health, Graduate Women International, Indigenous People of Africa Coordinating Committee, International Association for Democracy in Africa, Iuventum, Liberation, Rencontre africaine pour la défense des droits de l'homme, Verein Südwind Entwicklungspolitik, World Environment and Resources Council.

85. At the 3rd meeting, on 11 September 2017, and at the 6th meeting, on 12 September, the Special Rapporteur answered questions and made his concluding remarks.

86. At the 6th meeting, on 12 September 2017, the representatives of Armenia, Azerbaijan and Israel made statements in exercise of the right of reply.

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

87. At the 6th meeting, on 12 September 2017, the Chair-Rapporteur of the Working Group on Arbitrary Detention, José Guevara, presented the Working Group's reports (A/HRC/36/37 and Add.1–2).

88. At the same meeting, the representatives of Azerbaijan and the United States of America made statements as the States concerned.

89. During the ensuing interactive dialogue, at the 6th meeting, on 12 September 2017, and at the 7th meeting, on 13 September, the following made statements and asked the Chair-Rapporteur questions:

(a) Representatives of States members of the Human Rights Council: Belgium, China, Croatia, Cuba, Ecuador, Egypt, Ghana, Iraq, Latvia, Portugal, Saudi Arabia, South Africa, Tunisia (also on behalf of the Group of African States), United States of America, Venezuela (Bolivarian Republic of);

(b) Representatives of observer States: Armenia, Bahrain, Costa Rica, Denmark, France, Greece, Iran (Islamic Republic of), Maldives, Morocco, Pakistan, Russian Federation, Sudan, Ukraine, State of Palestine;

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

(d) Observers for non-governmental organizations: African Regional Agricultural Credit Association, American Civil Liberties Union, Americans for Democracy and Human Rights in Bahrain, Article 19: International Centre against Censorship, Asian Legal Resource Centre, China Society for Human Rights Studies, CIVICUS: World Alliance for Citizen Participation, Conseil international pour le soutien à des procès équitables et aux droits de l'homme, Human Rights House Foundation, Human Rights Now, International Service for Human Rights, Redress Trust, Verein Südwind Entwicklungspolitik (also on behalf of Article 19: International Centre against Censorship).

90. At the 7th meeting, on 13 September 2017, the Chair-Rapporteur answered questions and made his concluding remarks.

91. At the 8th meeting, on the same day, the representatives of Armenia, Azerbaijan, China, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and Venezuela (Bolivarian Republic of) made statements in exercise of the right of reply.

92. At the same meeting, the representatives of Armenia and Azerbaijan made statements in exercise of a second right of reply.

### **Special Rapporteur on contemporary forms of slavery, including its causes and consequences**

93. At the 6th meeting, on 12 September 2017, the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Urmila Bhoola, presented her report (A/HRC/36/43).

94. During the ensuing interactive dialogue, at the 6th meeting, on 12 September 2017, and at the 7th meeting, on 13 September, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States members of the Human Rights Council: Belgium, Bolivia (Plurinational State of), Brazil, China, Cuba, Egypt, Ghana, India, Iraq, Latvia, Paraguay, Republic of Korea, South Africa, Tunisia (also on behalf of the Group of African States), United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela (Bolivarian Republic of);

(b) Representatives of observer States: Afghanistan, Armenia, Australia, France, Greece, Mauritania, Morocco, Nepal, Nicaragua, Pakistan, Russian Federation, Sierra Leone, Holy See;

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

(d) Observer for the Sovereign Military Hospitaller Order of St. John of Jerusalem, of Rhodes and of Malta;

(e) Observers for non-governmental organizations: Anti-Slavery International, Association for Defending Victims of Terrorism, Conseil international pour le soutien à des procès équitables et aux droits de l'homme.

95. At the 7th meeting, on 13 September 2017, 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 exercise of the right of peoples to self-determination**

96. At the 7th meeting, on 13 September 2017, the Chair-Rapporteur 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, Gabor Rona, presented the Working Group's reports (A/HRC/36/47 and Add.1).

97. During the ensuing interactive dialogue, at the 8th meeting, on the same day, the following made statements and asked the Chair-Rapporteur questions:

(a) Representatives of States members of the Human Rights Council: Bolivia (Plurinational State of), China, Cuba, Egypt, India, Iraq, South Africa, Tunisia (on behalf of the Group of African States), Venezuela (Bolivarian Republic of);

(b) Representatives of observer States: Algeria, Morocco, Russian Federation, Sierra Leone, Sudan;

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

(d) Observers for non-governmental organizations: Association for the Protection of Women and Children's Rights, Conseil international pour le soutien à des procès équitables et aux droits de l'homme, European Union of Public Relations, International Organization for the Elimination of All Forms of Racial Discrimination, Iraqi Development Organization (also on behalf of Americans for Democracy and Human Rights in Bahrain), World Environment and Resources Council.

98. At the same meeting, the Chair-Rapporteur answered questions and made his concluding remarks.

### **Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes**

99. At the 7th meeting, on 13 September 2017, the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of

hazardous substances and wastes, Baskut Tuncak, presented his reports (A/HRC/36/41 and Add.1).

100. At the 8th meeting, on the same day, the representative of the United Kingdom of Great Britain and Northern Ireland made a statement as the State concerned.

101. At the same meeting the representative of the Equality and Human Rights Commission (also on behalf of the Northern Ireland Human Rights Commission and the Scottish Human Rights Commission) made a statement (by video message).

102. 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 Human Rights Council: Bolivia (Plurinational State of), Botswana, China, Côte d'Ivoire, Cuba, Ecuador, Egypt, Ethiopia, India, Kyrgyzstan, Nigeria, South Africa, Switzerland, Togo, Tunisia (on behalf of the Group of African States);

(b) Representatives of observer States: Algeria, Azerbaijan, France, Morocco, Sierra Leone, State of Palestine;

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

(d) Observers for non-governmental organizations: Association for the Protection of Women and Children's Rights, Association pour l'intégration et le développement durable au Burundi, Global Institute for Water, Environment and Health, Human Rights Now, Juventum, Liberation, Make Mothers Matter, Verein Südwind Entwicklungspolitik, World Barua Organization.

103. Also at the same meeting, the Special Rapporteur answered questions and made his concluding remarks.

#### **Independent Expert on the promotion of a democratic and equitable international order**

104. At the 8th meeting, on 13 September 2017, the Independent Expert on the promotion of a democratic and equitable international order, Alfred de Zayas, presented his report (A/HRC/36/40 and Corr.1).

105. During the ensuing interactive dialogue, at the 9th meeting, on 14 September 2017, the following made statements and asked the Independent Expert questions:

(a) Representatives of States members of the Human Rights Council: Bangladesh, Bolivia (Plurinational State of), China, Cuba, Ecuador, Egypt, Nigeria, Qatar, Tunisia (on behalf of the Group of African States), Venezuela (Bolivarian Republic of);

(b) Representatives of observer States: Algeria, Libya, Malaysia, Zimbabwe;

(c) Observers for non-governmental organizations: Africa culture internationale, Alliance Defending Freedom, Center for Organisation Research and Education, Centre Europe-tiers monde, Conseil international pour le soutien à des procès équitables et aux droits de l'homme, Indian Council of South America, Liberation, Verein Südwind Entwicklungspolitik, Women's Human Rights International Association.

106. At the same meeting, the Independent Expert answered questions and made his concluding remarks.

#### **Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights**

107. At the 8th meeting, on 13 September 2017, the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, Idriss Jazairy, presented his reports (A/HRC/36/44 and Add.1).

108. At the same meeting, the representative of the Russian Federation made a statement as the State concerned.

109. During the ensuing interactive dialogue, at the 9th meeting, on 14 September 2017, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States members of the Human Rights Council: Bolivia (Plurinational State of), China, Cuba, Ecuador, Egypt, Iraq, Nigeria, Qatar, South Africa, Tunisia (on behalf of the Group of African States), United States of America, Venezuela (Bolivarian Republic of);

(b) Representatives of observer States: Algeria, Azerbaijan, Democratic People's Republic of Korea, Iran (Islamic Republic of), Libya, Malaysia, Namibia, Nicaragua, Sudan, Syrian Arab Republic, Ukraine, Viet Nam, Zimbabwe;

(c) Observer for a national human rights institution: National Human Rights Committee of Qatar;

(d) Observers for non-governmental organizations: Africa culture internationale, Alliance Defending Freedom, Americans for Democracy and Human Rights in Bahrain, Asian Legal Resource Centre, Association pour l'intégration et le développement durable au Burundi, Centre Europe-tiers monde, Indian Council of South America, Ma'arij Foundation for Peace and Development (also on behalf of Health and Environment Program), United Nations Watch.

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

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

111. At the 9th meeting, on 14 September 2017, the Special Rapporteur on the right to development, Saad Alfaragi, presented his report (A/HRC/36/49).

112. During the ensuing interactive dialogue, at the 9th meeting, on 14 September 2017, and at the 12th meeting, on 15 September, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States members of the Human Rights Council: Bangladesh, Bolivia (Plurinational State of), Botswana, Brazil, Cabo Verde<sup>4</sup> (on behalf of the Community of Portuguese-speaking Countries), China, Cuba, Ecuador, Egypt (also on behalf of the Group of Arab States), Ethiopia, India, Indonesia, Iraq, Nigeria, Pakistan<sup>4</sup> (on behalf of the Organization of Islamic Cooperation), Philippines (also on behalf of ASEAN), Saudi Arabia, South Africa, Togo, Tunisia (also on behalf of the Group of African States), United Arab Emirates, United States of America, Venezuela (Bolivarian Republic of) (also on behalf of the Movement of Non-Aligned Countries);

(b) Representatives of observer States: Algeria, Angola, Azerbaijan, Benin, Fiji, Iran (Islamic Republic of), Libya, Malaysia, Maldives, Morocco, Nepal, Pakistan, Russian Federation, Sierra Leone, Sri Lanka, Sudan, Syrian Arab Republic, Thailand, State of Palestine;

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

(d) Observers for non-governmental organizations: Association pour l'intégration et le développement durable au Burundi, Associazione Comunità Papa Giovanni XXIII (also behalf of Association Points-Coeur, Dominicans for Justice and Peace: Order of Preachers, Foundation for Gaia, International Movement of Apostolate in the Independent Social Milieus, International Organization for the Right to Education and Freedom of Education, International Volunteerism Organization for Women, Education and Development, Istituto Internazionale Maria Ausiliatrice delle Salesiane di Don Bosco, New Humanity, Planetary Association for Clean Energy, Teresian Association and World Union of Catholic Women's Organizations), International Muslim Women's Union, Iraqi Development Organization, Lutheran World Federation, Swedish Federation for Lesbian, Gay, Bisexual and Transgender Rights (also on behalf of International Lesbian and Gay Association), United Nations Watch, World Barua Organization.

113. At the 12th meeting, on 15 September 2017, the Special Rapporteur answered questions and made his concluding remarks.

### **Special Rapporteur on the rights of indigenous peoples**

114. At the 20th meeting, on 20 September 2017, the Special Rapporteur on the rights of indigenous peoples, Victoria Tauli-Corpuz, presented her reports (A/HRC/36/46 and Add.1–2).

115. At the same meeting, the Chair-Rapporteur of the Expert Mechanism on the Rights of Indigenous Peoples, Albert Kwokwo Barume, presented the reports of the Expert Mechanism (A/HRC/36/56 and A/HRC/36/57) (see chap. V, sect. B).

116. Also at the same meeting, a representative of the Board of Trustees of the United Nations Voluntary Fund for Indigenous Peoples, Binota Mhoi Damai, made a statement.

117. At the same meeting, the representatives of Australia and the United States of America made statements as the States concerned.

118. Also at the same meeting, a representative of the Australian Human Rights Commission made a statement (by video message).

119. During the ensuing interactive dialogue, at the 20th meeting, on 20 September 2017, and at the 21st meeting, on the same day, the following made statements and asked the Special Rapporteur and the Chair-Rapporteur questions:

(a) Representatives of States members of the Human Rights Council: Bolivia (Plurinational State of), Brazil, Colombia, Ecuador, Hungary, Pakistan<sup>4</sup> (on behalf of the Organization of Islamic Cooperation), Paraguay, Philippines, United States of America, Venezuela (Bolivarian Republic of);

(b) Representatives of observer States: Australia (also on behalf of Canada and New Zealand), Estonia, Fiji, Finland (also on behalf of Denmark, Iceland, Norway and Sweden), Guatemala, Iran (Islamic Republic of), Lithuania, Malaysia, Mexico, Pakistan, Peru, Russian Federation, Spain, Ukraine;

(c) Observers for intergovernmental organizations: European Union, International Development Law Organization;

(d) Observer for national human rights institutions: Global Alliance of National Human Rights Institutions;

(e) Observers for non-governmental organizations: African Regional Agricultural Credit Association, Alsalam Foundation, Amnesty International, Asian Legal Resource Centre, Conectas Direitos Humanos, Conselho Indigenista Missionário, Cultural Survival, FIAN International, Franciscans International (also on behalf of Conselho Indigenista Missionário), Indian Council of South America, International Organization for the Right to Education and Freedom of Education (also on behalf of Catholic International Education Office and Pax Romana), Liberation, Minority Rights Group, Swiss Catholic Lenten Fund (also on behalf of the Humanist Institute for Cooperation with Developing Countries), World Barua Organization.

120. At the 21st meeting, on 20 September 2017, the Special Rapporteur answered questions and made her concluding remarks.

121. At the same meeting, the Chair-Rapporteur answered questions and made his concluding remarks.

122. Also at the same meeting, the representatives of Argentina, Brazil and the Russian Federation made statements in exercise of the right of reply.

### **C. 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**

123. At the 12th meeting, on 15 September 2017, the Chair-Rapporteur of the 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, Nozipho Joyce Mxakato-Diseko, introduced the

report of the Working Group, which had held its sixth session from 22 to 24 May 2017 (A/HRC/36/36).

#### **D. Working Group on the Right to Development**

124. At the 12th meeting, on 15 September 2017, the Chair-Rapporteur of the Working Group on the Right to Development, Zamir Akram, presented the report of the Working Group on its eighteenth session (A/HRC/36/35).

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

125. At its 12th meeting, on 15 September 2017, and at its 13th and 14th meetings, on 18 September, the Human Rights Council held a general debate on thematic reports prepared under agenda items 2 and 3, during which the following made statements:

(a) Representatives of States members of the Human Rights Council: Azerbaijan<sup>4</sup> (also on behalf of Afghanistan, Algeria, Angola, the Bahamas, Bahrain, Benin, Botswana, Burkina Faso, Burundi, Cabo Verde, Cameroon, the Central African Republic, Chad, Chile, Comoros, the Congo, Côte d'Ivoire, the Democratic Republic of the Congo, Djibouti, Ecuador, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, the Gambia, Georgia, Ghana, Guinea, Guinea-Bissau, Indonesia, Iraq, Iran (Islamic Republic of), Kazakhstan, Kenya, Lesotho, Liberia, Libya, Madagascar, Malaysia, Malawi, Mali, Mauritania, Mauritius, Mongolia, Morocco, Mozambique, Namibia, the Niger, Nigeria, Peru, the Philippines, Portugal, the Republic of Korea, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone, Somalia, South Africa, South Sudan, Sri Lanka, the Sudan, Swaziland, Thailand, Togo, Tunisia, Uganda, Ukraine, the United Arab Emirates, the United Republic of Tanzania, Venezuela (Bolivarian Republic of), Zambia and Zimbabwe), Belgium, China (also on behalf of the Movement of Non-Aligned Countries, the Russian Federation and South Sudan), Cuba, Czechia<sup>4</sup> (also on behalf of Botswana, Indonesia, the Netherlands and Peru), Ecuador, Estonia<sup>4</sup> (also on behalf of the European Union, Albania, Armenia, Bosnia and Herzegovina, Georgia, Iceland, Liechtenstein, Montenegro, the Republic of Moldova, Serbia, the former Yugoslav Republic of Macedonia and Ukraine), Georgia (also on behalf of Azerbaijan, the Republic of Moldova and Ukraine), Indonesia, Kenya, Nigeria, Pakistan<sup>4</sup> (on behalf of the Organization of Islamic Cooperation), Republic of Korea, South Africa, Switzerland, Tunisia (on behalf of the Group of African States), Turkmenistan<sup>4</sup> (also on behalf of Afghanistan, Azerbaijan, Argentina, Belarus, Brazil, Chile, China, Colombia, Costa Rica, the Dominican Republic, Ecuador, France, Georgia, Honduras, Japan, Kazakhstan, Kyrgyzstan, Morocco, Panama, Peru, Qatar, the Republic of Korea, Romania, the Sudan, the Syrian Arab Republic, Tajikistan, the United States of America, Uruguay and Uzbekistan), United States of America, Venezuela (Bolivarian Republic of) (also on behalf of the Movement of Non-Aligned Countries);

(b) Representatives of observer States: Armenia, Bosnia and Herzegovina, Costa Rica, Greece, Honduras, Iran (Islamic Republic of), Ireland, Italy, Kuwait, Libya, Maldives, Montenegro, Namibia, Nicaragua, Norway, Republic of Moldova, Russian Federation, Serbia, Sierra Leone, Singapore, Uganda;

(c) Observers for non-governmental organizations: ABC Tamil Oli, African Regional Agricultural Credit Association, Al-Ayn Social Care Foundation, Alliance Creative Community Project, Alsalam Foundation, Americans for Democracy and Human Rights in Bahrain, Amnesty International, Article 19: International Centre Against Censorship, Asian Forum for Human Rights and Development, Asian Legal Resource Centre, Association Bharathi centre culturel franco-tamoul, Association culturelle ses Tamouls en France, Association des étudiants tamouls de France, Association for the Protection of Women and Children's Rights, Association internationale pour l'égalité des femmes, Association of World Citizens, Associazione Comunità Papa Giovanni XXIII, Auspice Stella, British Humanist Association, Cannery International Permanent Committee, Center for Environmental and Management Studies, Center for Organisation Research and Education, Centre for Human Rights and Peace Advocacy, Chant du guépard dans le désert, Charitable Institute for Protecting Social Victims, Commission africaine des promoteurs de



la santé et des droits de l'homme, Commission to Study the Organization of Peace, Conectas Direitos Humanos, Conseil de jeunesse pluriculturelle, Conseil international pour le soutien à des procès équitables et aux droits de l'homme, European Centre for Law and Justice, European Union of Jewish Students, European Union of Public Relations, FIAN International, France libertés: Fondation Danielle Mitterrand, Franciscans International, Friends World Committee for Consultation, Global Institute for Water, Environment and Health, Graduate Women International, Human Rights Now, Humanist Institute for Cooperation with Developing Countries, Indian Council of Education, Indian Council of South America, Indian Movement "Tupaj Amaru", Indigenous People of Africa Coordinating Committee, International Association for Democracy in Africa, International Buddhist Relief Organisation, International Career Support Association, International Commission of Jurists, International Educational Development, International Federation of ACAT (also on behalf of Advocates for Human Rights, International Federation for Human Rights Leagues, Penal Reform International, The Death Penalty Project and Union internationale des avocats), International Fellowship of Reconciliation, International Human Rights Association of American Minorities, International Institute for Non-Aligned Studies, International Muslim Women's Union, International Organization for the Elimination of All Forms of Racial Discrimination, International Service for Human Rights, International Youth and Student Movement for the United Nations, International-Lawyers.org, Iraqi Development Organization, Iuventum, Khiam Rehabilitation Centre for Victims of Torture, Kiyana Karaj Group, Le pont, Liberation, Ma'arij Foundation for Peace and Development, Make Mothers Matter, Observatoire mauritanien des droits de l'homme et de la démocratie, Organisation internationale pour le développement intégral de la femme, Organisation pour la communication en Afrique et de promotion de la coopération économique internationale, Organization for Defending Victims of Violence, Pan African Union for Science and Technology, Prevention Association of Social Harms, Rencontre africaine pour la défense des droits de l'homme, Réseau international des droits humains, Society for Development and Community Empowerment, Society of Iranian Women Advocating Sustainable Development of the Environment, Soka Gakkai International (also on behalf of Al-Hakim Foundation, Association Points-Cœur, Associazione Comunità Papa Giovanni XXIII, Company of the Daughters of Charity of St. Vincent de Paul, Equitas International Centre for Human Rights Education/Equitas centre international d'éducation aux droits humains, Graduate Women International, International Organization for the Elimination of All Forms of Racial Discrimination, International Organization for the Right to Education and Freedom of Education, Lazarus Union, Mothers Legacy Project, Planetary Association for Clean Energy, Soroptimist International, ONG Hope International, Teresian Association and Women's World Summit Foundation), Swiss Catholic Lenten Fund (also on behalf of Humanist Institute for Cooperation with Developing Countries), Tamil Uzhagam, The Death Penalty Project, Tourner la page, Union of Arab Jurists, United Nations Watch, Verein Südwind Entwicklungspolitik, Victorious Youths Movement, Villages unis, VIVAT International, Women's Human Rights International Association, World Association for the School as an Instrument of Peace, World Barua Organization, World Environment and Resources Council, World Evangelical Alliance, World Jewish Congress, World Muslim Congress.

126. At the 12th meeting, on 15 September 2017, the representative of India made a statement in exercise of the right of reply.

127. At the 15th meeting, on 18 September 2017, the representatives of Argentina, Azerbaijan, Brazil, India, Iraq, the Lao People's Democratic Republic and Pakistan made statements in exercise of the right of reply.

128. At the 20th meeting, on 20 September 2017, the representatives of Cuba and Thailand made statements in exercise of the right of reply.

129. At the 21st meeting, on 20 September 2017, the representatives of Argentina, Brazil and the Russian Federation made statements in exercise of the right of reply.

## F. Consideration of and action on draft proposals

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

130. At the 39th meeting, on 28 September 2017, the representative of Cuba introduced draft resolution A/HRC/36/L.2, sponsored by Cuba and co-sponsored by Bolivia (Plurinational State of), Egypt (on behalf of the Group of Arab States), Nicaragua, Panama, the Philippines, Qatar and Venezuela (Bolivarian Republic of). Subsequently, Angola, Belarus, Botswana, Chile, the Democratic People's Republic of Korea, Ecuador and South Africa joined the sponsors.

131. At the same meeting, the representatives of Latvia (on behalf of States members of the European Union that are members of the Human Rights Council) and the United States of America made statements in explanation of vote before the vote in relation to the draft resolution.

132. Also at the same meeting, at the request of the representative of Latvia, a recorded vote was taken on the draft resolution. The voting was as follows:

*In favour:*

Bangladesh, Bolivia (Plurinational State of), Botswana, Brazil, Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Ghana, India, Indonesia, Iraq, Kenya, Kyrgyzstan, Mongolia, Nigeria, Panama, Paraguay, Philippines, Qatar, Rwanda, Saudi Arabia, South Africa, Togo, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

Albania, Belgium, Croatia, Georgia, Germany, Hungary, Japan, Latvia, Netherlands, Portugal, Republic of Korea, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America

133. The Human Rights Council adopted the draft resolution by 32 votes to 15, with no abstentions (resolution 36/3).

### **Mandate of the Independent Expert on the promotion of a democratic and equitable international order**

134. At the 39th meeting, on 28 September 2017, the representative of Cuba introduced draft resolution A/HRC/36/L.3, sponsored by Cuba and co-sponsored by Bolivia (Plurinational State of), China, Cuba, Egypt (on behalf of the Group of Arab States), El Salvador, Nicaragua, Panama, the Philippines, Qatar and Venezuela (Bolivarian Republic of). Subsequently, Angola, Bangladesh, Belarus, Botswana, the Democratic People's Republic of Korea, Ecuador and South Africa joined the sponsors.

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

136. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated administrative and programme budget implications of the draft resolution as orally revised.

137. Also at the same meeting, the representative of Latvia (on behalf of States members of the European Union that are members of the Human Rights Council) made a statement in explanation of vote before the vote in relation to the draft resolution as orally revised.

138. At the same meeting, at the request of the representative of Latvia, a recorded vote was taken on the draft resolution as orally revised. The voting was as follows:

*In favour:*

Bangladesh, Bolivia (Plurinational State of), Botswana, Brazil, Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Ghana, India, Indonesia, Iraq, Kenya, Kyrgyzstan, Mongolia, Nigeria, Panama, Paraguay, Philippines, Qatar, Rwanda, Saudi Arabia, South Africa, Togo, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

Albania, Belgium, Croatia, Georgia, Germany, Hungary, Japan, Latvia, Netherlands, Portugal, Republic of Korea, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America

139. The Human Rights Council adopted the draft resolution as orally revised by 32 votes to 15, with no abstentions (resolution 36/4).

**Unaccompanied migrant children and adolescents and human rights**

140. At the 39th meeting, on 28 September 2017, the representative of El Salvador introduced draft resolution A/HRC/36/L.7, sponsored by El Salvador and co-sponsored by Chile, China, Colombia, Egypt, Honduras, Italy, Nicaragua, Panama, Peru, the Philippines and Ukraine. Subsequently, Algeria, Angola, Argentina, Bangladesh, Bolivia (Plurinational State of), Brazil, Cambodia, Canada, the Congo, Côte d'Ivoire, Cuba, the Democratic Republic of the Congo, Ecuador, Guatemala, Haiti, Japan, Kyrgyzstan, Malawi, Mexico, Nigeria, Paraguay, Portugal, Spain, Switzerland, Thailand, Turkey, Venezuela (Bolivarian Republic of) and the State of Palestine joined the sponsors.

141. At the same meeting, the representative of Tunisia orally revised the draft resolution.

142. Also at the same meeting, the representatives of Brazil, Latvia (on behalf of States members of the European Union that are members of the Human Rights Council) and the United States of America made general comments on the draft resolution as orally revised.

143. At the same meeting, the Human Rights Council adopted the draft resolution as orally revised without a vote (resolution 36/5).

**Enforced or involuntary disappearances**

144. At the 39th meeting, on 28 September 2017, the representatives of France and Argentina introduced draft resolution A/HRC/36/L.10, sponsored by Argentina, France, Japan and Morocco and co-sponsored by Andorra, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Chile, Croatia, Cyprus, Denmark, Finland, Germany, Honduras, Hungary, Iceland, Italy, Latvia, Lithuania, Luxembourg, Mexico, Monaco, Montenegro, the Netherlands, Norway, Panama, Peru, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Tunisia, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Uruguay. Subsequently, Albania, Angola, Bolivia (Plurinational State of), Botswana, Brazil, Bulgaria, Canada, Costa Rica, Czechia, Estonia, Greece, Guatemala, Ireland, Maldives, Mali, Malta, Mongolia, the Republic of Moldova and Togo joined the sponsors.

145. At the same meeting, the representative of China (also on behalf of Algeria, Egypt, Pakistan, the Russian Federation and Venezuela (Bolivarian Republic of)) introduced amendments A/HRC/36/L.63 and A/HRC/36/L.64 to the draft resolution.

146. Draft amendment A/HRC/36/L.63 was sponsored by China, Egypt, Pakistan, the Russian Federation, Saudi Arabia and Venezuela (Bolivarian Republic of). Subsequently, Belarus joined the sponsors. Draft amendment A/HRC/36/L.64 was sponsored by China, Egypt, Pakistan, the Russian Federation and Venezuela (Bolivarian Republic of) and co-sponsored by Saudi Arabia. Subsequently, Belarus joined the sponsors.

147. Also at the same meeting, the representatives of Brazil, Germany, Japan and Latvia (on behalf of the European Union) made general comments on the draft resolution and the proposed amendments.

148. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated administrative and programme budget implications of the draft resolution.

149. At the same meeting, the Human Rights Council took action on amendments A/HRC/36/L.63 and A/HRC/36/L.64 to the draft resolution.

150. Also at the same meeting, the representatives of Panama and the United Kingdom of Great Britain and Northern Ireland made statements in explanation of vote before the vote in relation to amendment A/HRC/36/L.63.

151. At the same meeting, at the request of the representative of Japan, a recorded vote was taken on amendment A/HRC/36/L.63. The voting was as follows:

*In favour:*

Bangladesh, Bolivia (Plurinational State of), Burundi, China, Cuba, Egypt, Ethiopia, India, Indonesia, Iraq, Kenya, Kyrgyzstan, Nigeria, Philippines, Saudi Arabia, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

Albania, Belgium, Brazil, Croatia, Ecuador, El Salvador, Georgia, Germany, Ghana, Hungary, Japan, Latvia, Mongolia, Netherlands, Panama, Paraguay, Portugal, Republic of Korea, Rwanda, Slovenia, South Africa, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America

*Abstaining:*

Botswana, Congo, Côte d'Ivoire, Qatar, Togo, Tunisia

152. The Human Rights Council rejected amendment A/HRC/36/L.63 by 17 votes to 24, with 6 abstentions.

153. Also at the same meeting, the representatives of Paraguay and Switzerland made statements in explanation of vote before the vote in relation to amendment A/HRC/36/L.64.

154. At the same meeting, at the request of the representative of Japan, a recorded vote was taken on amendment A/HRC/36/L.64. The voting was as follows:

*In favour:*

Bangladesh, Bolivia (Plurinational State of), Burundi, China, Cuba, Ecuador, Egypt, India, Indonesia, Iraq, Kenya, Kyrgyzstan, Nigeria, Philippines, Saudi Arabia, South Africa, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

Albania, Belgium, Botswana, Brazil, Croatia, El Salvador, Georgia, Germany, Ghana, Hungary, Japan, Latvia, Mongolia, Netherlands, Panama, Paraguay, Portugal, Republic of Korea, Rwanda, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America

*Abstaining:*

Congo, Côte d'Ivoire, Ethiopia, Qatar, Togo, Tunisia

155. The Human Rights Council rejected amendment A/HRC/36/L.64 by 17 votes to 24, with 6 abstentions.

156. Also at the same meeting, the representatives of Bangladesh, China, India and Kyrgyzstan made statements in explanation of vote before the vote in relation to the draft resolution. In their statements, the representatives of Bangladesh and India disassociated the member States from the consensus on the thirteenth preambular paragraph of the draft resolution. In his statement, the representative of Kyrgyzstan disassociated the member State from the consensus on the draft resolution.

157. At the same meeting, the Human Rights Council adopted the draft resolution without a vote (resolution 36/6).

**Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence**

158. At the 39th meeting, on 28 September 2017, the representative of Switzerland introduced draft resolution A/HRC/36/L.11, sponsored by Argentina, Austria, Colombia, France, Maldives, Morocco, Peru, Switzerland and Uruguay and co-sponsored by Albania, Andorra, Armenia, Australia, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Croatia, Cyprus, Denmark, El Salvador, Finland, Germany, Greece, Honduras, Hungary, Iceland, Ireland, Italy, Latvia, Luxembourg, Mexico, Montenegro, the Netherlands, Norway, Panama, Poland, Portugal, Serbia, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Tunisia, Ukraine, the United Kingdom of Great Britain and

Northern Ireland and the United States of America. Subsequently, Afghanistan, Angola, Benin, Bolivia (Plurinational State of), Botswana, Brazil, the Congo, Costa Rica, Côte d'Ivoire, Czechia, Estonia, Georgia, Ghana, Guatemala, Israel, Liechtenstein, Lithuania, Malta, Paraguay, the Republic of Korea, the Republic of Moldova, Romania, Rwanda, San Marino, Sierra Leone, Thailand, Timor-Leste and the State of Palestine joined the sponsors.

159. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated administrative and programme budget implications of the draft resolution.

160. At the same meeting, the Human Rights Council adopted the draft resolution without a vote (resolution 36/7).

161. At the 40th meeting, on 29 September 2017, the representative of Kyrgyzstan made a statement in explanation of vote after the vote. In her statement, the representative of Kyrgyzstan disassociated the member State from the consensus on the draft resolution.

### **The full enjoyment of human rights by all women and girls and the systematic mainstreaming of a gender perspective into the implementation of the 2030 Agenda for Sustainable Development**

162. At the 39th meeting, on 28 September 2017, the representative of Brazil (on behalf of the Community of Portuguese-speaking Countries) introduced draft resolution A/HRC/36/L.12, sponsored by Angola, Brazil, Cabo Verde, Guinea-Bissau, Mozambique, Portugal and Timor-Leste and co-sponsored by Haiti. Subsequently, Argentina, Azerbaijan, Bolivia (Plurinational State of), Canada, Chad, Chile, Cyprus, the Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Honduras, Italy, Kyrgyzstan, Lithuania, Madagascar, Malawi, Maldives, Panama, Paraguay, the Philippines, Romania, Thailand, the former Yugoslav Republic of Macedonia, Tunisia and Turkmenistan joined the sponsors.

163. At the same meeting, the representatives of El Salvador and Panama made general comments on the draft resolution.

164. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated administrative and programme budget implications of the draft resolution.

165. Also at the same meeting, the representatives of Bangladesh and the United States of America made statements in explanation of vote before the vote in relation to the draft resolution. In his statement, the representative of Bangladesh disassociated the member State from the consensus on the fourth preambular paragraph of the draft resolution.

166. At the same meeting, the Human Rights Council adopted the draft resolution without a vote (resolution 36/8).

### **The right to development**

167. At the 39th meeting, on 28 September 2017, the representative of the Bolivarian Republic of Venezuela (on behalf of the Movement of Non-Aligned Countries) introduced draft resolution A/HRC/36/L.13/Rev.1, sponsored by the Bolivarian Republic of Venezuela (on behalf of the Movement of Non-Aligned Countries) and co-sponsored by Angola, China, Egypt (on behalf of the Group of Arab States) and Eritrea. Subsequently, Kazakhstan joined the sponsors.

168. At the same meeting, the representatives of Kyrgyzstan and the United States of America made general comments on the draft resolution.

169. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated administrative and programme budget implications of the draft resolution.

170. Also at the same meeting, the representatives of Latvia (on behalf of States members of the European Union that are members of the Human Rights Council) and Switzerland made statements in explanation of vote before the vote in relation to the draft resolution.

171. At the same meeting, at the request of the representative of the United States of America, a recorded vote was taken on the draft resolution. The voting was as follows:

*In favour:*

Bangladesh, Bolivia (Plurinational State of), Botswana, Brazil, Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Ghana, India, Indonesia, Iraq, Kenya, Kyrgyzstan, Mongolia, Nigeria, Paraguay, Philippines, Qatar, Rwanda, Saudi Arabia, South Africa, Togo, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

Belgium, Croatia, Georgia, Germany, Hungary, Japan, Latvia, Netherlands, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America

*Abstaining:*

Albania, Portugal, Republic of Korea, Slovenia

172. The Human Rights Council adopted the draft resolution by 31 votes to 11, with 4 abstentions (resolution 36/9).

**Human rights and unilateral coercive measures**

173. At the 39th meeting, on 28 September 2017, the representative of the Bolivarian Republic of Venezuela (on behalf of the Movement of Non-Aligned Countries) introduced draft resolution A/HRC/36/L.14, sponsored by the Bolivarian Republic of Venezuela (on behalf of the Movement of Non-Aligned Countries). Subsequently, Egypt and the Russian Federation joined the sponsors.

174. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated administrative and programme budget implications of the draft resolution.

175. At the same meeting, the representatives of Latvia (on behalf of States members of the European Union that are members of the Human Rights Council) and the United States of America made statements in explanation of vote before the vote in relation to the draft resolution.

176. Also at the same meeting, at the request of the representative of Latvia, a recorded vote was taken on the draft resolution. The voting was as follows:

*In favour:*

Bangladesh, Bolivia (Plurinational State of), Botswana, Brazil, Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Ghana, India, Indonesia, Iraq, Kenya, Kyrgyzstan, Mongolia, Nigeria, Paraguay, Philippines, Qatar, Rwanda, Saudi Arabia, South Africa, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

Albania, Belgium, Croatia, Georgia, Germany, Hungary, Japan, Latvia, Netherlands, Portugal, Republic of Korea, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America

*Abstaining:*

Togo

177. The Human Rights Council adopted the draft resolution by 30 votes to 15, with 1 abstention (resolution 36/10).

**Mandate of the open-ended intergovernmental working group to elaborate the content of an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies**

178. At the 39th meeting, on 28 September 2017, the representatives of Tunisia (on behalf of the Group of African States) introduced draft resolution A/HRC/36/L.15, sponsored by Tunisia (on behalf of the Group of African States) and co-sponsored by the Bolivarian Republic of Venezuela. Subsequently, Bolivia (Plurinational State of), Costa Rica, Cuba, Ecuador, Greece, Qatar and the former Yugoslav Republic of Macedonia joined the sponsors.

179. At the same meeting, the representative of Latvia (on behalf of States members of the European Union that are members of the Human Rights Council) made a general comment on the draft resolution.

180. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated administrative and programme budget implications of the draft resolution.

181. Also at the same meeting, the representative of the United States of America made a statement in explanation of vote before the vote in relation to the draft resolution.

182. At the same meeting, the Human Rights Council adopted the draft resolution without a vote (resolution 36/11).

### **World Programme for Human Rights Education**

183. At the 39th meeting, on 28 September 2017, the representative of Brazil introduced draft resolution A/HRC/36/L.24, sponsored by Brazil, Costa Rica, Italy, Morocco, the Philippines, Slovenia and Thailand and co-sponsored by Andorra, Angola, Australia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Chile, Colombia, Croatia, Cyprus, Denmark, Ecuador, Finland, Germany, Greece, Haiti, Honduras, Hungary, Israel, Lithuania, Luxembourg, Mexico, Monaco, Montenegro, the Netherlands, Panama, Paraguay, Peru, Poland, Portugal, the Republic of Moldova, Romania, Serbia, Slovakia, Spain, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Tunisia, Turkey, Ukraine and Uruguay. Subsequently, Albania, Algeria, Argentina, Armenia, Bolivia (Plurinational State of), Canada, Czechia, the Dominican Republic, Estonia, France, Georgia, Guatemala, Iceland, Ireland, Japan, Kazakhstan, Latvia, Malawi, Maldives, Norway, Qatar, the Republic of Korea, San Marino, Sri Lanka, Sweden, Turkmenistan and the United Kingdom of Great Britain and Northern Ireland joined the sponsors.

184. At the same meeting, the representative of Tunisia orally revised the draft resolution.

185. Also at the same meeting, the Human Rights Council adopted the draft resolution as orally revised without a vote (resolution 36/12).

### **Mental health and human rights**

186. At the 39th meeting, on 28 September 2017, the representative of Portugal introduced draft resolution A/HRC/36/L.25, sponsored by Brazil and Portugal and co-sponsored by Andorra, Angola, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Chile, Colombia, Croatia, Cyprus, Germany, Greece, Haiti, Ireland, Italy, Malta, Panama, Paraguay, Peru, the Philippines, Poland, the Republic of Korea, Romania, Spain, the former Yugoslav Republic of Macedonia, Timor-Leste, Ukraine and the United Kingdom of Great Britain and Northern Ireland. Subsequently, Argentina, Bolivia (Plurinational State of), Botswana, Cabo Verde, Canada, Denmark, the Dominican Republic, Ecuador, Equatorial Guinea, Fiji, Finland, France, Georgia, Guatemala, Honduras, Israel, Japan, Lithuania, Luxembourg, Maldives, Mozambique, San Marino, Slovenia, Sri Lanka, Sweden, Switzerland, Thailand, Tunisia, Turkey, Uruguay and the State of Palestine joined the sponsors.

187. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated administrative and programme budget implications of the draft resolution.

188. At the same meeting, the representative of the United States of America made a statement in explanation of vote before the vote in relation to the draft resolution.

189. Also at the same meeting, the Human Rights Council adopted the draft resolution without a vote (resolution 36/13).

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

190. At the 39th meeting, on 28 September 2017, the representative of Mexico introduced draft resolution A/HRC/36/L.27, sponsored by Guatemala and Mexico and co-sponsored by Australia, Austria, Bolivia (Plurinational State of), Bosnia and Herzegovina, Denmark, Estonia, Finland, Germany, Honduras, Hungary, Iceland, Montenegro, Norway, Panama, Paraguay, Peru, the Philippines, the Russian Federation, Spain, the former Yugoslav

Republic of Macedonia and Ukraine. Subsequently, Argentina, Armenia, Brazil, Canada, Chile, Colombia, Costa Rica, Cyprus, the Dominican Republic, Ecuador, El Salvador, Lithuania, Luxembourg, New Zealand, Poland and Sweden joined the sponsors.

191. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated administrative and programme budget implications of the draft resolution.

192. At the same meeting, the representative of the United States of America made a statement in explanation of vote before the vote in relation to the draft resolution.

193. Also at the same meeting, the Human Rights Council adopted the draft resolution without a vote (resolution 36/14).

#### **Mandate of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes**

194. At the 39th meeting, on 28 September 2017, the representative of Tunisia (on behalf of the Group of African States) introduced draft resolution A/HRC/36/L.32, sponsored by Côte d'Ivoire and Tunisia (on behalf of the Group of African States) and co-sponsored by Ukraine. Subsequently, Bolivia (Plurinational State of), Costa Rica, Croatia, Cuba, Ecuador and Sri Lanka joined the sponsors.

195. At the same meeting, the representative of Côte d'Ivoire made a general comment on the draft resolution.

196. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated administrative and programme budget implications of the draft resolution.

197. Also at the same meeting, the representative of the United States of America made a statement in explanation of vote before the vote in relation to the draft resolution. In his statement, the representative of the United States of America disassociated the member State from the consensus on the draft resolution.

198. At the same meeting, the Human Rights Council adopted the draft resolution without a vote (resolution 36/15).

#### **Human rights in the administration of justice, including juvenile justice**

199. At the 40th meeting, on 29 September 2017, the representative of Austria introduced draft resolution A/HRC/36/L.5, sponsored by Austria and co-sponsored by Andorra, Angola, Argentina, Belgium, Bosnia and Herzegovina, Bulgaria, Chile, Croatia, Cyprus, Czechia, France, Denmark, Georgia, Germany, Greece, Honduras, Hungary, Iceland, Ireland, Italy, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, the Netherlands, Panama, Paraguay, Peru, Poland, Portugal, the Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Turkey and Ukraine. Subsequently, Albania, Armenia, Azerbaijan, Costa Rica, Estonia, Finland, Guatemala, Latvia, Maldives, Mongolia, Norway, the Republic of Korea, San Marino, Serbia and Tunisia joined the sponsors.

200. At the same meeting, the representative of the United States of America made a statement in explanation of vote before the vote in relation to the draft resolution. In his statement, the representative of the United States of America disassociated the member State from the consensus on the draft resolution.

201. Also at the same meeting, the Human Rights Council adopted the draft resolution without a vote (resolution 36/16).

#### **The question of the death penalty**

202. At the 40th meeting, on 29 September 2017, the representatives of Benin and Mongolia introduced draft resolution A/HRC/36/L.6, sponsored by Belgium, Benin, Costa Rica, France, Mexico, Mongolia, the Republic of Moldova and Switzerland and co-sponsored by Albania, Andorra, Australia, Austria, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Bulgaria, Chile, Colombia, the Congo, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, Gabon, Georgia, Germany, Greece, Haiti, Honduras, Hungary,



Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, the Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Poland, Portugal, Romania, Rwanda, Serbia, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Ukraine and Uruguay. Subsequently, Angola, Argentina, Cabo Verde, Canada, the Dominican Republic, Fiji, Namibia, San Marino, Togo, the United Kingdom of Great Britain and Northern Ireland and Venezuela (Bolivarian Republic of) joined the sponsors.

203. At the same meeting, the representative of Mongolia orally revised the draft resolution.

204. Also at the same meeting, the representative of the Russian Federation introduced amendments A/HRC/36/L.37, A/HRC/36/L.38, A/HRC/36/L.39 and A/HRC/36/L.40 to the draft resolution as orally revised.

205. At the same meeting, the representative of Egypt introduced amendments A/HRC/36/L.41 and A/HRC/36/L.42 to the draft resolution as orally revised.

206. Also at the same meeting, the representative of Saudi Arabia introduced amendment A/HRC/36/L.62 to the draft resolution as orally revised.

207. Amendment A/HRC/36/L.37 was sponsored by the Russian Federation. Subsequently, Belarus and Jamaica joined the sponsor. Amendment A/HRC/36/L.38 was sponsored by the Russian Federation. Subsequently, Belarus joined the sponsor. Amendments A/HRC/36/L.39 and A/HRC/36/L.40 were sponsored by the Russian Federation. Amendment A/HRC/36/L.41 was sponsored by Egypt and co-sponsored by Bangladesh, China, Nigeria, Saudi Arabia and the United Arab Emirates. Subsequently, Bahrain and Belarus joined the sponsors. Amendment A/HRC/36/L.42 was sponsored by Egypt and co-sponsored by China, Saudi Arabia and the United Arab Emirates. Subsequently, Bahrain, Belarus and Iran (Islamic Republic of) joined the sponsors. Amendment A/HRC/36/L.62 was sponsored by Saudi Arabia and co-sponsored by Azerbaijan, Bahrain, Bangladesh, Brunei Darussalam, China, Egypt, Iran (Islamic Republic of), Kuwait, Malaysia, Maldives, Morocco, Nigeria, Oman, Pakistan, Singapore and the United Arab Emirates. Subsequently, Belarus and Jamaica joined the sponsors.

208. At the same meeting, the President of the Human Rights Council announced that amendment A/HRC/36/L.36 to the draft resolution as orally revised had been withdrawn.

209. Also at the same meeting, the representatives of Brazil, Latvia (on behalf of States members of the European Union that are members of the Human Rights Council) and Switzerland made general comments on the draft resolution as orally revised.

210. At the same meeting, the Human Rights Council took action on amendments A/HRC/36/L.37, A/HRC/36/L.38, A/HRC/36/L.39, A/HRC/36/L.40, A/HRC/36/L.41, A/HRC/36/L.42 and A/HRC/36/L.62 to the draft resolution as orally revised.

211. Also at the same meeting, the representatives of Germany and Panama made statements in explanation of vote before the vote in relation to amendment A/HRC/36/L.37.

212. At the same meeting, at the request of the representative of Switzerland, a recorded vote was taken on amendment A/HRC/36/L.37. The voting was as follows:

*In favour:*

Botswana, Burundi, China, Egypt, Ethiopia, India, Indonesia, Iraq, Japan, Kyrgyzstan, Qatar, Republic of Korea, Saudi Arabia, United Arab Emirates, United States of America

*Against:*

Albania, Belgium, Brazil, Croatia, Ecuador, El Salvador, Georgia, Germany, Ghana, Hungary, Kenya, Latvia, Mongolia, Netherlands, Panama, Paraguay, Portugal, Rwanda, Slovenia, Switzerland, Togo, United Kingdom of Great Britain and Northern Ireland

*Abstaining:*

Bangladesh, Congo, Côte d'Ivoire, Nigeria, Philippines, South Africa, Tunisia

213. The Human Rights Council rejected amendment A/HRC/36/L.37 by 15 votes to 22, with 7 abstentions.<sup>5</sup>

214. Also at the same meeting, the representatives of Albania and Croatia made statements in explanation of vote before the vote in relation to amendment A/HRC/36/L.38.

215. At the same meeting, at the request of the representative of Switzerland, a recorded vote was taken on amendment A/HRC/36/L.38. The voting was as follows:

*In favour:*

Botswana, Burundi, China, Cuba, Egypt, Ethiopia, India, Indonesia, Iraq, Japan, Kyrgyzstan, Qatar, Republic of Korea, Saudi Arabia, United Arab Emirates, United States of America

*Against:*

Albania, Belgium, Brazil, Croatia, Ecuador, El Salvador, Georgia, Germany, Ghana, Hungary, Kenya, Latvia, Mongolia, Netherlands, Panama, Paraguay, Portugal, Rwanda, Slovenia, Switzerland, Togo, United Kingdom of Great Britain and Northern Ireland

*Abstaining:*

Bangladesh, Congo, Côte d'Ivoire, Nigeria, Philippines, South Africa, Tunisia

216. The Human Rights Council rejected amendment A/HRC/36/L.38 by 16 votes to 22, with 7 abstentions.<sup>6</sup>

217. Also at the same meeting, the representative of Switzerland made a statement in explanation of vote before the vote in relation to amendment A/HRC/36/L.39.

218. At the same meeting, at the request of the representative of Switzerland, a recorded vote was taken on amendment A/HRC/36/L.39. The voting was as follows:

*In favour:*

Bolivia (Plurinational State of), Burundi, China, Cuba, Ecuador, Ethiopia, India, Kyrgyzstan, Qatar, Venezuela (Bolivarian Republic of)

*Against:*

Albania, Belgium, Brazil, Croatia, El Salvador, Georgia, Germany, Ghana, Hungary, Japan, Kenya, Latvia, Mongolia, Netherlands, Panama, Paraguay, Portugal, Slovenia, Switzerland, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America

*Abstaining:*

Bangladesh, Botswana, Congo, Côte d'Ivoire, Egypt, Indonesia, Iraq, Nigeria, Philippines, Republic of Korea, Rwanda, Saudi Arabia, South Africa, Tunisia, United Arab Emirates

219. The Human Rights Council rejected amendment A/HRC/36/L.39 by 10 votes to 22, with 15 abstentions.

220. Also at the same meeting, the representative of Switzerland made a statement in explanation of vote before the vote in relation to amendment A/HRC/36/L.40.

221. At the same meeting, at the request of the representative of Switzerland, a recorded vote was taken on amendment A/HRC/36/L.40. The voting was as follows:

*In favour:*

Bolivia (Plurinational State of), Burundi, China, Cuba, Ecuador, India, Kenya, Kyrgyzstan, Qatar, Venezuela (Bolivarian Republic of)

<sup>5</sup> The delegations of Bolivia (Plurinational State of), Cuba and Venezuela (Bolivarian Republic of) did not cast a vote.

<sup>6</sup> The delegations of Bolivia (Plurinational State of) and Venezuela (Bolivarian Republic of) did not cast a vote.

*Against:*

Albania, Belgium, Brazil, Croatia, El Salvador, Georgia, Germany, Ghana, Hungary, Japan, Latvia, Mongolia, Netherlands, Panama, Paraguay, Portugal, Slovenia, Switzerland, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America

*Abstaining:*

Bangladesh, Botswana, Congo, Côte d'Ivoire, Egypt, Ethiopia, Indonesia, Iraq, Nigeria, Philippines, Republic of Korea, Rwanda, Saudi Arabia, South Africa, Tunisia, United Arab Emirates

222. The Human Rights Council rejected amendment A/HRC/36/L.40 by 10 votes to 21, with 16 abstentions.

223. Also at the same meeting, the representatives of Belgium and Slovenia made statements in explanation of vote before the vote in relation to amendment A/HRC/36/L.41.

224. At the same meeting, at the request of the representative of Switzerland, a recorded vote was taken on amendment A/HRC/36/L.41. The voting was as follows:

*In favour:*

Bangladesh, Botswana, Burundi, China, Cuba, Egypt, Ethiopia, India, Indonesia, Iraq, Japan, Kenya, Kyrgyzstan, Nigeria, Saudi Arabia, United Arab Emirates, United States of America, Venezuela (Bolivarian Republic of)

*Against:*

Albania, Belgium, Brazil, Croatia, El Salvador, Georgia, Germany, Hungary, Latvia, Mongolia, Netherlands, Panama, Paraguay, Portugal, Rwanda, Slovenia, Switzerland, Togo, United Kingdom of Great Britain and Northern Ireland

*Abstaining:*

Congo, Côte d'Ivoire, Ecuador, Ghana, Philippines, Qatar, Republic of Korea, South Africa, Tunisia

225. The Human Rights Council rejected amendment A/HRC/36/L.41 by 18 votes to 19, with 9 abstentions.<sup>7</sup>

226. Also at the same meeting, the representatives of Switzerland and the United Kingdom of Great Britain and Northern Ireland made statements in explanation of vote before the vote in relation to amendment A/HRC/36/L.42.

227. At the same meeting, at the request of the representative of Switzerland, a recorded vote was taken on amendment A/HRC/36/L.42. The voting was as follows:

*In favour:*

Botswana, Burundi, China, Egypt, India, Indonesia, Iraq, Kenya, Saudi Arabia, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

Albania, Belgium, Brazil, Croatia, El Salvador, Georgia, Germany, Ghana, Hungary, Latvia, Mongolia, Netherlands, Panama, Paraguay, Portugal, Rwanda, Slovenia, Switzerland, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America

*Abstaining:*

Bangladesh, Congo, Côte d'Ivoire, Ecuador, Ethiopia, Japan, Kyrgyzstan, Nigeria, Philippines, Qatar, Republic of Korea, South Africa, Tunisia

228. The Human Rights Council rejected amendment A/HRC/36/L.42 by 11 votes to 21, with 13 abstentions.<sup>8</sup>

229. Also at the same meeting, the representatives of Albania and Panama made statements in explanation of vote before the vote in relation to amendment A/HRC/36/L.62.

<sup>7</sup> The delegation of Bolivia (Plurinational State of) did not cast a vote.

<sup>8</sup> The delegations of Bolivia (Plurinational State of) and Cuba did not cast a vote.

230. At the same meeting, at the request of the representative of Switzerland, a recorded vote was taken on amendment A/HRC/36/L.62. The voting was as follows:

*In favour:*

Bangladesh, Botswana, Burundi, China, Cuba, Egypt, Ethiopia, India, Indonesia, Iraq, Kenya, Kyrgyzstan, Nigeria, Qatar, Saudi Arabia, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

Albania, Belgium, Brazil, Croatia, Ecuador, El Salvador, Georgia, Germany, Ghana, Hungary, Latvia, Mongolia, Netherlands, Panama, Paraguay, Portugal, Republic of Korea, Rwanda, Slovenia, Switzerland, Togo, United Kingdom of Great Britain and Northern Ireland

*Abstaining:*

Congo, Côte d'Ivoire, Japan, Philippines, South Africa, Tunisia, United States of America

231. The Human Rights Council rejected amendment A/HRC/36/L.62 by 17 votes to 22, with 7 abstentions.<sup>9</sup>

232. Also at the same meeting, the representatives of China, Egypt (also on behalf of Bangladesh, Botswana, China, India, Iraq, Saudi Arabia, Singapore and the United Arab Emirates), Indonesia, Iraq, Japan, the United Kingdom of Great Britain and Northern Ireland and the United States of America made statements in explanation of vote before the vote in relation to the draft resolution as orally revised.

233. At the same meeting, at the request of the representative of Egypt, a recorded vote was taken on the draft resolution as orally revised. The voting was as follows:

*In favour:*

Albania, Belgium, Bolivia (Plurinational State of), Brazil, Congo, Côte d'Ivoire, Croatia, Ecuador, El Salvador, Georgia, Germany, Ghana, Hungary, Kyrgyzstan, Latvia, Mongolia, Netherlands, Panama, Paraguay, Portugal, Rwanda, Slovenia, South Africa, Switzerland, Togo, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of)

*Against:*

Bangladesh, Botswana, Burundi, China, Egypt, Ethiopia, India, Iraq, Japan, Qatar, Saudi Arabia, United Arab Emirates, United States of America

*Abstaining:*

Cuba, Indonesia, Kenya, Nigeria, Philippines, Republic of Korea, Tunisia

234. The Human Rights Council adopted the draft resolution as orally revised by 27 to 13, with 7 abstentions (resolution 36/17).

### **Conscientious objection to military service**

235. At the 40th meeting, on 29 September 2017, the representative of Croatia introduced draft resolution A/HRC/36/L.20, sponsored by Costa Rica, Croatia and Poland and co-sponsored by Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, France, Georgia, Germany, Honduras, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Mexico, Montenegro, Panama, Peru, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland and Uruguay. Subsequently, Canada, Côte d'Ivoire, Cyprus, Czechia, Denmark, Estonia, Iceland, Norway, San Marino, Sweden, Ukraine and the United States of America joined the sponsors.

236. At the same meeting, the representative of Croatia orally revised the draft resolution.

237. Also at the same meeting, the representatives of Egypt, Kyrgyzstan and Paraguay made general comments on the draft resolution as orally revised.

<sup>9</sup> The delegation of Bolivia (Plurinational State of) did not cast a vote.

238. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated administrative and programme budget implications of the draft resolution as orally revised.

239. The Human Rights Council adopted the draft resolution as orally revised without a vote (resolution 36/18).

240. At the same meeting, the representatives Japan, Kyrgyzstan and the United States of America made statements in explanation of vote after the vote and general comments on all of the draft proposals adopted under agenda item 3.

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

### A. Enhanced interactive dialogue on the situation of human rights in South Sudan

241. At its 15th meeting, on 18 September 2017, the Human Rights Council held, pursuant to Council resolutions 34/25 and S-26/1, an enhanced interactive dialogue on the situation of human rights in South Sudan.

242. At the same meeting, the United Nations Deputy High Commissioner for Human Rights delivered an opening statement for the enhanced interactive dialogue.

243. Also at the same meeting, the following presenters made statements: Chair of the Commission on Human Rights in South Sudan, Yasmin Sooka; Deputy Chair of the Joint Monitoring and Evaluation Commission for the Agreement on the Resolution of the Conflict in South Sudan, Augustino Njoroge; Director of Human Rights of the United Nations Mission in South Sudan, Eugene Nindorera; Director of the Department of Political Affairs of the African Union Commission, Khabele Matlosa; Acting Chair of the South Sudan Human Rights Commission, Nyuol Justin Yaac Arop.

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

(a) Representatives of States members of the Human Rights Council: Albania, Belgium, Botswana, China, Croatia, Ethiopia, Germany, Japan, Netherlands, Portugal, Sudan<sup>10</sup> (also on behalf of Djibouti, Ethiopia, Kenya, Somalia, South Sudan and Uganda), Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of observer States: Algeria, Australia, Austria, Denmark, France, Ireland, Mozambique, New Zealand, Norway, Sudan, Uganda;

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

(d) Observers for non-governmental organizations: Amnesty International, Article 19: International Centre against Censorship, East and Horn of Africa Human Rights Defenders Project, Human Rights Watch, International Federation for Human Rights Leagues, International Organization for the Elimination of All Forms of Racial Discrimination, International-Lawyers.org, Lutheran World Federation.

245. Also at the same meeting, a representative of the Commission on Human Rights in South Sudan, Godfrey Musila, made final remarks.

246. At the same meeting, the following answered questions and made their concluding remarks: Director of the Department of Political Affairs of the African Union Commission, Director of Human Rights of the United Nations Mission in South Sudan, Deputy Chair of the Joint Monitoring and Evaluation Commission for the Agreement on the Resolution of the Conflict in South Sudan, Chair of the Commission on Human Rights in South Sudan.

### B. Interactive dialogue with the Independent International Commission of Inquiry on the Syrian Arab Republic

247. At the 14th meeting, on 18 September 2017, the Chair of the Independent International Commission of Inquiry on the Syrian Arab Republic, Paulo Sérgio Pinheiro, presented, pursuant to Human Rights Council resolution 34/26, the report of the Commission (A/HRC/36/55).

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

<sup>10</sup> Observer of the Human Rights Council speaking on behalf of member and observer States.

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

(a) Representatives of States members of the Human Rights Council: Albania, Belgium, Botswana, Brazil, China, Croatia, Cuba, Ecuador, Egypt, Germany, Hungary, Iraq, Japan, Netherlands, Portugal, Qatar, Saudi Arabia, Slovenia, Switzerland, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela (Bolivarian Republic of);

(b) Representatives of observer States: Algeria, Australia, Austria, Bahrain, Belarus, Canada, Chile, Czechia, Democratic People's Republic of Korea, Estonia, Finland (also on behalf of Denmark, Iceland, Norway and Sweden), France, Greece, Iran (Islamic Republic of), Ireland, Israel, Italy, Jordan, Kuwait, Liechtenstein, Lithuania, Luxembourg, Maldives, Mexico, Morocco, New Zealand, Poland, Romania, Russian Federation, Spain, Turkey;

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

(d) Observers for non-governmental organizations: Alliance Defending Freedom, Cairo Institute for Human Rights Studies, European Centre for Law and Justice, Human Rights Watch, Syrian Center for Media and Freedom of Expression, Union of Arab Jurists, United Nations Watch, Women's International League for Peace and Freedom.

250. At the 14th and 15th meetings, on the same day, the Chair answered questions and made his concluding remarks.

### **C. Interactive dialogue with the Commission of Inquiry on Burundi**

251. At the 16th meeting, on 19 September 2017, the Chair of the Commission of Inquiry on Burundi, Fatsah Ouguergouz, presented, pursuant to Human Rights Council resolution 33/24, the report of the Commission (A/HRC/36/54).

252. At the 17th meeting, on the same day, the representative of Burundi made a statement as the State concerned.

253. At the same meeting, the representative of the Independent National Commission on Human Rights of Burundi made a statement.

254. During the ensuing interactive dialogue, at the same meeting, the following made statements and asked the Chair of the Commission of Inquiry questions:

(a) Representatives of States members of the Human Rights Council: Albania, Belgium, China, Germany, Hungary, Netherlands, Portugal, Rwanda, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela (Bolivarian Republic of);

(b) Representatives of observer States: Australia, Austria, Canada, Chad, Czechia, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Estonia, France, Greece, Iceland, Iran (Islamic Republic of), Ireland, Liechtenstein, Lithuania, Luxembourg, Mexico, Russian Federation, Spain, Sudan;

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

(d) Observers for non-governmental organizations: Amnesty International, Centre indépendant de recherches et d'initiatives pour le dialogue, East and Horn of Africa Human Rights Defenders Project (also on behalf of CIVICUS: World Alliance for Citizen Participation), Human Rights Watch, International Federation for Human Rights Leagues, International Federation of ACAT (also on behalf of TRIAL: Track Impunity Always, Association suisse contre l'impunité and World Organization against Torture), International Service for Human Rights, International-Lawyers.org.

255. At the same meeting, the Chair answered questions and made his concluding remarks.

256. Also at the same meeting, a member of the Commission, Francoise Hampson, made her concluding remarks.

## **D. Interactive dialogue with the independent international fact-finding mission on Myanmar**

257. At the 16th meeting, on 19 September 2017, the Chair of the independent international fact-finding mission on Myanmar, Marzuki Darusman, presented, pursuant to Human Rights Council resolution 34/22, an oral update on the situation of human rights in Myanmar.

258. At the same meeting, the representative of Myanmar made a statement as the State concerned.

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

(a) Representatives of States members of the Human Rights Council: Albania, Bangladesh, Belgium, China, Croatia, Germany, India, Indonesia, Iraq, Japan, Netherlands, Portugal, Republic of Korea, Saudi Arabia, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela (Bolivarian Republic of);

(b) Representatives of observer States: Afghanistan, Algeria, Australia, Austria, Azerbaijan, Canada, Costa Rica, Czechia, Democratic People's Republic of Korea, Denmark, Estonia, Finland, France, Iceland, Iran (Islamic Republic of), Ireland, Lao People's Democratic Republic, Libya, Luxembourg, Maldives, Mexico, New Zealand, Poland, Russian Federation, Spain, Thailand, Turkey, Viet Nam;

(c) Observers for intergovernmental organizations: European Union, Organization of Islamic Cooperation;

(d) Observers for non-governmental organizations: Amnesty International, Asian Forum for Human Rights and Development, Christian Solidarity Worldwide, Human Rights Watch, International Federation for Human Rights Leagues, Lawyers' Rights Watch Canada (also on behalf of International Bar Association), Lutheran World Federation (also on behalf of Action contre la faim, CARE International, International Rescue Committee, Norwegian Refugee Council and Save the Children International), Minority Rights Group.

260. Also at the same meeting, the Chair answered questions and made his concluding remarks.

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

261. At its 17th and 18th meetings, on 19 September 2017, and at its 19th and 20th meetings, on 20 September, the Human Rights Council held a general debate on agenda item 4, during which the following made statements:

(a) Representatives of States members of the Human Rights Council: Belgium, Bolivia (Plurinational State of), China, Cuba, Ecuador, Estonia<sup>10</sup> (on behalf of the European Union), Georgia, Germany, Japan, Netherlands, Pakistan<sup>10</sup> (on behalf of the Organization of Islamic Cooperation), Republic of Korea, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela (Bolivarian Republic of) (also on behalf of the Movement of Non-Aligned Countries);

(b) Representatives of observer States: Australia, Belarus, Canada, Czechia, Democratic People's Republic of Korea, Denmark, France, Iceland, Iran (Islamic Republic of), Ireland, Israel, Luxembourg, Maldives, Norway, Russian Federation, Solomon Islands, Spain, Ukraine;

(c) Observers for non-governmental organizations: ABC Tamil Oli, Action internationale pour la paix et le développement dans la région des Grands Lacs, Africa culture internationale, African Development Association, African Regional Agricultural Credit Association, Agence pour les droits de l'homme, Alliance Creative Community Project, Alsalam Foundation, American Association of Jurists, Americans for Democracy and Human Rights in Bahrain, Amnesty International, Anaja – L'Éternel a répondu, Asian Forum for Human Rights and Development, Asian Legal Resource Centre, Association Bharathi centre culturel franco-tamoul, Association culturelle des Tamouls en France,



Association des étudiants tamouls de France, Association Dunenyo, Association for Progressive Communications (also on behalf of Access Now and Front Line: International Foundation for the Protection of Human Rights Defenders), Association for the Protection of Women and Children's Rights, Association internationale pour l'égalité des femmes, Association of World Citizens, Association pour les victimes du monde, Association pour l'intégration et le développement durable au Burundi, Association solidarité internationale pour l'Afrique, Association Thendral, Badil Resource Center for Palestinian Residency and Refugee Rights, Baha'i International Community, Brahma Kumaris World Spiritual University (also on behalf of Dominicans for Justice and Peace: Order of Preachers and Franciscans International), British Humanist Association, Cairo Institute for Human Rights Studies, Cameroon Youths and Students Forum for Peace, Canners International Permanent Committee, Center for Environmental and Management Studies, Center for Inquiry, Center for Organisation Research and Education, Centre Europe-tiers monde, Centre for Human Rights and Peace Advocacy, Chant du guépard dans le désert, Charitable Institute for Protecting Social Victims, Christian Solidarity Worldwide, 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 africaine des promoteurs de la santé et des droits de l'homme, Commission to Study the Organization of Peace, Conectas Direitos Humanos, Conseil de jeunesse pluriculturelle, Conseil international pour le soutien à des procès équitables et aux droits de l'homme, Coordinating Board of Jewish Organizations (also on behalf of B'nai B'rith), "Coup de Pousse" Chaîne de l'espoir Nord-Sud, East and Horn of Africa Human Rights Defenders Project, European Centre for Law and Justice, European Humanist Federation, European Union of Public Relations, France Libertés: Fondation Danielle Mitterrand, Franciscans International, Fundación Latinoamericana por los Derechos Humanos y el Desarrollo Social, Helios Life Association, Human Rights Now, Human Rights Watch, Indian Council of South America, Indian Movement "Tupaj Amaru", Indigenous People of Africa Coordinating Committee, International Association for Democracy in Africa, International Association of Democratic Lawyers, International Buddhist Relief Organisation, International Career Support Association, International Commission of Jurists, International Federation for Human Rights Leagues, International Fellowship of Reconciliation, International Human Rights Association of American Minorities, International Humanist and Ethical Union, International Lesbian and Gay Association, International Movement against All Forms of Discrimination and Racism, International Muslim Women's Union, International Organization for the Elimination of All Forms of Racial Discrimination, International-Lawyers.org, Iraqi Development Organization, Jssor Youth Organization, Khiam Rehabilitation Centre for Victims of Torture, Kiyana Karaj Group, Lawyers' Rights Watch Canada, Le Pont, Liberation, Ma'arij Foundation for Peace and Development, Mbororo Social and Cultural Development Association, Minority Rights Group, Next Century Foundation, Nonviolent Radical Party; Transnational and Transparty, Observatoire mauritanien des droits de l'homme et de la démocratie, Organisation internationale pour le développement intégral de la femme, Organisation pour la communication en Afrique et de promotion de la coopération économique internationale, Organization for Defending Victims of Violence, Palestinian Return Centre, Pan African Union for Science and Technology, Pax Romana (also on behalf of Congregation of Our Lady of Charity of the Good Shepherd, Dominicans for Justice and Peace: Order of Preachers, and Franciscans International), Prahar, Presse emblème campagne, Rencontre africaine pour la défense des droits de l'homme, Society for Development and Community Empowerment, Society of Iranian Women Advocating Sustainable Development of the Environment, Tamil Uzhagam, Tourner la page, Union of Arab Jurists, United Nations Watch, United Schools International, Vaagdhara, Verein Südwind Entwicklungspolitik, Victorious Youths Movement, Villages unis, VIVAT International (also on behalf of Franciscans International), Women's Human Rights International Association, World Barua Organization, World Environment and Resources Council, World Evangelical Alliance, World Jewish Congress, World Muslim Congress.

262. At the 18th meeting, on 19 September 2017, the representatives of Azerbaijan, Bahrain, Brazil, China, the Democratic People's Republic of Korea, Egypt, India, Indonesia, Iran (Islamic Republic of), Japan, Pakistan, the Philippines, the Republic of Korea, the Russian Federation, Turkey and Venezuela (Bolivarian Republic of) made statements in exercise of the right of reply.

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

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

### **Renewal of the mandate of the Commission of Inquiry on Burundi**

264. At the 40th meeting, on 29 September 2017, the representative of Estonia (on behalf of the European Union) introduced draft resolution A/HRC/36/L.9/Rev.1, sponsored by Estonia (on behalf of the European Union) and co-sponsored by Albania, Andorra, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czechia, Denmark, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, the Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Ukraine and the United Kingdom of Great Britain and Northern Ireland. Subsequently, Argentina, Bosnia and Herzegovina, Costa Rica, San Marino and the United States of America joined the sponsors.

265. At the same meeting, the representative of Estonia orally revised the draft resolution.

266. Also at the same meeting, the representative of Burundi made a statement as the State concerned.

267. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated administrative and programme budget implications of the draft resolution as orally revised.

268. At the same meeting, the representatives of Botswana, Brazil, Switzerland and the United States of America made statements in explanation of vote before the vote in relation to the draft resolution as orally revised.

269. Also at the same meeting, at the request of the representative of Burundi, a recorded vote was taken on the draft resolution as orally revised. The voting was as follows:

#### *In favour:*

Albania, Belgium, Botswana, Brazil, Croatia, El Salvador, Georgia, Germany, Hungary, Japan, Latvia, Mongolia, Netherlands, Panama, Paraguay, Portugal, Republic of Korea, Rwanda, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America

#### *Against:*

Bolivia (Plurinational State of), Burundi, China, Congo, Cuba, Egypt, Ghana, Saudi Arabia, South Africa, United Arab Emirates, Venezuela (Bolivarian Republic of)

#### *Abstaining:*

Bangladesh, Côte d'Ivoire, Ecuador, Ethiopia, India, Indonesia, Iraq, Kenya, Kyrgyzstan, Nigeria, Philippines, Qatar, Togo, Tunisia

270. The Human Rights Council adopted the draft resolution as orally revised by 22 votes to 11, with 14 abstentions (resolution 36/19).

### **Human rights situation in the Syrian Arab Republic**

271. At the 40th meeting, on 29 September 2017, the representatives of Qatar and the United Kingdom of Great Britain and Northern Ireland introduced draft resolution A/HRC/36/L.22, sponsored by France, Germany, Italy, Jordan, Kuwait, Morocco, Qatar, Saudi Arabia, Turkey, the United Kingdom of Great Britain and Northern Ireland and the United States of America and co-sponsored by Andorra, Australia, Belgium, Bulgaria, Czechia, Finland, Georgia, Iceland, Ireland, Latvia, Liechtenstein, Luxembourg, Maldives, Malta, Monaco, Montenegro, the Netherlands, Norway, Portugal, the Republic of Korea, Romania, Slovenia, Spain, the former Yugoslav Republic of Macedonia and Ukraine. Subsequently, Albania, Austria, Bahrain, Canada, Costa Rica, Croatia, Cyprus, Denmark,

Estonia, Greece, Japan, Lithuania, New Zealand, Poland, San Marino, Slovakia, Sweden and Switzerland joined the sponsors.

272. At the same meeting, the representatives of Latvia (on behalf of States members of the European Union that are members of the Human Rights Council), Switzerland and the United States of America made general comments on the draft resolution.

273. Also at the same meeting, the representative of the Syrian Arab Republic made a statement as the State concerned.

274. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated administrative and programme budget implications of the draft resolution.

275. At the same meeting, the representatives of Albania, Brazil, China, Cuba, Ecuador, Egypt, Indonesia, Iraq and Venezuela (Bolivarian Republic of) made statements in explanation of vote before the vote in relation to the draft resolution.

276. Also at the same meeting, at the request of the representative of the Cuba, a recorded vote was taken on the draft resolution. The voting was as follows:

*In favour:*

Albania, Belgium, Botswana, Brazil, Côte d'Ivoire, Croatia, El Salvador, Georgia, Germany, Ghana, Hungary, Japan, Latvia, Netherlands, Panama, Paraguay, Portugal, Qatar, Republic of Korea, Rwanda, Saudi Arabia, Slovenia, Switzerland, Togo, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America

*Against:*

Bolivia (Plurinational State of), Burundi, China, Cuba, Iraq, Philippines, Venezuela (Bolivarian Republic of)

*Abstaining:*

Bangladesh, Congo, Ecuador, Egypt, Ethiopia, India, Indonesia, Kenya, Kyrgyzstan, Mongolia, Nigeria, South Africa, Tunisia

277. The Human Rights Council adopted the draft resolution by 27 votes to 7, with 13 abstentions (resolution 36/20).

### **Extension of the mandate of the independent international fact-finding mission on Myanmar**

278. At the 41st meeting, on 29 September 2017, the representative of Estonia (on behalf of the European Union) introduced draft decision A/HRC/36/L.31/Rev.1, sponsored by Estonia (on behalf of the European Union) and co-sponsored by Afghanistan, Albania, Andorra, Australia, Austria, Azerbaijan, Bangladesh, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Costa Rica, Croatia, Cyprus, Czechia, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, the Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Turkey, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Subsequently, Bahrain, Côte d'Ivoire, Djibouti, Georgia, Malaysia, Maldives, Mexico, New Zealand, Pakistan, Qatar, the Republic of Korea, San Marino, Saudi Arabia, Somalia, Switzerland, the former Yugoslav Republic of Macedonia and the United Arab Emirates joined the sponsors.

279. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated administrative and programme budget implications of the draft decision.

280. At the same meeting, the representatives of India and the Philippines made general comments on the draft decision.

281. Also at the same meeting, the representative of Myanmar made a statement as the State concerned.

282. At the same meeting, the representative of China made a statement in explanation of vote before the vote in relation to the draft decision. In his statement, the representative of China disassociated the member State from the consensus on the draft resolution.

283. The Human Rights Council adopted the draft decision without a vote (decision 36/115).

284. Also at the same meeting, the representatives of Egypt and Venezuela (Bolivarian Republic of) made statements in explanation of vote after the vote and general comments on all of the draft proposals adopted under agenda item 4.

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

### **A. Complaint procedure**

285. At its 27th meeting, on 22 September 2017, the Human Rights Council held a closed meeting of the complaint procedure.

286. At the same meeting, the Chair-Rapporteur of the Working Group on Situations, Nozipho Mxakato-Diseko, presented the report of the Working Group on its nineteenth and twentieth sessions, which had been held in January and July 2017 respectively.

287. At the 28th meeting, on 25 September 2017, the President of the Human Rights Council made a statement on the outcome of the meeting, stating that the Council had examined, in a closed meeting, the report of the Working Group on Situations on its nineteenth and twentieth sessions under the complaint procedure established pursuant to Council resolution 5/1. The Working Group had not referred any cases to the Council for action at its thirty-sixth session.

### **B. Expert Mechanism on the Rights of Indigenous Peoples**

288. At the 20th meeting, on 20 September 2017, the Chair-Rapporteur of the Expert Mechanism on the Rights of Indigenous Peoples, Albert Kwokwo Barume, presented the reports of the Expert Mechanism (A/HRC/36/56 and A/HRC/36/57).

289. At its 20th and 21st meetings, on the same day, the Human Rights Council held an interactive dialogue on the human rights of indigenous peoples under agenda item 3 (see chap. III, sect. B).

### **C. Interactive dialogue with the Advisory Committee**

290. At the 21st meeting, on 20 September 2017, the Chair of the Advisory Committee, Mikhail Lebedev, presented the reports of the Advisory Committee (A/HRC/36/51, A/HRC/36/52 and A/HRC/36/59).

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

(a) Representatives of States members of the Human Rights Council: China, Egypt, Japan, Peru<sup>10</sup> (also on behalf of Algeria, Ecuador, Italy, Romania and Thailand), Republic of Korea, Tunisia, Venezuela (Bolivarian Republic of);

(b) Representatives of observer States: Azerbaijan, Pakistan, Russian Federation;

(c) Observers for intergovernmental organizations: European Union, Organization of Islamic Cooperation;

(d) Observers for non-governmental organizations: American Association of Jurists, Americans for Democracy and Human Rights in Bahrain, Association of World Citizens, Associazione Comunità Papa Giovanni XXIII (also on behalf of Alliance Defending Freedom, Association Points-Cœur, International Catholic Child Bureau, International Movement of Apostolate in the Independent Social Milieus, International Volunteerism Organization for Women, Education and Development, Istituto Internazionale Maria Ausiliatrice delle Salesiane di Don Bosco, Passionists International, Pax Romana, Teresian Association, World Union of Catholic Women's Organizations), Jssor Youth Organization, Prahar, Save the Children International (also on behalf of World Vision International), Verein Südwind Entwicklungspolitik.

292. Also at the same meeting, the Chair answered questions and made his concluding remarks.

293. At the same meeting, the representative of Bahrain made a statement in exercise of the right of reply.

#### **D. Open-ended intergovernmental working group on a United Nations declaration on the rights of peasants and other people working in rural areas**

294. At the 21st meeting, on 20 September 2017, the Chair-Rapporteur of the open-ended intergovernmental working group on a United Nations declaration on the rights of peasants and other people working in rural areas, Nardi Suxo Iturry, presented the report of the working group on its fourth session, held from 15 to 19 May 2017 (A/HRC/36/58).

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

295. At the 21st meeting, on 20 September 2017, the Assistant Secretary-General for Human Rights presented the report of the Secretary-General on cooperation with the United Nations, its representatives and mechanisms in the field of human rights (A/HRC/36/31).

296. At its 21st meeting, on 20 September 2017, and at its 26th and 27th meetings, on 22 September, the Human Rights Council held a general debate on agenda item 5, during which the following made statements:

(a) Representatives of States members of the Human Rights Council: Belgium, Bolivia (Plurinational State of), Brazil (also on behalf of Albania, Chile, Germany, Greece, Montenegro, Namibia, Norway, Panama, the Republic of Korea, Rwanda, Slovenia, Turkey and the United States of America), Brazil (also on behalf of Angola, Argentina, Austria, Belgium, Bulgaria, Chile, Colombia, Croatia, Cyprus, Denmark, Ecuador, Estonia, Finland, France, Georgia, Germany, Guatemala, Guinea-Bissau, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Mexico, Montenegro, Mozambique, the Netherlands, Nicaragua, Paraguay, Peru, Poland, Portugal, the Republic of Korea, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste and the United Kingdom of Great Britain and Northern Ireland), China, Cuba, Ecuador (also on behalf of Algeria, Bangladesh, Belarus, Bolivia (Plurinational State of), Cuba, Egypt, El Salvador, Ethiopia, Indonesia, Nicaragua, Peru, the Philippines, South Africa, Sri Lanka, Switzerland, Uruguay and Venezuela (Bolivarian Republic of)), Egypt, Estonia<sup>10</sup> (on behalf of the European Union), Germany, Hungary, India, Iraq, Latvia (also on behalf of Afghanistan, Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Italy, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Monaco, Mongolia, Montenegro, the Netherlands, Norway, Panama, Peru, Poland, Portugal, Qatar, the Republic of Korea, the Republic of Moldova, Romania, Rwanda, Serbia, Slovakia, Slovenia, Spain, Switzerland, the former Yugoslav Republic of Macedonia, Tunisia, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Uruguay), Pakistan<sup>10</sup> (on behalf of the Organization of Islamic Cooperation), Russian Federation<sup>10</sup> (also on behalf of Algeria, Belarus, Cuba, Egypt, India, Saudi Arabia, the United Arab Emirates and Venezuela (Bolivarian Republic of)), Tunisia (on behalf of the Group of African States), United States of America, Venezuela (Bolivarian Republic of);

(b) Representatives of observer States: Armenia, Estonia, Iran (Islamic Republic of), Ireland, Maldives, Nicaragua, Norway (also on behalf of Denmark, Finland, Iceland and Sweden), Sudan, Sweden;

(c) Observer for United Nations entities, specialized agencies and related organizations: Food and Agriculture Organization of the United Nations;

(d) Observer for national human rights institutions: Global Alliance of National Human Rights Institutions;

(e) Observers for non-governmental organizations: ABC Tamil Oli, Africa culture internationale, African Regional Agricultural Credit Association, Alliance Creative Community Project, Alsalam Foundation, Americans for Democracy and Human Rights in Bahrain, Amnesty International, Anaja – l'Éternel a répondu, Association Bharathi centre culturel franco-tamoul, Association culturelle des Tamouls en France, Association des étudiants tamouls de France, Association for the Protection of Women and Children's Rights, Association of World Citizens, Association pour les victimes du monde,

Association pour l'intégration et le développement durable au Burundi, Association solidarité internationale pour l'Afrique, Association Thendral, Canners International Permanent Committee, Center for Organisation Research and Education, Centre Europe-tiers monde, Centre for Human Rights and Peace Advocacy, Centro de Estudios Legales y Sociales, Colombian Commission of Jurists, Commission africaine des promoteurs de la santé et des droits de l'homme, Commission to Study the Organization of Peace, Conseil de jeunesse pluriculturelle, Conseil international pour le soutien à des procès équitables et aux droits de l'homme, European Union of Public Relations, FIAN International, Indigenous People of Africa Coordinating Committee, International Association for Democracy in Africa, International Association of Democratic Lawyers, International Buddhist Relief Organisation, International Commission of Jurists, International Federation for Human Rights Leagues, International Federation of Rural Adult Catholic Movements, International Fellowship of Reconciliation, International Muslim Women's Union, International Organization for the Elimination of All Forms of Racial Discrimination, International Service for Human Rights, International Youth and Student Movement for the United Nations, Iraqi Development Organization, Jssor Youth Organization, Khiam Rehabilitation Centre for Victims of Torture, Lawyers' Rights Watch Canada, Le Pont, Liberation, Mbororo Social and Cultural Development Association, Next Century Foundation, Nonviolent Radical Party; Transnational and Transparty, Observatoire mauritanien des droits de l'homme et de la démocratie, Organisation pour la communication en Afrique et de promotion de la coopération économique internationale, Pan African Union for Science and Technology, Prahar, Rencontre africaine pour la défense des droits de l'homme, Society for Development and Community Empowerment, Society Studies Centre, Tamil Uzhagam, Tourner la page, United Schools International, Vaagdhara, Verein Südwind Entwicklungspolitik, Villages unis, World Barua Organization, World Environment and Resources Council, World Muslim Congress.

297. At the 21st meeting, on 20 September 2017, the representative of Bahrain made a statement in exercise of the right of reply.

298. At the 27th meeting, on 22 September 2017, the representatives of China and Thailand made statements in exercise of the right of reply.

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

### **Cooperation with the United Nations, its representatives and mechanisms in the field of human rights**

299. At the 41st meeting, on 29 September 2017, the representative of Hungary introduced draft resolution A/HRC/36/L.26/Rev.1, sponsored by Fiji, Ghana, Hungary, Ireland and Uruguay and co-sponsored by Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Chile, Croatia, Cyprus, Czechia, Denmark, Finland, France, Georgia, Germany, Greece, Guatemala, Haiti, Iceland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Monaco, Montenegro, the Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine and the United States of America. Subsequently, the United States of America withdrew its original co-sponsorship. Subsequently, Albania, Argentina, Canada, Costa Rica, the Dominican Republic, Estonia, Honduras, San Marino and the United Kingdom of Great Britain and Northern Ireland joined the sponsors.

300. At the same meeting, the representative of the Russian Federation introduced amendments A/HRC/36/L.43, A/HRC/36/L.46, A/HRC/36/L.47, A/HRC/36/L.48, A/HRC/36/L.49, A/HRC/36/L.51 and A/HRC/36/L.57 to the draft resolution.

301. Also at the same meeting, the representative of India introduced amendments A/HRC/36/L.56, A/HRC/36/L.58, A/HRC/36/L.59, A/HRC/36/L.60 and A/HRC/36/L.61 to the draft resolution.

302. At the same meeting, the representative of the Bolivarian Republic of Venezuela introduced amendments A/HRC/36/L.45, A/HRC/36/L.52 and A/HRC/36/L.55 to the draft resolution.

303. Also at the same meeting, the representative of Egypt introduced amendments A/HRC/36/L.50, A/HRC/36/L.53 and A/HRC/36/L.54 to the draft resolution.

304. Amendment A/HRC/36/L.43 was sponsored by the Russian Federation. Subsequently, Belarus, Iran (Islamic Republic of) and Venezuela (Bolivarian Republic of) joined the sponsors. Amendment A/HRC/36/L.45 was sponsored by China, Egypt, India, the Russian Federation and Venezuela (Bolivarian Republic of). Subsequently, Belarus and Cuba joined the sponsors. Amendments A/HRC/36/L.46, A/HRC/36/L.47, A/HRC/36/L.48, A/HRC/36/L.53, A/HRC/36/L.54, A/HRC/36/L.55, A/HRC/36/L.56 and A/HRC/36/L.60 were sponsored by China, Egypt, India, the Russian Federation and Venezuela (Bolivarian Republic of). Subsequently, Belarus, Cuba and Iran (Islamic Republic of) joined the sponsors. Amendments A/HRC/36/L.49, A/HRC/36/L.58, A/HRC/36/L.59 and A/HRC/36/L.61 were sponsored by China, India, the Russian Federation and Venezuela (Bolivarian Republic of), and co-sponsored by Egypt. Subsequently, Belarus and Cuba joined the sponsors. Amendment A/HRC/36/L.50 was sponsored by China, Egypt, India, the Russian Federation and Venezuela (Bolivarian Republic of). Subsequently, Belarus joined the sponsors. Amendments A/HRC/36/L.51 and A/HRC/36/L.52 were sponsored by China, India, the Russian Federation and Venezuela (Bolivarian Republic of). Subsequently, Belarus and Cuba joined the sponsors. Amendment A/HRC/36/L.57 was sponsored by China, Egypt, India, the Russian Federation and Venezuela (Bolivarian Republic of). Subsequently, Belarus and Iran (Islamic Republic of) joined the sponsors.

305. At the same meeting, the representatives of Ghana (also on behalf of Fiji, Hungary, Italy and Uruguay), Panama and the Republic of Korea made general comments on the draft resolution and the proposed amendments.

306. Also at the same meeting, the President of the Human Rights Council announced that amendment A/HRC/36/L.44 had been withdrawn.

307. At the same meeting, the Human Rights Council took action on amendments A/HRC/36/L.43, A/HRC/36/L.45, A/HRC/36/L.46, A/HRC/36/L.47, A/HRC/36/L.48, A/HRC/36/L.49, A/HRC/36/L.50, A/HRC/36/L.51, A/HRC/36/L.52, A/HRC/36/L.53, A/HRC/36/L.54, A/HRC/36/L.55, A/HRC/36/L.56, A/HRC/36/L.57, A/HRC/36/L.58, A/HRC/36/L.59, A/HRC/36/L.60 and A/HRC/36/L.61.

308. Also at the same meeting, the representatives of Switzerland and the United States of America made statements in explanation of vote before the vote in relation to amendment A/HRC/36/L.43.

309. At the same meeting, at the request of the representative of Ghana, a recorded vote was taken on amendment A/HRC/36/L.43. The voting was as follows:

*In favour:*

Bangladesh, Botswana, Burundi, Ecuador, Egypt, Iraq, Kenya, Kyrgyzstan, Philippines, Venezuela (Bolivarian Republic of)

*Against:*

Albania, Belgium, Brazil, Croatia, El Salvador, Georgia, Germany, Ghana, Hungary, Japan, Latvia, Mongolia, Netherlands, Panama, Paraguay, Portugal, Republic of Korea, Rwanda, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America

*Abstaining:*

Bolivia (Plurinational State of), China, Congo, Côte d'Ivoire, Ethiopia, India, Indonesia, Nigeria, Qatar, Saudi Arabia, South Africa, Togo, Tunisia, United Arab Emirates

310. The Human Rights Council rejected amendment A/HRC/36/L.43 by 10 votes to 22, with 14 abstentions.<sup>11</sup>

311. Also at the same meeting, the representatives of Georgia and Germany made statements in explanation of vote before the vote in relation to amendment A/HRC/36/L.45.

<sup>11</sup> The delegation of Cuba did not cast a vote.



312. At the same meeting, at the request of the representative of Ghana, a recorded vote was taken on amendment A/HRC/36/L.45. The voting was as follows:

*In favour:*

Bangladesh, Bolivia (Plurinational State of), Burundi, China, Cuba, Egypt, Ethiopia, India, Indonesia, Kyrgyzstan, Philippines, Saudi Arabia, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

Albania, Belgium, Brazil, Croatia, Ecuador, El Salvador, Georgia, Germany, Ghana, Hungary, Japan, Latvia, Mongolia, Netherlands, Panama, Paraguay, Portugal, Republic of Korea, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America

*Abstaining:*

Botswana, Congo, Côte d'Ivoire, Iraq, Nigeria, Qatar, Rwanda, South Africa, Togo, Tunisia

313. The Human Rights Council rejected amendment A/HRC/36/L.45 by 14 votes to 22, with 10 abstentions.<sup>12</sup>

314. At the same meeting, the representative of Germany made a statement in explanation of vote before the vote in relation to amendment A/HRC/36/L.46.

315. Also at the same meeting, at the request of the representative of Ghana, a recorded vote was taken on amendment A/HRC/36/L.46. The voting was as follows:

*In favour:*

Bangladesh, Bolivia (Plurinational State of), Botswana, Brazil, Burundi, China, Cuba, Ecuador, Egypt, Ethiopia, India, Indonesia, Iraq, Kyrgyzstan, Mongolia, Nigeria, Philippines, Qatar, Rwanda, Saudi Arabia, South Africa, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

Albania, Belgium, Croatia, Georgia, Germany, Ghana, Hungary, Japan, Latvia, Netherlands, Panama, Paraguay, Portugal, Republic of Korea, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America

*Abstaining:*

Congo, Côte d'Ivoire, El Salvador, Kenya, Togo

316. The Human Rights council adopted amendment A/HRC/36/L.46 by 24 votes to 18, with 5 abstentions.

317. At the same meeting, the representative of Panama made a statement in explanation of vote before the vote in relation to amendment A/HRC/36/L.47.

318. Also at the same meeting, at the request of the representative of Ghana, a recorded vote was taken on amendment A/HRC/36/L.47. The voting was as follows:

*In favour:*

Bangladesh, Bolivia (Plurinational State of), Burundi, China, Cuba, Egypt, India, Iraq, Kenya, Kyrgyzstan, Saudi Arabia, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

Albania, Belgium, Brazil, Côte d'Ivoire, Croatia, El Salvador, Georgia, Germany, Ghana, Hungary, Japan, Latvia, Mongolia, Netherlands, Panama, Paraguay, Portugal, Republic of Korea, Slovenia, Switzerland, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America

<sup>12</sup> The delegation of Kenya did not cast a vote.

*Abstaining:*

Botswana, Congo, Ecuador, Ethiopia, Indonesia, Nigeria, Philippines, Qatar, Rwanda, South Africa, Togo

319. The Human Rights Council rejected amendment A/HRC/36/L.47 by 13 votes to 23, with 11 abstentions.

320. At the same meeting, the representatives of Albania and Latvia made statements in explanation of vote before the vote in relation to amendment A/HRC/36/L.48.

321. Also at the same meeting, at the request of the representative of Ghana, a recorded vote was taken on amendment A/HRC/36/L.48. The voting was as follows:

*In favour:*

Bangladesh, Bolivia (Plurinational State of), Botswana, Brazil, Burundi, China, Cuba, Egypt, Ethiopia, India, Indonesia, Kenya, Kyrgyzstan, Philippines, Saudi Arabia, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

Albania, Belgium, Croatia, Georgia, Germany, Ghana, Hungary, Japan, Latvia, Mongolia, Netherlands, Panama, Paraguay, Portugal, Republic of Korea, Slovenia, Switzerland, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America

*Abstaining:*

Congo, Côte d'Ivoire, Ecuador, El Salvador, Iraq, Nigeria, Qatar, Rwanda, South Africa, Togo

322. The Human Rights Council rejected amendment A/HRC/36/L.48 by 17 votes to 20, with 10 abstentions.

323. At the same meeting, the representatives of Latvia and the Netherlands made statements in explanation of vote before the vote in relation to amendment A/HRC/36/L.49.

324. Also at the same meeting, at the request of the representative of Ghana, a recorded vote was taken on amendment A/HRC/36/L.49. The voting was as follows:

*In favour:*

Bangladesh, Bolivia (Plurinational State of), Botswana, Burundi, China, Cuba, Egypt, Ethiopia, India, Indonesia, Iraq, Kenya, Kyrgyzstan, Philippines, Qatar, Saudi Arabia, South Africa, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

Albania, Belgium, Brazil, Croatia, El Salvador, Georgia, Germany, Ghana, Hungary, Japan, Latvia, Mongolia, Netherlands, Panama, Paraguay, Portugal, Republic of Korea, Slovenia, Switzerland, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America

*Abstaining:*

Congo, Côte d'Ivoire, Ecuador, Nigeria, Rwanda, Togo

325. The Human Rights Council rejected amendment A/HRC/36/L.49 by 19 votes to 22, with 6 abstentions.

326. At the same meeting, the representatives of Belgium and Ghana made statements in explanation of vote before the vote in relation to amendment A/HRC/36/L.50.

327. Also at the same meeting, at the request of the representative of Ghana, a recorded vote was taken on amendment A/HRC/36/L.50. The voting was as follows:

*In favour:*

Bangladesh, Bolivia (Plurinational State of), Burundi, China, Congo, Egypt, Ethiopia, India, Indonesia, Kenya, Kyrgyzstan, Philippines, Saudi Arabia, South Africa, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

Albania, Belgium, Brazil, Croatia, Georgia, Germany, Ghana, Hungary, Japan, Latvia, Mongolia, Netherlands, Panama, Paraguay, Portugal, Qatar,

Republic of Korea, Rwanda, Slovenia, Switzerland, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America

*Abstaining:*

Botswana, Côte d'Ivoire, Ecuador, El Salvador, Iraq, Nigeria, Togo

328. The Human Rights Council rejected amendment A/HRC/36/L.50 by 16 votes to 23, with 7 abstentions.<sup>13</sup>

329. At the same meeting, the representatives of the Netherlands and the United Kingdom of Great Britain and Northern Ireland made statements in explanation of vote before the vote in relation to amendment A/HRC/36/L.51.

330. Also at the same meeting, at the request of the representative of Ghana, a recorded vote was taken on amendment A/HRC/36/L.51. The voting was as follows:

*In favour:*

Bangladesh, Bolivia (Plurinational State of), Botswana, Burundi, China, Cuba, Egypt, Ethiopia, India, Indonesia, Iraq, Kenya, Kyrgyzstan, Philippines, Qatar, Saudi Arabia, South Africa, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

Albania, Belgium, Brazil, Croatia, Georgia, Germany, Ghana, Hungary, Japan, Latvia, Mongolia, Netherlands, Panama, Paraguay, Portugal, Republic of Korea, Slovenia, Switzerland, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America

*Abstaining:*

Congo, Côte d'Ivoire, Ecuador, El Salvador, Nigeria, Rwanda, Togo

331. The Human Rights Council rejected amendment A/HRC/36/L.51 by 19 votes to 21, with 7 abstentions.

332. At the same meeting, the representatives of the Netherlands and Slovenia made statements in explanation of vote before the vote in relation to amendment A/HRC/36/L.52.

333. Also at the same meeting, at the request of the representative of Ghana, a recorded vote was taken on amendment A/HRC/36/L.52. The voting was as follows:

*In favour:*

Bangladesh, Bolivia (Plurinational State of), Botswana, Burundi, China, Cuba, Egypt, Ethiopia, India, Indonesia, Kenya, Kyrgyzstan, Philippines, Saudi Arabia, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

Albania, Belgium, Brazil, Croatia, Ecuador, El Salvador, Georgia, Germany, Ghana, Hungary, Iraq, Japan, Latvia, Mongolia, Netherlands, Panama, Paraguay, Portugal, Qatar, Republic of Korea, Rwanda, Slovenia, Switzerland, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America

*Abstaining:*

Congo, Côte d'Ivoire, Nigeria, South Africa, Togo

334. The Human Rights Council rejected amendment A/HRC/36/L.52 by 16 votes to 26, with 5 abstentions.

335. At the same meeting, the representatives of Japan and the United Kingdom of Great Britain and Northern Ireland made statements in explanation of vote before the vote in relation to amendment A/HRC/36/L.53.

336. Also at the same meeting, at the request of the representative of Ghana, a recorded vote was taken on amendment A/HRC/36/L.53. The voting was as follows:

<sup>13</sup> The delegation of Cuba did not cast a vote.

*In favour:*

Bangladesh, Bolivia (Plurinational State of), Burundi, China, Cuba, Egypt, Ethiopia, India, Iraq, Kyrgyzstan, Nigeria, Philippines, Saudi Arabia, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

Albania, Belgium, Botswana, Brazil, Croatia, Ecuador, Georgia, Germany, Ghana, Hungary, Japan, Latvia, Netherlands, Panama, Paraguay, Portugal, Republic of Korea, Slovenia, Switzerland, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America

*Abstaining:*

Congo, Côte d'Ivoire, El Salvador, Indonesia, Kenya, Mongolia, Qatar, Rwanda, South Africa, Togo

337. The Human Rights Council rejected amendment A/HRC/36/L.53 by 15 votes to 22, with 10 abstentions.

338. At the same meeting, the representative of Germany made a statement in explanation of vote before the vote in relation to amendment A/HRC/36/L.54.

339. Also at the same meeting, at the request of the representative of Ghana, a recorded vote was taken on amendment A/HRC/36/L.54. The voting was as follows:

*In favour:*

Bangladesh, Bolivia (Plurinational State of), Burundi, China, Cuba, Ecuador, Egypt, Ethiopia, India, Indonesia, Kenya, Kyrgyzstan, Nigeria, Philippines, Saudi Arabia, South Africa, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

Albania, Belgium, Botswana, Brazil, Croatia, Georgia, Germany, Ghana, Hungary, Japan, Latvia, Mongolia, Netherlands, Panama, Paraguay, Portugal, Republic of Korea, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America

*Abstaining:*

Congo, Côte d'Ivoire, El Salvador, Iraq, Qatar, Rwanda, Togo, Tunisia

340. The Human Rights Council rejected amendment A/HRC/36/L.54 by 18 votes to 21, with 8 abstentions.

341. At the same meeting, the representative of Germany made a statement in explanation of vote before the vote in relation to amendment A/HRC/36/L.55.

342. Also at the same meeting, at the request of the representative of Ghana, a recorded vote was taken on amendment A/HRC/36/L.55. The voting was as follows:

*In favour:*

Bangladesh, Bolivia (Plurinational State of), Brazil, Burundi, China, Cuba, Egypt, Ethiopia, India, Indonesia, Kenya, Kyrgyzstan, Philippines, Saudi Arabia, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

Albania, Belgium, Croatia, Ecuador, Georgia, Germany, Ghana, Hungary, Iraq, Japan, Latvia, Netherlands, Panama, Paraguay, Portugal, Republic of Korea, Slovenia, Switzerland, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America

*Abstaining:*

Botswana, Congo, Côte d'Ivoire, El Salvador, Mongolia, Nigeria, Qatar, Rwanda, South Africa, Togo

343. The Human Rights Council rejected amendment A/HRC/36/L.55 by 16 votes to 21, with 10 abstentions.

344. At the same meeting, the representatives of Japan and the Republic of Korea made statements in explanation of vote before the vote in relation to amendment A/HRC/36/L.56.

345. Also at the same meeting, at the request of the representative of Ghana, a recorded vote was taken on amendment A/HRC/36/L.56. The voting was as follows:

*In favour:*

Bangladesh, Bolivia (Plurinational State of), Burundi, China, Cuba, Egypt, El Salvador, Ethiopia, India, Indonesia, Iraq, Kenya, Kyrgyzstan, Mongolia, Nigeria, Philippines, Qatar, Saudi Arabia, South Africa, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

Albania, Belgium, Botswana, Brazil, Croatia, Georgia, Germany, Ghana, Hungary, Japan, Latvia, Netherlands, Panama, Paraguay, Portugal, Republic of Korea, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America

*Abstaining:*

Congo, Côte d'Ivoire, Ecuador, Rwanda, Togo, Tunisia

346. The Human Rights Council adopted amendment A/HRC/36/L.56 by 21 votes to 20, with 6 abstentions.

347. At the same meeting, the representatives of Croatia and Panama made statements in explanation of vote before the vote in relation to amendment A/HRC/36/L.57.

348. Also at the same meeting, at the request of the representative of Ghana, a recorded vote was taken on amendment A/HRC/36/L.57. The voting was as follows:

*In favour:*

Bangladesh, Bolivia (Plurinational State of), Botswana, Burundi, China, Cuba, Egypt, Ethiopia, India, Indonesia, Kenya, Kyrgyzstan, Philippines, Saudi Arabia, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

Albania, Belgium, Brazil, Croatia, El Salvador, Georgia, Germany, Ghana, Hungary, Japan, Latvia, Mongolia, Netherlands, Panama, Paraguay, Portugal, Republic of Korea, Slovenia, Switzerland, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America

*Abstaining:*

Congo, Côte d'Ivoire, Ecuador, Iraq, Nigeria, Qatar, Rwanda, South Africa, Togo

349. The Human Rights Council rejected amendment A/HRC/36/L.57 by 16 votes to 22, with 9 abstentions.

350. At the same meeting, the representatives of Albania and Panama made statements in explanation of vote before the vote in relation to amendment A/HRC/36/L.58.

351. Also at the same meeting, at the request of the representative of Ghana, a recorded vote was taken on amendment A/HRC/36/L.58. The voting was as follows:

*In favour:*

Bangladesh, Bolivia (Plurinational State of), Brazil, Burundi, China, Cuba, Ecuador, Egypt, Ethiopia, India, Indonesia, Kyrgyzstan, Philippines, Qatar, Saudi Arabia, South Africa, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

Albania, Belgium, Croatia, Georgia, Germany, Ghana, Hungary, Japan, Latvia, Mongolia, Netherlands, Panama, Paraguay, Portugal, Republic of Korea, Rwanda, Slovenia, Switzerland, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America

*Abstaining:*

Botswana, Congo, Côte d'Ivoire, El Salvador, Iraq, Kenya, Nigeria, Togo

352. The Human Rights Council rejected amendment A/HRC/36/L.58 by 18 votes to 21, with 8 abstentions.

353. At the same meeting, the representatives of Georgia and Hungary made statements in explanation of vote before the vote in relation to amendment A/HRC/36/L.59.

354. Also at the same meeting, at the request of the representative of Ghana, a recorded vote was taken on amendment A/HRC/36/L.59. The voting was as follows:

*In favour:*

Bangladesh, Bolivia (Plurinational State of), Botswana, Brazil, Burundi, China, Cuba, Egypt, India, Indonesia, Kyrgyzstan, Qatar, South Africa, Venezuela (Bolivarian Republic of)

*Against:*

Albania, Belgium, Côte d'Ivoire, Croatia, El Salvador, Georgia, Germany, Ghana, Hungary, Japan, Latvia, Mongolia, Netherlands, Panama, Paraguay, Portugal, Republic of Korea, Rwanda, Slovenia, Switzerland, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America

*Abstaining:*

Congo, Ecuador, Ethiopia, Iraq, Kenya, Nigeria, Philippines, Saudi Arabia, Togo, United Arab Emirates

355. The Human Rights Council rejected amendment A/HRC/36/L.59 by 14 votes to 23, with 10 abstentions.

356. At the same meeting, the representatives of Georgia and Ghana made statements in explanation of vote before the vote in relation to amendment A/HRC/36/L.60.

357. Also at the same meeting, at the request of the representative of Ghana, a recorded vote was taken on amendment A/HRC/36/L.60. The voting was as follows:

*In favour:*

Bangladesh, Bolivia (Plurinational State of), Botswana, Brazil, Burundi, China, Congo, Cuba, Ecuador, Egypt, Ethiopia, India, Indonesia, Iraq, Kenya, Kyrgyzstan, Philippines, Rwanda, Saudi Arabia, South Africa, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

Albania, Belgium, Croatia, El Salvador, Georgia, Germany, Ghana, Hungary, Japan, Latvia, Netherlands, Panama, Paraguay, Portugal, Republic of Korea, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America

*Abstaining:*

Côte d'Ivoire, Mongolia, Nigeria, Qatar, Togo

358. The Human Rights Council adopted amendment A/HRC/36/L.60 by 23 votes to 19, with 5 abstentions.

359. At the same meeting, the representatives of Belgium and Hungary made statements in explanation of vote before the vote in relation to amendment A/HRC/36/L.61.

360. Also at the same meeting, at the request of the representative of Ghana, a recorded vote was taken on amendment A/HRC/36/L.61. The voting was as follows:

*In favour:*

Bangladesh, Bolivia (Plurinational State of), Botswana, Burundi, China, Cuba, Egypt, Ethiopia, India, Indonesia, Kenya, Kyrgyzstan, Philippines, Qatar, Saudi Arabia, South Africa, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

Albania, Belgium, Brazil, Côte d'Ivoire, Croatia, Ecuador, El Salvador, Georgia, Germany, Ghana, Hungary, Japan, Latvia, Mongolia, Netherlands, Panama, Paraguay, Portugal, Republic of Korea, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America

*Abstaining:*

Congo, Iraq, Nigeria, Rwanda, Togo, Tunisia

361. The Human Rights Council rejected amendment A/HRC/36/L.61 by 18 votes to 23, with 6 abstentions.

362. At the same meeting, the representatives of Albania, Bolivia (Plurinational State of), Brazil, China, Cuba, Egypt, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Venezuela (Bolivarian Republic of) (also on behalf of Egypt, India and the Russian Federation) made statements in explanation of vote before the vote in relation to the draft resolution as amended. In her statement, the representative of Brazil disassociated the member State from the consensus on the sixth preambular paragraph and paragraphs 1, 9 and 10 of the draft resolution. In his statement, the representative of the United States of America disassociated the member State from the consensus on paragraphs 4 bis and 7 bis of the draft resolution.

363. Also at the same meeting, at the request of the representative of the Bolivarian Republic of Venezuela, a recorded vote was taken on the draft resolution as amended. The voting was as follows:

*In favour:*

Albania, Belgium, Botswana, Brazil, Congo, Côte d'Ivoire, Croatia, Ecuador, El Salvador, Georgia, Germany, Ghana, Hungary, Iraq, Japan, Latvia, Mongolia, Netherlands, Panama, Paraguay, Portugal, Republic of Korea, Rwanda, Slovenia, Switzerland, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America

*Abstaining:*

Bangladesh, Bolivia (Plurinational State of), Burundi, China, Cuba, Egypt, Ethiopia, India, Indonesia, Kenya, Kyrgyzstan, Nigeria, Philippines, Qatar, Saudi Arabia, South Africa, Togo, United Arab Emirates, Venezuela (Bolivarian Republic of)

364. The Human Rights Council adopted the draft resolution as amended by 28 votes to 0, with 19 abstentions (resolution 36/21).

**Promotion and protection of the human rights of peasants and other people working in rural areas**

365. At the 41st meeting, on 29 September 2017, the representative of the Plurinational State of Bolivia introduced draft resolution A/HRC/36/L.29, sponsored by Bolivia (Plurinational State of), Cuba, Ecuador and South Africa and co-sponsored by Angola, Bangladesh, the Congo, Egypt, Ethiopia, Ghana, Haiti, India, Kenya, Panama, Paraguay, the Philippines, Switzerland, Venezuela (Bolivarian Republic of) and the State of Palestine. Subsequently, Algeria, the Democratic People's Republic of Korea, the Dominican Republic, El Salvador, Indonesia, Nicaragua, the Sudan and Viet Nam joined the sponsors.

366. At the same meeting, the representative of the Bolivarian Republic of Venezuela made a general comment on the draft resolution.

367. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated administrative and programme budget implications of the draft resolution.

368. Also at the same meeting, the representatives of Germany (also on behalf of Belgium, Croatia, Hungary, Latvia and the Netherlands) and the United States of America made statements in explanation of vote before the vote in relation to the draft resolution.

369. At the same meeting, at the request of the representative of the United States of America, a recorded vote was taken on the draft resolution. The voting was as follows:

*In favour:*

Bangladesh, Bolivia (Plurinational State of), Botswana, Brazil, Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Ghana, India, Indonesia, Iraq, Kenya, Kyrgyzstan, Mongolia, Nigeria, Panama, Paraguay, Philippines, Portugal, Qatar, Rwanda, Saudi Arabia, South Africa, Switzerland, Togo, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

United Kingdom of Great Britain and Northern Ireland, United States of America

*Abstaining:*

Albania, Belgium, Croatia, Georgia, Germany, Hungary, Japan, Latvia, Netherlands, Republic of Korea, Slovenia

370. The Human Rights Council adopted the draft resolution by 34 votes to 2, with 11 abstentions (resolution 36/22).



## VI. Universal periodic review

371. Pursuant to General Assembly resolution 60/251, Human Rights Council resolutions 5/1 and 16/21, Council decision 17/119 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 twenty-seventh session of the Working Group on the Universal Periodic Review held from 1 to 12 May 2017.

372. In accordance with resolution 5/1, the President stated that all recommendations must be part of the final outcome of the universal periodic review and, accordingly, the State under review should clearly communicate its position on all of the recommendations by indicating that it either "supported" or "noted" each recommendation.

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

373. In accordance with paragraph 14 of President's statement PRST 8/1, the following section contains a summary of the views expressed on the outcome by States under review, member and observer States of the Human Rights Council, and general comments made by other stakeholders before the adoption of the outcome by the Council in plenary session. The statements of the delegations or other stakeholders that were unable to deliver them owing to time constraints are posted, if available, on the extranet of the Council.<sup>14</sup>

#### Bahrain

374. The review of Bahrain was held on 1 May 2017 in conformity with all the relevant provisions contained in relevant Human Rights Council resolutions and decisions, and was based on the following documents:

(a) The national report submitted by Bahrain in accordance with paragraph 15 (a) of the annex to Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 (A/HRC/WG.6/27/BHR/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) of the annex to Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 (A/HRC/WG.6/27/BHR/2 and Corr.1);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) of the annex to Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 (A/HRC/WG.6/27/BHR/3).

375. At its 22nd meeting, on 21 September 2017, the Human Rights Council considered and adopted the outcome of the review of Bahrain (see sect. C below).

376. The outcome of the review of Bahrain comprises the report of the Working Group on the Universal Periodic Review (A/HRC/36/3), the views of the State under review concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the Human Rights Council in plenary session to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see A/HRC/36/3/Add.1).

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

377. The delegation, headed by the Assistant Minister for Foreign Affairs, Abdulla bin Faisal Aldoseri, emphasized the keenness of Bahrain to strengthen and continue its efforts to promote and protect human rights through cooperation with partners and stakeholders at the national level and constructive cooperation with the Human Rights Council, the universal periodic review mechanism, OHCHR and other international stakeholders.

<sup>14</sup> See <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/36thSession/Pages/default.aspx>.

378. Bahrain had received 175 recommendations during the review of the Working Group on the Universal Periodic Review, which had been examined in the context of several meetings of the High Coordination Committee of Bahrain, as well as meetings with more than 20 civil society organizations. Those recommendations had been reviewed extensively during the meetings and, together with the comments thereon, had contributed to the position taken by Bahrain in responding to the recommendations.

379. The above-mentioned consultations and the consideration by Bahrain of the recommendations had led to its support for 139 recommendations, many of which had already been implemented. Bahrain would work to implement the remaining ones. Bahrain had taken note of 36 recommendations since they were inconsistent with the application of Islamic law or because they did not comply with national laws or legislation or would require further study, although a few of those recommendations could be partially accepted.

380. Bahrain reaffirmed its commitment to and continuation of the pioneering reform and democratic approach launched by King Hamad bin Isa al-Khalifa, by preserving its human rights record, which was based on modern and progressive constitutional and legal texts.

381. The delegation listed a number of achievements in the recent past that had added to the record of achievements and progress in the promotion of and respect for human rights, such as:

(a) Law No. 19 of 2017 on family law, which had received wide support in society and was in line with the Convention on the Elimination of All Forms of Discrimination against Women. It met one of the most important demands of Bahraini women, who – after years of effort – had secured acknowledgement of their dignity and pivotal role in the process of building society and increasing development;

(b) Law No. 18 of 2017 on penalties and alternative measures, which aimed to develop punitive policy in Bahrain, through the promotion of punitive measures based on the concepts of punishment and rehabilitation, while seeking greater protection of society from future dangers;

(c) Law No. 74 of 2016 concerning the care, rehabilitation and employment of persons with disabilities, article 2 of which had been amended.

382. Bahrain had taken a number of measures to reform the labour market, including the introduction of a flexible work permit. The system allowed foreign workers to work without sponsorship.

383. The rule of law, and the independence and impartiality of the judiciary formed the basis of governance in Bahrain and one of the most important pillars in the protection of human rights and freedoms. Article 20 of the Constitution provided for fair trial guarantees, including the right of defence, and a prohibition on torture. The independence of the judiciary had been strengthened financially and administratively. In that regard, Decree No. 46 of 2002 on criminal procedure and its amendments provided for comprehensive guarantees to protect personal freedom and safety and access to criminal justice through the provision of fair trial guarantees, the right of accused persons to contact their families and relatives, appoint a lawyer and attend meetings without constraints, and a prohibition on torture, ill-treatment and coercion.

384. The rights to freedom of assembly, opinion and expression were guaranteed by the Constitution and national legislation without restriction except for the professional and ethical controls provided for in the Constitution, the law and the local and international instruments on press and media freedoms, which prohibited any incitement to sectarian, religious or racial hatred or any threat to national security or public order, the rights, reputations and dignity of others, public morals or any of the principles of human rights.

385. Bahrain would make every effort to bring about lasting positive change in the situation of human rights, as the authorities believed that all segments of society were essential partners in national action to eradicate violence, intimidation, hatred and sectarianism in society.

386. The efforts of Bahrain to fight terrorism, its financing and violent extremism would not prevent the ongoing process of democratization or the State from building a modern State and advancing human rights in all areas.

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

387. During the adoption of the outcome of the review of Bahrain, 16 delegations made statements.

388. India noted with appreciation the progressive realization of human rights in Bahrain, including the right to development, through a reform-based approach. India highlighted the Government's programme of action for the period 2015–2018 entitled "Towards the justice, security and well-being of society". India congratulated Bahrain for launching its largest labour market initiative by introducing a flexible work permit, thus eliminating exploitation and trafficking.

389. The Islamic Republic of Iran stated that, during the twenty-seventh session of the Working Group on the Universal Periodic Review, it had made two recommendations, namely to implement fully the recommendations made by the special procedure mandate holders, including by immediately releasing all political prisoners and by ending impunity, thus bringing perpetrators of human rights violations to justice, and to engage in a genuine national dialogue in an open and inclusive manner with all stakeholders. It stated that only one recommendation had been accepted. It regretted the fact that the more important one had only been noted. It hoped that all the recommendations accepted by Bahrain would be fully and effectively implemented.

390. Iraq thanked Bahrain for having accepted the recommendations that it had made and for upholding the principles and values of human rights and promoting freedom, impartiality and justice among all its citizens. Iraq commended Bahrain for its acceptance of most of the recommendations, which would further enhance the promotion and protection of human rights, and looked forward to the implementation of its commitments.

391. Jordan appreciated the responses of Bahrain to the recommendations from the third cycle and the information it had presented on the latest developments and measures taken to promote and protect human rights. Jordan appreciated the fact that Bahrain had accepted the majority of the recommendations, including those submitted by Jordan, reaffirming its commitment to human rights and freedoms. Jordan was confident that Bahrain would intensify its efforts in the coming years to implement the recommendations that it had accepted.

392. Kuwait commended Bahrain for its efforts in preparing its national report, which reflected its attentiveness to the promotion and protection of human rights, and the measures taken to implement the recommendations that it had accepted, including those made by Kuwait.

393. Lebanon appreciated the presentation made by the head of the delegation, which reflected the commitment of Bahrain to the universal periodic review mechanism. It noted with appreciation the acceptance of 80 per cent of the recommendations, including those submitted by Lebanon on training for the judiciary on international human rights standards and on freedom of the press. Bahrain had adopted a serious approach, which showed positive action and respect for the universal periodic review mechanism in improving the lives of Bahraini people.

394. Libya commended Bahrain for having accepted the majority of the recommendations that had been presented to it and for taking measures to promote and protect human rights by taking many crucial steps, particularly establishing several national mechanisms to protect and promote human rights.

395. Lithuania stated that, by accepting the vast majority of the recommendations, Bahrain had demonstrated its intent and commitment to promote and protect human rights through its institutional, legislative and political framework. It appreciated the fact that all of the recommendations made by Lithuania had been accepted and hoped that, during the new cycle of the universal periodic review, Bahrain would also continue working towards fully implementing those recommendations from previous cycles that still needed to be implemented and further strengthen its commitment to the international human rights instruments.

396. Maldives was encouraged by the launch of the national plan for the advancement of Bahraini women (2013–2022), particularly the focus on the principles of providing equal

opportunities and empowering women. Maldives welcomed the prize sponsored by King Hamad bin Isa al-Khalifa, in collaboration with the United Nations Educational, Scientific and Cultural Organization, to implement educational, religious and media programmes to promote moderation and tolerance and to combat hate speech that incited terrorism and violence.

397. Morocco welcomed the update on the actions taken to promote and protect human rights further and welcomed the significant efforts made to bolster such rights in actual practice. Morocco welcomed the positive interaction of Bahrain with the Human Rights Council and its mechanisms. Morocco commended Bahrain for its constructive interaction with the universal periodic review process during the interactive dialogue and for its acceptance of the majority of the recommendations, including those made by Morocco, and for its renewed commitment to strengthen the foundations of the rule of law and respect for human rights.

398. Oman noted the positive attitude of Bahrain as reflected in its acceptance of the majority of the recommendations and its constitutional, legal and practical guarantees to ensure respect for the human rights of its citizens and residents, in accordance with international mechanisms. Oman commended Bahrain for launching the national plan for the advancement of Bahraini women (2013–2022) and for empowering women in order to enable them to enter the business and entrepreneurial world. It also commended Bahrain for its national plan for persons with disabilities and for establishing measures to achieve comprehensive development.

399. Pakistan commended Bahrain for its efforts to implement the recommendations made in the previous cycles of the universal periodic review. It also praised the number of initiatives that Bahrain had taken to build capacity to strengthen human rights. Pakistan wished Bahrain every success in implementing the recommendations that it had accepted.

400. The Philippines commended Bahrain for having accepted the majority of the recommendations. It appreciated the serious attitude adopted by Bahrain to the recommendations made by the Philippines to promote the welfare and protect the rights of migrant workers, particularly women migrant workers. The Philippines hoped that Bahrain would consider ratifying key human rights and labour conventions that enshrined the rights of migrants.

401. Saudi Arabia appreciated the efforts made by Bahrain to uphold human rights and its cooperation with the mechanisms of the Human Rights Council. Saudi Arabia commended Bahrain for its accomplishments on policies and laws on human rights, especially the efforts made to combat trafficking in persons. Saudi Arabia commended Bahrain for having accepted the majority of the recommendations and called on it to make additional efforts to promote and protect human rights at all levels.

402. Sierra Leone noted that Bahrain intended to submit a voluntary midterm report on its efforts to implement the recommendations in two years' time and had made pledges on its commitments as regards its future human rights strategies. Sierra Leone encouraged Bahrain to strengthen its legal protection policies for migrant and expatriate workers, protect human rights defenders and religious minorities from prosecution and expedite efforts to amend its laws on granting citizenship for the children of Bahraini women married to foreigners.

403. The Sudan commended Bahrain for its efforts to promote and protect human rights by, for example, acceding to most international human rights instruments, strengthening national human rights institutions, passing legislation, including the law on protecting domestic workers from violence, and taking measures to align its legislation with the international treaties that it had ratified. The Sudan commended Bahrain for its plans and programmes to empower and integrate women in government work programmes. Bahrain had accepted most of the recommendations, including those made by the Sudan.

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

404. During the adoption of the outcome of the review of Bahrain, 10 other stakeholders made statements.

405. Article 19: International Centre against Censorship stated that the sheer number of recommendations to Bahrain that addressed the rights to freedom of expression, peaceful

assembly and association were indicative of an alarming human rights situation. It asked why the Government had imposed a travel ban on two journalists when it intended to release journalists and human rights defenders and drop the “terrorism” charges against them. It also asked whether the new-found commitment of Bahrain to freedom of expression would reverse the order to shut down *Al-Wesat* and halt proceedings to dissolve Wa’ad. Implementation of the recommendations required comprehensive reform of the legislation used to repress all criticism and opposition.

406. The Alsalam Foundation expressed grave concern at the commitment of Bahrain to the universal periodic review process, given its systematic violation of human rights since 2011. It rejected the statement claiming that accomplishments had been made in the human rights field. It questioned whether arresting an activist and sentencing him to life for sending a tweet and for his legal work, the dissolution of Al-Wefaq and the imprisonment of its Secretary-General for his political activities, the closure of *Al-Wesat* newspaper and the withdrawal of citizenship for those who called for democracy were among those accomplishments. If Bahrain respected the rule of law as it claimed, it would immediately investigate security officers for having tortured human rights activists. If its Constitution guaranteed freedom of expression, as it claimed, Bahrain would release all those arrested for demanding reforms. Bahrain was neither serious nor ready to implement the recommendations.

407. Americans for Democracy and Human Rights in Bahrain stated that, since the midterm of the second cycle of the universal periodic review, not only had Bahrain failed to fully implement any of the 176 recommendations, but had actually regressed on the few areas of reform that had seen nominal progress. The Government had submitted a national report that was misleading, vague and incomplete. As a result of government interference, including widespread use of retaliatory travel bans and arbitrary detention, the number of independent Bahraini activists attending the reviews had decreased from dozens in 2012 to only three in 2017. Many of the recommendations continued to call for greater protection for civil society and human rights defenders and the rights to freedom of expression and assembly. Americans for Democracy and Human Rights in Bahrain urged the international community to take steps, beyond the universal periodic review mechanism, to hold Bahrain accountable for fulfilling its commitments.

408. The Khiam Rehabilitation Centre for Victims of Torture blamed Bahrain for undermining the work done on human rights, dissolving the Wa’ad and Al-Wefaq associations, imprisoning opposition leaders, withdrawing the citizenship of dissidents and banning travel to Geneva for dozens of activists. The Government had closed the door on national and political dialogue and was trying to destroy the unity of its people by engaging in sectarian discrimination. The Centre called on Bahrain to end the intimidation of jurists and opponents. It also called for the return of civil and democratic life; the release of all prisoners of conscience; the abolition of the military system of justice and the death penalty; and invitations to be extended to the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and other special procedure mandate holders to visit Bahrain.

409. Lawyers’ Rights Watch Canada stated that many States had again recommended that Bahrain comply with its obligations stemming from international human rights law to: release all human rights defenders imprisoned for peacefully exercising internationally protected rights; bring its criminal law and prosecutions into full compliance with international human rights law, including the Universal Declaration of Human Rights; and cease reprisals against human rights defenders. It asked the Human Rights Council to call upon Bahrain directly to release all arbitrarily imprisoned persons and allow special procedure mandate holders to visit the country and conduct the investigations necessary to recommend reform and redress for victims of rights violations.

410. The International Federation for Human Rights Leagues stated that the universal periodic review of Bahrain was marked by its denials of all serious human rights violations, at a time when reports had emerged of systematic travel bans, judicial harassment and even torture being used to exclude prominent human rights defenders from the universal periodic review process. During the review, several recommendations had been made concerning the treatment of detainees, allegations of torture and the protection of human rights defenders who wished to cooperate with the United Nations. It regretted the refusal of Bahrain to repeal anti-terrorism law, which was being used to persecute human rights defenders and

enforce censorship on social media. Bahrain had pledged to cooperate with the Human Rights Council and its mechanisms but had so far failed to invite key special rapporteurs. It urged Bahrain to respond to the credible allegations of serious human rights violations by inviting a team from OHCHR to visit the country.

411. Amnesty International stated that, since June 2016, the authorities had dramatically stepped up their crackdown on dissent, resulting in a previously thriving civil society being reduced to a few lone voices speaking out. The crackdown had extended to cooperation with the Human Rights Council, for which human rights defenders faced reprisals, including travel bans on participating in the universal periodic review of Bahrain or the sessions of the Council. The families of human rights defenders living outside Bahrain had also been targeted. The relatives of some human rights activists had been interrogated. Amnesty International welcomed the fact that Bahrain had accepted the recommendations on allowing human rights defenders to cooperate with the human rights mechanisms of the Council free from reprisals, on releasing those detained for exercising their rights to freedom of expression and peaceful assembly and on repealing legislation impeding those rights.

412. Human Rights Watch stated that Bahrain continued to deny access to special procedure mandate holders despite repeated requests and that, in April, the authorities had prevented dozens of human rights advocates from travelling to Geneva ahead of the twenty-seventh session of the Working Group on the Universal Periodic Review. During the previous year, the authorities had shut down the country's only independent newspaper and the two leading, licensed, opposition political societies. Bahrain had ended a de facto moratorium on the use of the death penalty and executed three persons in January 2017 following unfair trials, despite their alleging that they had been tortured. In May 2017, the Committee against Torture had expressed concern at the consistent allegations of torture and the climate of impunity. In January 2017, Bahrain had restored, arrest and investigation powers to the National Security Agency and in April 2017 it had enacted legislation authorizing the trials of civilians before military courts. Human Rights Watch urged Bahrain to implement the recommendations regarding criminal justice reform and the release of all those jailed solely for exercising their rights to freedom of expression, association and peaceful assembly.

413. The Ma'arij Foundation for Peace and Development welcomed the recommendations made to Bahrain on family law and nationality, and the actions taken by Bahrain to meet the aspiration of its citizens and to bring an awareness of the application of family law to the sharia courts. It appreciated the dissemination of brochures to explain the law and legal services in simple terms. It commended the Supreme Council for Women for bringing attention to the rights of women in relation to the granting of citizenship to the children of Bahraini women married to foreigners and to accessing services provided to all citizens.

414. The Iraqi Development Organization stated that many of recommendations were a repetition of those from previous cycles and those made by the Bahrain Independent Commission of Inquiry, and that that proved that there had been no genuine efforts to improve the situation of human rights in the country during the previous five years. It stated that Bahrain had been transformed into a police State, where torture, killings, travel bans, sectarian persecution and the targeting of human rights defenders and political activists and their families were widespread. There were an increasing number of cases of execution, politically motivated arrest, and withdrawal of citizenship and forcible deportation concerning dissidents and their family members. It urged Bahrain to end repression, implement all the recommendations, bring about genuine reform and enter into dialogue with the opposition.

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

415. The President stated that, based on the information provided, out of 176 recommendations received, 139 had enjoyed the support of Bahrain, 36 had been noted and 1 had been withdrawn at the time of adoption of the report by the Working Group on the Universal Periodic Review.

416. The delegation thanked the other delegations for praising the efforts of Bahrain for having accepting accepted the majority of the recommendations to improve the situation of

human rights. It would not respond to the false allegations made by certain non-governmental organizations that were intended to cast a shadow over the many achievements of Bahrain. In response to certain allegations concerning travel bans for activists, it stated that Bahrain had ratified a number of international instruments and respected article 12 of the International Covenant on Civil and Political Rights. The Constitution provided for freedom of movement under article 19. No one could be prohibited from travelling except in accordance with the law. There was no ban on travel unless a court order had been issued in the context of ongoing criminal proceedings. Such cases were given individual consideration by the competent judicial authorities.

417. As regards the participation of civil society, non-governmental organizations and political organizations were allowed to work provided they complied with the rules on political groupings. A financial support system, funded by the State, was in place for such organizations. While the activities of such organizations should not violate the law, the sovereignty of the State and national unity, Bahrain was flexible as regards certain violations. However, that was not the case with those that had associated themselves with radical organizations calling for violent extremism and terrorism. Any political organization could appeal against court decisions. Currently, at least 20 organizations were involved in political activities according to the law.

418. Regarding capital punishment, the delegation confirmed that it was applied in a very limited number of cases that were listed in the Comprehensive Criminal Code. The sanction could often be commuted to life imprisonment. Concerning the law on nationality, the law before the legislative authority should soon be amended to allow the children of Bahraini women married to foreigners to acquire citizenship. As regards media and the press, a new bill on electronic media was being debated. It would guarantee the rights of journalists, including the right to receive information, and prevent incitement to violence or religious hatred.

419. Bahrain was committed to respecting the rights of journalists and there were sufficient guarantees to prevent their detention. The right to address complaints was fully guaranteed.

## **Ecuador**

420. The review of Ecuador was held on 1 May 2017 in conformity with all the relevant provisions contained in relevant Human Rights Council resolutions and decisions, and was based on the following documents:

(a) The national report submitted by Ecuador in accordance with paragraph 15 (a) of the annex to Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 (A/HRC/WG.6/27/ECU/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) of the annex to Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 (A/HRC/WG.6/27/ECU/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) of the annex to Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 (A/HRC/WG.6/27/ECU/3).

421. At its 22nd meeting, on 21 September 2017, the Human Rights Council considered and adopted the outcome of the review of Ecuador (see sect. C below).

422. The outcome of the review of Ecuador comprises the report of the Working Group on the Universal Periodic Review (A/HRC/36/4), the views of the State under review concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the Human Rights Council in plenary session to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see A/HRC/36/4/Add.1).

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

423. The delegation, headed by the Permanent Representative of Ecuador to the United Nations Office and other international organizations in Geneva, Guillaume Long, stated that

it was with great satisfaction that Ecuador presented itself before the Human Rights Council for the adoption of the outcome of its universal periodic review. Ecuador had accepted close to 90 per cent of the 182 recommendations received at the twenty-seventh session of the Working Group on the Universal Periodic Review in May and had made four voluntary commitments. The new Government of Ecuador, which had taken office less than one month after the session of the Working Group, had fully endorsed the responses provided during the session of the Working Group to the recommendations received.

424. The delegation highlighted the concrete and tangible commitment of Ecuador to the protection of human rights, which was consistent with its advocacy in favour of more just and democratic societies, characterized by the supremacy of the human being over capital and a harmonious relationship with nature. During the previous 10 years, Ecuador had gone through an emancipatory political process, called the Citizens' Revolution, to build a culture of peace and a State of "good living".

425. The struggle for the realization of people's rights could often generate a certain level of political conflict and many countries, including some that were now called developed countries, had failed to achieve the emancipation of their peoples without bloodshed, violent revolutions or civil wars. Ecuador had managed to emancipate itself peacefully, in a process always supported by the popular will democratically expressed in the polls, and that had been possible because of the centrality of human rights in both the Government's goal to transform society and in the political process undertaken to that effect.

426. It was always difficult to speak of human rights in political, social and economic contexts characterized by a situation of extreme inequality, where a few enjoyed privileges and impunity and the great majority were excluded from the benefits of development. For that reason, true democracy must be accompanied by policies of inclusion, redistribution, and empowerment of the most vulnerable and that was precisely what Ecuador had tirelessly done during the previous 10 years.

427. Due to the existence of structural inequalities and imbalances of power, the neoclassical myth of free competition among human beings was fictitious. Within that context, the protection of human rights could only be ensured by the very visible hand of the State, which was responsible for its citizens and for the construction, in the case of Ecuador, of a social contract that was democratic, progressive, feminist and responsive to the diversity of indigenous and Afro-Ecuadorian peoples and nationalities and Montubios. A social contract that defended the rights of lesbian, gay, bisexual, transgender and intersex persons, the rights of foreigners in Ecuador and of Ecuadorian migrants abroad, and the rights of all Ecuadorians.

428. In order to create the structural conditions for the transformation of society, the delegation stressed the need to build strong and efficient institutions and address the factors that affected the capacity of States to make universal public policies, build schools and hospitals, protect the most vulnerable and defend all citizens from natural disasters. Within that context, it was crucial to move towards a global ethical pact in favour of fiscal justice and against tax evasion and avoidance. It was no longer possible for States to continue to talk about human rights while at the same time pursuing global policies that were among those that most affected human rights.

429. To conclude, the delegation invited all States to support the initiatives proposed in the Human Rights Council by Ecuador and other States, such as the resolutions on the mainstreaming of human rights in public policies, the participation of parliaments in the Council, the declaration on the rights of peasants and other people working in rural areas and the development of an international legally binding instrument on transnational corporations and human rights.

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

430. During the adoption of the outcome of the review of Ecuador, 15 delegations made statements.

431. The Bolivarian Republic of Venezuela highlighted the progress achieved by Ecuador on human rights and its acceptance of the majority of the recommendations. During the previous decade, more than one million people had been lifted out of poverty in Ecuador



and the difference between the richest and the poorest in the country had diminished by 40 per cent. The Bolivarian Republic of Venezuela commended Ecuador for the excellent results of its third universal periodic review and for its firm commitment to human rights.

432. Afghanistan stressed the existence of a direct connection between poverty reduction and the enjoyment of human rights and, therefore, valued the efforts made by Ecuador between 2009 and 2016 to reduce the multidimensional poverty index through increased access to employment, education, social security and basic services. Afghanistan also congratulated Ecuador on its 300-per-cent increase in investment in education.

433. Algeria welcomed the efforts of Ecuador to consolidate its achievements in the field of human rights, in particular those aimed at modernizing the penitentiary infrastructure and establishing a new penitentiary management model. Algeria noted that Ecuador had accepted most of the recommendations, including those formulated by Algeria on the protection of the rights of nature and the promotion of women's access to formal employment, and wished Ecuador success in its efforts to implement them.

434. Azerbaijan welcomed the additional information provided by Ecuador on the recommendations. It commended Ecuador for its achievements in the field of human rights and for its efforts to achieve the Sustainable Development Goals. It noted that Ecuador had accepted the majority of the recommendations that it had received during the twenty-seventh session of the Working Group on the Universal Periodic Review, including the recommendations made by Azerbaijan, and congratulated it for its successful and productive participation in the universal periodic review process.

435. Belarus noted the high level of attention that Ecuador had given to fulfilling its obligations in the field of human rights, both at the national and international levels. It congratulated Ecuador on the success of the measures taken to combat inequality and fully shared the position of Ecuador, namely that respect for human rights could not be guaranteed in the face of extreme poverty and inequality.

436. Belgium reiterated its appreciation for the progress made by Ecuador in the field of human rights and the fight against poverty. It took note with appreciation of the fact that two of its recommendations, on the protection of human rights defenders and on ill-treatment and sexual violence in schools, had been accepted because they had already been implemented and was interested to know what concrete measures had been put in place in that respect. Belgium noted with regret that Ecuador had not committed to revising Presidential Decrees Nos. 16 and 739, the Comprehensive Criminal Code or the Organic Act on Communication.

437. The Plurinational State of Bolivia congratulated Ecuador for its progress in the area of human rights during the Government of the Citizens' Revolution. Between 2009 and 2016, in Ecuador the multidimensional poverty index had decreased from 27 per cent to 16.9 per cent and the Gini coefficient had decreased by eight points. It welcomed the fact that 162 recommendations had been supported by Ecuador because they had been implemented or were in the process of being implemented, among them those made by the Plurinational State of Bolivia, and wished success to Ecuador in the implementation of the recommendations accepted.

438. China welcomed the constructive participation of Ecuador in the universal periodic review and appreciated its timely feedback on the recommendations received and its decision to accept most of them, including those made by China on promoting economic and social development, raising people's living standards and expanding social security coverage. China commended Ecuador for its continued investment in education and called upon the international community to provide assistance to Ecuador, in full consultation with the country, to implement the recommendations accepted.

439. Côte d'Ivoire thanked Ecuador for the responses given to the recommendations received and for the additional information provided. Côte d'Ivoire wished success to Ecuador in the implementation of the recommendations accepted and invited it to pay particular attention to those not yet accepted in order to ensure human rights protection in the country. Côte d'Ivoire commended Ecuador for its efforts to improve the human rights situation and encouraged it to continue its full cooperation with the international community.

440. Cuba was grateful for the information provided by Ecuador and for the acceptance of its three recommendations regarding the active role of Ecuador in the field of transnational corporations and human rights and the promotion of the rights of persons with disabilities. Cuba hoped that Ecuador would continue playing a decisive role in the development of a legally binding instrument on transnational corporations and human rights and reiterated its support for the efforts of Ecuador to promote and protect all human rights.

441. The Democratic People's Republic of Korea stated that the interactive dialogue had provided a useful opportunity to familiarize oneself with the experience of Ecuador in the field of human rights. It welcomed the fact that Ecuador had accepted many of the recommendations received, including the ones made by the Democratic People's Republic of Korea, demonstrating the willingness of Ecuador to make further efforts in the field of human rights.

442. Egypt thanked Ecuador for its presentation and greatly appreciated its acceptance of the majority of the recommendations, including those made by Egypt. That reflected its positive spirit of cooperation and its permanent efforts to uphold and consolidate human rights and fundamental freedoms. Egypt also commended Ecuador for its pledges and voluntary commitments, which demonstrated its seriousness in dealing with human rights at the political, economic and social levels.

443. Ethiopia noted with appreciation the constructive engagement of Ecuador with the Human Rights Council and its acceptance of a significant number of recommendations, including those made by Ethiopia on ensuring equal treatment of all Ecuadorians by the courts, eliminating the gap in accessing education between rural and urban areas and reducing dropout rates among indigenous and Afro-Ecuadorian students.

444. Germany reiterated its strong support for the universal periodic review and thanked Ecuador for its cooperation with the process. Germany regretted that its recommendations had not been accepted. However, it appreciated positive signals of an improving human rights situation in Ecuador. It welcomed the clear commitment of President Moreno and his Government to guarantee freedom of the media and the independence of the judiciary, including through legal and institutional reforms, and strongly encouraged Ecuador to continue on the path of reforms through concrete measures.

445. Haiti thanked Ecuador for its clear and concise presentation of the recommendations accepted and noted during the twenty-seventh session of the Working Group on the Universal Periodic Review. Haiti also thanked Ecuador for having taken into account its two recommendations on the "Sumak Kawsay" programme for Ecuadorians of African descent and on the quality of public education, especially for those living below the poverty line. Haiti strongly encouraged Ecuador to pursue its good practices and to submit a midterm national report on the implementation of the recommendations, in consultation with stakeholders.

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

446. During the adoption of the outcome of the review of Ecuador, 7 other stakeholders made statements.

447. The Ombudsman's Office acknowledged the efforts of Ecuador on human rights, particularly its leadership in developing an international treaty on business and human rights and its adoption of a law on human mobility. Regarding the issue of teenage pregnancies, access to contraceptive methods, and sexual and reproductive education should be guaranteed, while treating teenagers as rights holders. It urged Ecuador to investigate cases of sexual violence within educational institutions and supported the recommendation of the Committee on the Elimination of Discrimination against Women to decriminalize abortion in cases of rape, incest and foetus malformation. It stressed that the national mechanism for the prevention of torture required robust regulations and adequate resources and concluded by referring to the rights of the elderly and urging Ecuador to strengthen the access of Ecuadorians of African descent to education and labour.

448. Réseau international des droits humains welcomed the commitment by Ecuador to human rights and the openness to dialogue demonstrated by its new Government. However, Réseau international des droits humains considered it important to refer to a number of issues highlighted in the reports of the universal periodic review. In that regard, it was

particularly concerned about freedom of expression, the protection of vulnerable groups, such as women and indigenous peoples, and the independence of the judiciary. It regretted that some of the recommendations on the independence of the judiciary had not been accepted, and that some judges had been unjustifiably removed. It stressed that Ecuador had not accepted recommendations from several countries to decriminalize abortion in cases of rape. It urged Ecuador to continue fighting discrimination, protect human rights defenders and promote freedom of expression.

449. The International Association of Democratic Lawyers welcomed the progress made by Ecuador in education and health and in reducing poverty and inequality. The policies promoted by Ecuador, such as those on the right to “good living”, universal citizenship, free human mobility and the reception of refugees, should be examples for other countries. The International Association of Democratic Lawyers praised Ecuador for its initiative on the adoption of an international instrument on business and human rights and of a universal mechanism on cooperation in tax matters. It concluded by referring to the asylum provided to Julian Assange and urged Ecuador to continue to strengthen its reforms and policies aimed at reducing poverty and inequality.

450. The International Federation for Human Rights Leagues regretted that Ecuador had not accepted recommendations to repeal legislation and policies criminalizing or discriminating against human rights organizations, journalists and indigenous peoples, as well as recommendations to establish clear procedures to ensure the right to free and prior consultation of indigenous peoples on issues affecting them. It urged the new Government of Ecuador to enable a proper environment for human rights and environmental defenders, and to implement in an effective manner the recommendations accepted.

451. Action Canada for Population and Development welcomed the acceptance of the recommendations on eliminating discrimination and violence against women and girls, and on preventing, investigating and sanctioning acts of discrimination and violence against lesbian, gay, bisexual, transgender and intersex persons. It regretted, however, the continued existence of “rehabilitation clinics” and “sexual reorientation therapies”, despite recommendations accepted by Ecuador to eradicate such practices. It urged Ecuador to adopt additional measures for the effective implementation of recommendations from, inter alia, the universal periodic review.

452. Human Rights Watch welcomed the support of free speech and civil society manifested by the new Government of Ecuador, but regretted that there were still some official positions that seemed to support censorship and attack freedom of speech and of association. It referred to the 2013 Organic Act on Communication and to the 2013 presidential decrees granting the Government the power to interfere in the operations of non-governmental organizations. It regretted that the new administration’s position was that both norms were consistent with international human rights law. It urged Ecuador to implement key recommendations on freedom of expression and of association accepted during the second cycle of the universal periodic review in 2012, and to repeal the above-mentioned norms.

453. FIAN International regretted the lack of recommendations linked to economic and social rights, in particular to the right to food, and called on States to pay more attention to the right to food. In Ecuador, the laws and policies aimed at ensuring the right to food had not accomplished the progressive realization of that right. It expressed concern about the current law on seeds, which allowed transgenic seeds to be imported for research purposes, and about the law on land and territories, which promoted international investment and monocultures. Indigenous communities and environmental defenders had been criminalized for exercising their right to resistance. FIAN International urged Ecuador to respect international standards on the right to food and to accept recommendations related to human rights defenders.

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

454. The President stated that, based on the information provided, out of 182 recommendations received, 162 had enjoyed the support of Ecuador and 20 had been noted.

455. The delegation welcomed the comments made by States and civil society organizations. It stressed the commitment of Ecuador to the universal periodic review and noted that the process had been very beneficial, while fulfilling its main goal, which was for

Ecuador to conduct an exercise of self-reflection and analysis of its public policies and their impact on the human rights of all Ecuadorians.

456. The delegation also welcomed the comments made by the Ombudsman's Office. It recognized that there was still a lot of work to be done in Ecuador to achieve the complete protection of sexual and reproductive rights and expressed the country's firm commitment to continue to move towards the fulfilment of those rights.

457. With regard to the comments made in relation to Presidential Decree No. 16, which was amended by Presidential Decree No. 739, the delegation stressed that the main objective of legislation was to include and give greater prominence to all forms of civil society organizations. Both decrees recognized the rights and obligations of social organizations, did not curtail any right and were consistent with the Constitution of Ecuador, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the American Convention on Human Rights. The delegation also highlighted the rise in the number of organizations registered in the unified information system on social organizations, which had increased from 1,270 organizations in 2011 to 90,464 organizations at the time.

458. With regard to the comments on the Comprehensive Criminal Code of 2014, the delegation noted that the Code criminalized for the first time crimes such as femicide and sexual harassment, provided for increased sanctions for crimes committed against children, adolescents or persons with disabilities and severely sanctioned child abuse. The delegation also pointed out that the Organic Act on Communication was in accordance with the international standards contained in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the American Convention on Human Rights.

459. The delegation concluded by reassuring others that Ecuador remained committed to closing down the so-called "dehomosexualization" clinics and would continue protecting the rights of lesbian, gay, bisexual, transgender and intersex persons.

## **Tunisia**

460. The review of Tunisia was held on 2 May 2017 in conformity with all the relevant provisions contained in relevant Human Rights Council resolutions and decisions, and was based on the following documents:

(a) The national report submitted by Tunisia in accordance with paragraph 15 (a) of the annex to Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 (A/HRC/WG.6/27/TUN/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) of the annex to Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 (A/HRC/WG.6/27/TUN/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) of the annex to Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 (A/HRC/WG.6/27/TUN/3).

461. At its 22nd meeting, on 21 September 2017, the Human Rights Council considered and adopted the outcome of the review of Tunisia (see sect. C below).

462. The outcome of the review of Tunisia comprises the report of the Working Group on the Universal Periodic Review (A/HRC/36/5), the views of the State under review concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the Human Rights Council in plenary session to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see A/HRC/36/5/Add.1).

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

463. The delegation of Tunisia, which was headed by the Minister for Relations with Constitutional Institutions, Civil Society and Human Rights of Tunisia, Mehdi Ben Gharbia, commended United Nations bodies for their efforts in the promotion of the universal human

rights system and emphasized the central role played by the Human Rights Council in that area. The delegation thanked OHCHR for its support.

464. Tunisia had accepted most of the recommendations made during the universal periodic review and had expressed its commitment for further cooperation with the United Nations and African mechanisms in order to strengthen its human rights system, in particular the rights of women and children.

465. Tunisia was also working to complete the new institutional landscape, both by preparing legal texts and by focusing on new institutions. Legislation on good governance and on combating corruption had been recently approved and the establishment of the Supreme Judicial Council had been completed.

466. In the same context, and within the framework of the recommendations supported by Tunisia, the Government was reviewing laws governing public life to ensure full respect for rights and freedoms. Work was under way to review the most important legal provisions of the Criminal Code to ensure their compatibility with international human rights standards and to fight impunity. In addition, the Government had adopted a law on violence against women and was preparing a draft law on combating racial discrimination.

467. The delegation elaborated further on the interaction of Tunisia with the recommendations received by the Working Group on the Universal Periodic Review, its history and its contribution to humankind. In 1841, an order prohibiting trafficking in persons in the markets of the kingdom had ordered the demolition of shops where slaves were sold. In 1842, everyone born on Tunisian soil was considered a free individual, without being sold or bought and, finally, in 1846 King Ahmed Pasha Bey had declared the emancipation of all the slaves in the kingdom and the permanent abolition of slavery. The first Constitution – recognizing the rights and freedoms of all those present on Tunisian soil regardless of their nationality – had been adopted in 1861.

468. Following the independence of Tunisia in 1956, President Bourguiba had promulgated a personal status code, which gave women the status of full partner in a couple, repealed polygamy, set the minimum age for marriage for girls with a requirement that their permission also be sought, and guaranteed the right to divorce in court and the possibility for a mother to retain the custody of her children in the absence of their father.

469. The revolution in 2011 had allowed the Government to build new institutions, hold free and fair elections, issue several decrees in various areas related to human rights and withdraw its reservations to international human rights treaties.

470. The Government had adopted a new Constitution in 2014, guaranteeing civil, political, economic, social and cultural rights and providing for the protection of the acquired rights of women, equality of opportunities for women and men, gender parity in elected councils and the elimination of all forms of violence against women.

471. The recent promulgation of a law allowing Tunisian women to marry non-Muslim men had been a new step forward in the process of achieving equality between women and men. Moreover, the President had decided to set up a specific expert committee to examine the issue of equality concerning inheritance and prepare a report on future reforms on that subject. Equality between men and women, one of the most pressing demands of generations of human rights defenders and activists, was a fact of life in Tunisia.

472. On a number of recommendations that Tunisia had taken note of during the twenty-seventh session of the Working Group on the Universal Periodic Review in May 2017, the delegation stated that, regarding ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, it should be recalled that Tunisia had suspended the death penalty in the 1990s through a moratorium. However, changing the legislation to abolish the death penalty would require greater consensus than had been reached to date.

473. Tunisia had also noted the recommendation concerning accession to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families because it needed to develop the national migration regime further to find appropriate and applicable solutions to migrant flows.

474. Tunisia had also taken note of the recommendation concerning the abolition of article 230 of the Criminal Code because such a step would require, in order to reach a

broad consensus, extensive community dialogue, in which different viewpoints should be heard and taken account of. That did not prevent the State from guaranteeing full equality to all individuals without discrimination. In protecting individual freedoms, the State had a responsibility to protect all citizens from any violation or violence directed against them, regardless of their affiliations or tendencies.

475. As regards the recommendation to expedite the adoption of the bill on asylum, Tunisia believed that such a matter needed additional consideration and study in coordination with all parties involved, bearing in mind the necessity to balance international commitments and the protection of national security, particularly given the serious security concerns and the financial burden involved in adequately addressing the refugee situation.

476. Pending approval of that bill, the Office of the United Nations High Commissioner for Refugees continued to consider requests for refugee status. It also continued to support governmental structures and civil society know-how in the field of international asylum law, in order to develop further the capacity of the administrative structures charged with the implementation of the relevant legislation.

477. Regarding the ratification of the International Labour Organization Domestic Workers Convention, 2011 (No. 189), it was worth noting that the legislation on that subject had been upgraded since the promulgation of a specific law in 2005. Furthermore, the rights of domestic workers had been strengthened after the enactment of the law on preventing and combating trafficking in persons and the related basic law. Ratification of the Convention also raised concerns about its compatibility with current labour legislation.

478. Reform of the judicial, security and prison systems were priorities for the Government, which had been implementing programmes to promote the independence of the judiciary, the training of law enforcement personnel in the field of human rights, the investigation of abuses and violations, and the prevention of torture, especially through the establishment of an independent public body to prevent it.

479. Tunisia had supported the recommendations on measures to strengthen mechanisms to identify and assist vulnerable migrants at the border, including minors, asylum seekers and victims of trafficking. Guidelines had been developed to deal with those rescued at high sea, in coordination with the structures of intervention.

480. Vulnerable groups of migrants, asylum seekers and victims of trafficking in persons, in particular unaccompanied children, the elderly, persons with disabilities and pregnant women, were assisted and often placed in public social centres, with the help of international and non-governmental organizations.

481. The State's efforts to promote economic and cultural rights continued through the implementation of development plans with a human rights-based approach, in an attempt to enable all Tunisians to enjoy their rights without discrimination, despite the economic and financial conditions experienced by the country.

482. The delegation reiterated the Government's determination to move forward with fundamental reforms to develop the legal and institutional systems, change mindsets and practices, and activate and follow up on the implementation of the recommendations that had been accepted, with the ultimate goal of enhancing human rights in the country.

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

483. During the adoption of the outcome of the review of Tunisia, 15 delegations made statements.

484. Egypt congratulated Tunisia for having accepted many of the recommendations, including those made by Egypt, and for the efforts made in the field of human rights, such as the adoption of the new Constitution in 2014 and the enactment of several laws to protect and promote human rights.

485. Ethiopia expressed its appreciation to Tunisia for having improved the institutional human rights framework and for having accepted many of the recommendations, including those made by Ethiopia. It supported the adoption of the outcome of the review of Tunisia.

486. Gabon welcomed the judicial reforms undertaken in Tunisia, the creation of new bodies for the promotion and protection of human rights, particularly with regard to freedom of expression and good governance, and the improvement of detention conditions.

487. Germany commended Tunisia for having adopted its first national law outlawing violence against women, supported its efforts to reform inheritance law to grant equal rights to women and encouraged Tunisia to ensure the functioning of the national preventive mechanism under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Germany reiterated its call to eliminate discriminatory practices based on sexual orientation and gender identity, and to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

488. Ghana commended Tunisia for its ongoing efforts to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and to establish a committee to align all national laws with international conventions, and the steps taken to fight corruption, terrorism and trafficking in persons. Ghana recommended that the Human Rights Council adopt the outcome of the review of Tunisia.

489. India indicated that Tunisia had accepted most of the recommendations, which covered a wide range of human rights. It also highlighted the law adopted to combat terrorism and money laundering, including the establishment of an ad hoc committee on those issues.

490. Iraq expressed its appreciation to Tunisia for having supported the majority of the recommendations made during the review, including those of Iraq.

491. Jordan stated that the acceptance by Tunisia of many of the recommendations received reflected the engagement of Tunisia in the universal periodic review process and it was confident that Tunisia would continue its efforts to implement the recommendations.

492. Kenya noted the constitutional and administrative measures that Tunisia had taken, including the adoption of a new Constitution in 2014 and the attendant extensive review of legislation. It was pleased to note that Tunisia had accepted four of the five recommendations that it had made.

493. Kuwait commended Tunisia for having accepted many of the recommendations made during the universal periodic review and for its efforts to implement such recommendations and, more generally, for its efforts in the field of human rights. It supported the adoption of the outcome of the review of Tunisia.

494. Kyrgyzstan noted with appreciation that Tunisia had accepted three recommendations that it had made. Despite the fact that Tunisia had noted the recommendation of Kyrgyzstan on ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Kyrgyzstan hoped that Tunisia would pay more attention to the rights of the migrants living in its territory.

495. Libya commended Tunisia for its genuine efforts to promote and protect human rights, including the adoption of its Constitution in 2014, the harmonization of national legislation with its international commitments and its cooperation with international human rights mechanisms.

496. Madagascar welcomed the implementation of new laws on human rights – and, in particular, the reform of the law on national security forces – with the aim of guaranteeing the primacy of the rule of law.

497. Oman stated that the review of Tunisia had highlighted progress in many areas, such as children's rights, legislation against trafficking in persons, women's rights, the rights of persons with disabilities, the fight against racial discrimination, and improvements in the standard of living, including a national plan on health.

498. Qatar welcomed the engagement of Tunisia with United Nations mechanisms and its acceptance of most of the recommendations received, which demonstrated its commitment in the field of human rights. Qatar mentioned its support for Tunisia in improving education.

### 3. General comments made by other stakeholders

499. During the adoption of the outcome of the review of Tunisia, 10 other stakeholders made statements.

500. The International Volunteerism Organization for Women, Education and Development welcomed the progress made on children's rights, reflected in article 47 of the new Constitution. Regarding education, it stated that equal access to primary schooling had been improved, the number of children enrolled in school at the age of 5 had improved from 50 per cent in 2006 to 77.8 per cent in 2012. Despite that fact, statistics concerning dropout rates at primary and secondary schools were alarming. It congratulated Tunisia on accepting the recommendation to make the mandatory preparatory year before school free for everyone.

501. The Cairo Institute for Human Rights Studies stated that, although Tunisia had adopted a new Constitution and enacted human rights legislation, human rights violations could still be noted, such as interference by the armed forces, cases of torture and arbitrary detention and restrictions on freedom of movement. The perpetrators of such acts had not been punished and the Cairo Institute for Human Rights Studies called for the establishment of a Supreme Court and the enactment of legislation to protect women's rights.

502. Article 19: International Centre against Censorship stated that legislation protecting media freedoms should be strengthened to fully uphold constitutional protections: Decrees No. 115 on freedom of the press, printing and publishing and No. 116 on an independent press council should be repealed, and replaced with organic laws, drafted with the full and effective participation of civil society. Urgent reforms to the Criminal Code and the Code of Military Justice, which were used to target journalists, lawyers and civil society activists, were required.

503. Amnesty International welcomed the establishment of a national preventive mechanism on torture and called on Tunisia to strengthen the independence of the mechanism. Criminalization of consensual same-sex relations under article 230 of the Criminal Code made lesbian, gay, bisexual, transgender and intersex persons vulnerable to violence and abuse by the police. The medical examinations that had been inflicted on men accused of engaging in consensual same-sex sexual activity amounted to torture and ill-treatment.

504. The World Organization against Torture welcomed the Government's support for recommendations calling on Tunisia to ensure that allegations of torture and ill-treatment were systematically investigated, that perpetrators were prosecuted and punished and that victims were compensated in an adequate and equitable manner. However, perpetrators still enjoyed impunity for those crimes and that there had not been a single judgment in line with the gravity of such violations.

505. The Jssor Youth Organization stated that one of the most important recommendations was to combat violence against women and racism and called on other youth organizations and civil society to cooperate in the implementation of the recommendations.

506. Human Rights Watch stated that Tunisia had already made several incremental steps to fight discrimination and violence against women, including by adopting comprehensive legislation to combat domestic violence and repealing a 1973 ministerial decree that had prohibited marriage between a Tunisian woman and a non-Muslim man. It urged Tunisia to take further steps to eliminate all other forms of discrimination against women, including by amending its Personal Status Code to grant equal inheritance rights to women.

507. Rencontre Africaine pour la défense des droits de l'homme noted a significant evolution in Tunisia thanks to the engagement of civil society, which had contributed to the creation of a constitutional framework and new institutions to protect human rights. It was satisfied with the cooperation of Tunisia with 15 of the special procedure mandate holders. That cooperation had made possible the reform of the penal system, such as allowing the Red Cross to visit prisons with a view to improving the conditions of detention. It called on Tunisia to ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.



508. Organisation pour la communication en Afrique et de promotion de la coopération économique internationale welcomed the initiatives by the Government to strengthen women's rights and to prevent violence against women. Ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa was essential. It also stated that reforming laws was important and called on Tunisia to reform the Code of the Rights of the Child.

509. International-Lawyers.org stated that the right to freedom of thought, conscience and religion was a non-derogable right and any limitation must be prescribed by law and necessary to protect a legitimate aim. It asked the Government and the courts to interpret that right in accordance with international standards.

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

510. The President stated that, based on the information provided, out of 248 recommendations received, 189 had enjoyed the support of Tunisia and 59 had been noted.

511. The delegation stated that, since the adoption of the new Constitution in 2014, consistent efforts had been made to harmonize the national legal framework with international human rights law. In each ministry, a committee worked specifically on that task.

512. The Government had been working on a new code on asylum and refugees, with special attention being given to the protection of vulnerable persons. The abolition of article 230 of the Criminal Code would need further consultation with the Tunisian people to accommodate all viewpoints, but everything had already been done to ensure that all persons, regardless of their sexual orientation, were granted the same rights. Regarding torture, in addition to its criminalization by the 2014 Constitution, it is worth noting that there was no prescription for such a crime.

513. Tunisia had listened with great interest to all the remarks and criticism with a view to translating all the recommendations accepted into reality through constant dialogue with the Tunisian people, who must all be involved in that process, without discrimination of any sort. In that connection, the Government recognized the role that civil society could play in partnership with others in helping to change mindsets.

#### **Morocco**

514. The review of Morocco was held on 2 May 2017 in conformity with all the relevant provisions contained in relevant Human Rights Council resolutions and decisions, and was based on the following documents:

(a) The national report submitted by Morocco in accordance with paragraph 15 (a) of the annex to Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 (A/HRC/WG.6/27/MAR/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) of the annex to Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 (A/HRC/WG.6/27/MAR/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) of the annex to Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 (A/HRC/WG.6/27/MAR/3).

515. At its 23rd meeting, on 21 September 2017, the Human Rights Council considered and adopted the outcome of the review of Morocco (see sect. C below).

516. The outcome of the review of Morocco comprises the report of the Working Group on the Universal Periodic Review (A/HRC/36/6), the views of the State under review concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the Human Rights Council in plenary session to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see A/HRC/36/6/Add.1).

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

517. The delegation of Morocco welcomed the outcomes of the constructive and fruitful dialogue that had taken place during its third review. Morocco reaffirmed its attachment to the universally recognized principles and standards of human rights, and renewed its commitment to implement the recommendations from the universal periodic review, as part of the fundamental principles and rules enshrined in its Constitution. Morocco welcomed the opportunities for cooperation and exchange of practices and experiences offered by the universal periodic review.

518. Morocco reiterated its adherence to the values of the universal periodic review mechanism, namely objectivity and transparency, non-selectivity and non-politicization, while taking into account the level of development and specificities of countries, and the principles of progress, support in the promotion of human rights, and cooperation in the implementation of international obligations. Morocco endorsed the principle of involving all stakeholders, including parliaments, national human rights institutions and non-governmental organizations during the preparation of national reports and the implementation of recommendations.

519. Morocco noted with appreciation the interest in its legislative and institutional reforms in the field of human rights. The reforms had been undertaken in the period covered by the national report as part of implementing the provisions of the 2011 Constitution, especially the guarantees on protecting and promoting human rights. The same interest had been reflected in the multiplicity of questions and observations made during the review.

520. Following the publication of the draft report of the Working Group on the Universal Periodic Review, the Ministry of Human Rights had started consultations with the various stakeholders, in order to obtain their full support on the recommendations received and ensure their involvement in the implementation thereof. The consultations had been participatory and in line with the principles of the related strategic planning. Therefore, they had allowed Morocco to develop its position regarding the 244 recommendations received.

521. Consequently, 191 recommendations had received the full support of Morocco (78 per cent of all recommendations), of which 23 recommendations had been considered as fully implemented and 168 under implementation as part of the ongoing reforms. Morocco had taken note of 44 recommendations (18 per cent of all recommendations), of which 18 had not been supported in part (7.4 per cent of all recommendations) and 26 had not been supported in full (10.7 per cent of all recommendations). Morocco had not accepted nine recommendations, considering that they did not fall within the competence of the Human Rights Council.

522. The decision not to support in full or in part recommendations had been taken in compliance with the principles and provisions of the Constitution and the international instruments that Morocco had ratified. The complex nature of 18 recommendations meant that Morocco had found it impossible to support them in full. Since the submission of its national report, Morocco had spared no efforts to reinforce the legal and institutional framework of human rights. Thus, in June 2017, draft law No. 76.15, reorganizing the National Human Rights Council as an independent, pluralistic national institution, with a broad mandate in the field of human rights at central and regional levels, and with specialized mechanisms, had been submitted to Parliament. The draft law also provided for the national mechanism against torture and the national mechanisms for the protection of children and persons with disabilities.

523. During the same period, draft law No. 16.14, establishing the Office of the Ombudsman, as an independent national institution specialized in mediation between the administration and citizens, had also been submitted to Parliament.

524. The strengthening of those institutions had been a major step in reinforcing national mechanisms, in line with the international obligations of Morocco. It also launched the process of updating the national plan for democracy and human rights in July 2017, with a view to starting its implementation in 2018.

525. Given the specificities inherent in addressing human rights issues and the need for continuity, all the projects launched by Morocco in that area had been based on strategic

planning that required continued efforts, in particular to develop human rights indicators and tools.

526. Morocco renewed its commitment to implement all the recommendations accepted, and hoped that the adoption by the Human Rights Council of the outcome of the review of Morocco would provide an opportunity for an objective and constructive assessment of the human rights situation in the country. It also hoped that it would be an occasion to identify the challenges that needed further work. Morocco called for concerted efforts from all actors to overcome difficulties and intensify international cooperation to address the challenges that could appear during the process.

527. Finally, the delegation thanked the Human Rights Council and the delegations that had participated in the review of Morocco for their interest in the discussion and the recommendations made, as well as the troika, the Secretariat and OHCHR for their efforts to ensure the success of the universal periodic review mechanism and to promote the implementation of human rights.

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

528. During the adoption of the outcome of the review of Morocco, 17 delegations made statements.

529. Yemen commended Morocco for its achievements and progress in the field of human rights, as well as its efforts to promote and protect human rights. It applauded Morocco for its acceptance of a large number of the recommendations, which was a sign of its commitment to all human rights.

530. Afghanistan commended Morocco for its implementation of previous recommendations from various human rights mechanisms. It noted the measures taken by Morocco to promote human rights, including the ratification of human rights conventions, the extension of invitations to special procedure mandate holders and the reforms to the judiciary and the rule of law. It commended Morocco for its reforms concerning the rights of persons with disabilities and violence against women, including a bill on the latter issue.

531. Albania acknowledged the acceptance of a considerable number of recommendations and was pleased with the ongoing engagement of Morocco with human rights issues. It trusted that Morocco would continue its efforts to improve the enjoyment of human rights in line with the recommendations and its international commitments.

532. Azerbaijan noted the achievements of Morocco in the field of human rights and its acceptance of most of the recommendations.

533. Bahrain commended Morocco for its serious commitment to human rights as shown by its acceptance of the majority of the recommendations, including those made by Bahrain. It was convinced that Morocco would continue its efforts to implement the recommendations accepted.

534. Belgium appreciated the efforts of Morocco to implement the recommendations from the two previous cycles of the universal periodic review, including those put forward by Belgium on the adoption of a law on violence against women. It regretted, however, that two other recommendations made by Belgium had not been accepted, namely one on decriminalization of sexual relations outside marriage and another on the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. It invited Morocco to consider its position on those recommendations. It encouraged Morocco to continue the national debate on the abolition of the death penalty.

535. Botswana welcomed the action plan of Morocco to implement the recommendations accepted, including one from Botswana on women's rights. It applauded the measures taken to advance women's equal participation and to integrate a gender perspective into public policies. It commended Morocco for its cooperation with United Nations human rights mechanisms.

536. China welcomed the adoption of a charter on judicial system reform to strengthen the protection of human rights in the judiciary and the strategic plan on sustainable development (2015–2020) to promote economic and social development. It commended

Morocco for its enhanced protection of the rights to health, education, housing and cultural rights, and its efforts to protect the rights of women, children, migrants and persons with disabilities, including the measures taken against trafficking in persons. It welcomed the acceptance of the recommendations made by China and hoped that Morocco would continue to promote economic and social development.

537. Côte d'Ivoire welcomed the efforts made by Morocco to improve human rights and encouraged it to continue its cooperation with the international community, including the Human Rights Council and related mechanisms. It invited Morocco to implement the recommendations and to protect human rights.

538. Egypt congratulated Morocco for having accepted the majority of the recommendations, including those formulated by Egypt. Egypt commended Morocco for protecting and promoting human rights and for adopting a large number of laws on the issue. It also praised the steps taken to reform the judiciary and the creation of various national human rights mechanisms. Egypt called upon Morocco to continue its efforts to protect and promote human rights.

539. Ethiopia praised Morocco for its acceptance of a considerable number of recommendations, including those made by Ethiopia. Ethiopia commended Morocco for its projects to integrate human rights into public policies. It appreciated the advances made by Morocco in the promotion and protection of human rights.

540. Gabon welcomed the engagement of Morocco in implementing the recommendations accepted. It congratulated Morocco for its actions taken to combat poverty, inequality and vulnerability. Gabon commended Morocco for its legislative and institutional reforms aimed at the adoption of laws to protect the media and the rights of persons with disabilities and to combat trafficking in persons. It encouraged Morocco to implement the recommendations.

541. Ghana welcomed the adoption of a charter on judicial reform to consolidate the independence of the judiciary and encouraged Morocco to continue its efforts to strengthen human rights and the rule of law.

542. India highlighted the creation of a large number of jobs in Morocco and the decrease in the rate of unemployment, noting in particular the plan launched to incorporate youth in the labour market. India commended Morocco for its implementation of a green programme aimed at achieving an increase in people working in the agriculture sector.

543. Indonesia appreciated the commitment shown by Morocco to human rights and its engagement with the universal periodic review. It was pleased to note the acceptance of such a large number of recommendations, including all those made by Indonesia, most of which were already being implemented. Indonesia mentioned that the recommendations made by Morocco to Indonesia had been accepted, and stressed that such collaboration indicated the success of the universal periodic review process as a constructive mechanism.

544. Iraq thanked Morocco for the attention paid to the situation of human rights. It praised the country for having accepted the majority of the recommendations.

545. Jordan thanked Morocco for the progress made in the field of human rights and the implementation of recommendations from previous cycles of the universal periodic review. It noted that the country was about to implement the recommendations accepted. It praised Morocco for having accepted the majority of the recommendations, including those from Jordan, which reflected its commitment to promote human rights. Jordan was convinced that Morocco would continue its efforts to implement the recommendations.

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

546. During the adoption of the outcome of the review of Morocco, 11 other stakeholders made statements.

547. The National Human Rights Council welcomed the position of Morocco on the recommendations received and its commitment to strengthen its cooperation to implement them. As regards the legislative and institutional framework related to equality, discrimination, economic and social rights, fundamental freedoms and criminal legislation, the National Human Rights Council would continue to monitor, assess and report on the related public policies. It stressed that it continued to be ready and willing to strengthen the

capacity of stakeholders on human rights. Regarding those recommendations that had not been accepted, it urged Morocco to abolish the death penalty and to accede to the Rome Statute of the International Criminal Court. It reiterated its recommendations to promote gender equality, and encouraged Morocco to protect vulnerable groups, including lesbian, gay, bisexual, transgender and intersex persons. The National Human Rights Council hoped that the new law setting up the national human rights institution would be adopted in Parliament so that it could act as the national preventative mechanism in accordance with the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

548. Africa culture internationale acknowledged the efforts of Morocco to improve sanitation, in particular for vulnerable groups. It also welcomed the measures to protect children. However, it encouraged Morocco to respect freedom of expression without restrictions and develop strict rules to protect journalists and human rights defenders. It also encouraged Morocco to actively cooperate with other countries, in particular States members of the African Union, in order to improve the political, economic and social situation of Morocco.

549. The International Fellowship of Reconciliation recalled the resolution of the General Assembly on the right to self-determination, and stated that Morocco should acknowledge that resolution. It referred to the advisory opinion of the International Court of Justice that had dismissed the claim of Morocco regarding Western Sahara. It indicated that, according to the Court's advisory opinion, Western Sahara was an independent territory. It called on the Human Rights Council not to support any attempt to include Western Sahara as an administrative division of Morocco.

550. The American Association of Jurists, speaking on behalf of eight non-governmental organizations, considered that Morocco had breached the Geneva Convention relative to the Protection of Civilian Persons in Time of War. It regretted that only a few members of the Working Group on the Universal Periodic Review had paid attention to the question of Western Sahara and called on the Human Rights Council to be mindful of the right to self-determination and to recommend to Morocco to agree to the establishment of a permanent human rights monitoring mechanism in Western Sahara, within the mandate of the United Nations Mission for the Referendum in Western Sahara. In its view, the independence of judges and lawyers was not respected in the Gdeim Izik trial.

551. The International Humanist and Ethical Union regretted that Morocco had not supported the recommendation to remove restrictive practices against Christian and other minorities. Non-Muslims had been arrested or detained due to their beliefs. Non-religious people had been persecuted and the victims of violence and stigmatization. Morocco should promote the rights to freedom of religion and of expression. It urged Morocco to repeal its laws that discriminated on the grounds of religion and belief.

552. The Cairo Institute for Human Rights Studies regretted the violations against human rights defenders in Morocco and the restrictions on freedom of assembly and of association, despite court judgments to the contrary. It noted the use of disproportionate force in breaking up peaceful protests, in particular in the north, and the use of the Criminal Code to prosecute journalists. It called upon Morocco to respect international law and its obligations before the Human Rights Council, and to develop a strategy against impunity.

553. The World Barua Organization stated that the occupation of Western Sahara by Morocco had been condemned by the Security Council. It regretted that the Working Group on the Universal Periodic Review had paid very little attention to the issue of Western Sahara. It wished to draw the attention of the Human Rights Council to the situation of Sahrawi political prisoners, who had been condemned to excessive sanctions by a military court and had been subjected to torture and ill-treatment, as noted by the Committee against Torture. It called for the release of those prisoners.

554. Amnesty International was concerned that peaceful protests had been forcefully dispersed, including in Western Sahara. It regretted that Morocco had not supported the recommendations to end the prosecution of journalists. It urged Morocco to amend the Code of Criminal Procedure to ensure access to a lawyer during an interrogation. It documented unfair trials in Morocco and Western Sahara based on statements allegedly obtained through torture. While noting positive measures to combat violence against

women, it was concerned that the relevant draft law did not comply with international law. Morocco should adopt legislation to protect asylum seekers.

555. Human Rights Watch acknowledged developments in advancing the rights of victims of trafficking and persons with disabilities. However, it regretted that Morocco had not supported the recommendations to withdraw reservations to the Convention on the Elimination of All Forms of Discrimination against Women, decriminalize same-sex consensual relations, amend the provisions in the Criminal Code used to imprison journalists and eliminate the provisions in the Family Code that discriminated against children. It referred to allegations of unjustified use of force by police against protesters and the systematic suppression of pro-independence demonstrations in Western Sahara, and unfair trials in that regard.

556. Liberation recalled that Western Sahara was an autonomous territory and regretted that the report of the Working Group on the Universal Periodic Review did not reflect the human rights situation of the Sahrawi people. Given the regrettable situation of Sahrawi refugees, it requested the Human Rights Council to send a mission to Western Sahara and/or the Sahrawi refugee camps, to gather information about their situation.

557. Conseil international pour le soutien à des procès équitables et aux droits de l'homme regretted that Morocco had not accepted that a human rights monitoring system be established in Western Sahara. It believed that measures should be taken to protect human rights and regretted the violations of human rights, such as the dispersal of protests in Western Sahara, and that not enough attention had been paid to that issue. It also regretted the unfair trials against human rights defenders. It was concerned that the right to self-determination had not been respected in Western Sahara and that people's resources had been confiscated.

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

558. The President stated that, based on the information provided, out of 244 recommendations received, 191 had enjoyed the support of Morocco and 53 had been noted.

559. The delegation emphasized that the recommendations received in line with its Constitution had been fully accepted and would be duly implemented. Morocco would establish a follow-up programme for implementing the recommendations supported. Morocco had taken important steps and would continue with its efforts and reforms, in particular to achieve an independent judicial system and strengthen the rule of law, in coordination with the relevant international institutions. The delegation referred to the reform of the Constitutional Court, the review of the code on military justice and the measures taken to improve the realization of the right to health and work, and highlighted that there were no differences in the efforts made in the south and the north of Morocco.

560. Civil society was a vital partner in designing and implementing public policies. Its participation and activities were encouraged in conformity with national law.

561. Finally, Morocco was ready to submit a follow-up report to set out progress on the implementation of the recommendations; its choice of democracy was irreversible. Morocco would continue building on its achievements and was ready to cooperate with human rights mechanisms. The delegation once again expressed its gratitude to everyone for their participation in the universal periodic review process.

#### **Indonesia**

562. The review of Indonesia was held on 3 May 2017 in conformity with all the relevant provisions contained in relevant Human Rights Council resolutions and decisions, and was based on the following documents:

(a) The national report submitted by Indonesia in accordance with paragraph 15 (a) of the annex to Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 (A/HRC/WG.6/27/IDN/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) of the annex to Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 (A/HRC/WG.6/27/IDN/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) of the annex to Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 (A/HRC/WG.6/27/IDN/3 and Corr.1).

563. At its 23rd meeting, on 21 September 2017, the Human Rights Council considered and adopted the outcome of the review of Indonesia (see sect. C below).

564. The outcome of the review of Indonesia comprises the report of the Working Group on the Universal Periodic Review (A/HRC/36/7), the views of the State under review concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the Human Rights Council in plenary session to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see A/HRC/36/7/Add.1).

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

565. The delegation of Indonesia, headed by the Deputy Permanent Representative of Indonesia to the United Nations Office and other international organizations in Geneva, Robert Matheus Michael Tene, expressed its appreciation for the strong encouragement from more than one hundred delegations during the twenty-seventh session of the Working Group on the Universal Periodic Review. It expressed its consistent support for the universal periodic review mechanism, which, it emphasized, required continuous strengthening.

566. The delegation highlighted the importance of constructive dialogue and cooperation in enhancing the capacity of a State under the universal periodic review. It was pleased that the reporting process under the universal periodic review had allowed Indonesia to garner the broadest support and sense of ownership from different stakeholders in the country, which would be a determining factor in the endeavours to implement the recommendations accepted.

567. The fact that the delegation of Indonesia had been headed by two of its ministers during its review in May demonstrated the support and the commitment of the country. It had been pleased with the participation of more than 100 delegations, which had presented 225 valuable recommendations. Indonesia had immediately accepted 150 recommendations, while 75 recommendations had been the subject of further national deliberations. In accordance with the recommendations accepted, the Government had presented its initial report to the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families in early September.

568. Following the review in May, there had been a series of awareness-raising and dissemination activities, as well as consultations among government officials, various national human rights institutions, civil society and the media at the national and subnational levels, during which each recommendation had been studied meticulously.

569. The formulation of certain recommendations had been challenging, in particular when they contained a number of different – sometimes contradictory – ideas, which had prevented Indonesia from supporting such recommendations in full. The delegation, therefore, advised that each recommendation should contain no more than one issue or idea.

570. Following the national deliberations, in addition to the 150 recommendations that it had accepted in May, Indonesia had been able to accept 17 more recommendations, which covered different areas, including those concerning ratification of human rights treaties; protection of all Indonesians from discrimination and violence; prevention of intolerance and incitement to hatred; revision of the Criminal Code; and strengthening implementation of laws and regulations.

571. The remaining 58 recommendations had been noted since: they were not in line with the priorities of the human rights agenda, in particular the National Human Rights Action Plan (2015–2019); the death penalty was a prevailing positive law with more robust safeguards in place regarding due process after the current revision of the Criminal Code; the issues regarding lesbian, gay, bisexual and transgender persons were controversial and polarizing; consideration, preparation and decisions by an interministerial team were required for each request for a country visit by special procedure mandate holders; complaints procedures within government structures and national human rights institutions

were being continuously strengthened, rendering the ratification of optional protocols to a number of human rights treaties less of a priority.

572. The implementation of the 167 recommendations accepted would require sustained resources. The sense of ownership among the government authorities and other stakeholders would be reflected in their respective programmes and budgets.

573. The delegation emphasized the role of its more than 500 human rights mechanisms at provincial, municipal and regency levels and noted, in particular, the human rights city and child-friendly city initiatives at the subnational level. It also stressed the importance of the National Human Rights Action Plan in coordinating government endeavours at the national and subnational levels and the introduction of stronger reward and punishment measures to ensure further compliance with the Plan.

574. President Joko Widodo's key policy of nine principles (*Nawacita*) on the welfare of the poor and the marginalized was highlighted by the delegation as being strategic in the Government's efforts to alleviate poverty and provide health and education facilities for the poor. It also underlined the Government's agenda on "developing Indonesia from the periphery", focusing on the advancement of the rights and welfare of those who lived in remote and frontier areas in line with the spirit of "leaving no one behind" embedded in the Sustainable Development Goals.

575. The delegation admitted that gaps in commitment, capacity and resources concerning human rights at the national and subnational levels continued to hamper simultaneous progress across the country. Meanwhile, the disparity in wealth remained an enormous challenge in the fulfilment of economic and social rights. The Government was increasing its efforts to push for an inclusive policy and measures, focusing on the poor and those living in remote and frontier areas.

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

576. During the adoption of the outcome of the review of Indonesia, 16 delegations made statements.

577. The Sudan commended Indonesia for its efforts to promote and protect the human rights of its citizens, in particular the ratification of most international human rights conventions, the adoption and implementation of the National Human Rights Action Plan and the National Development Plan (2015–2019) and the allocation of 20 per cent of its national budget to education.

578. Thailand emphasized that the participation of two ministers from Indonesia at the twenty-seventh session of the Working Group on the Universal Periodic Review in May 2017 illustrated its high-level commitment to the universal periodic review process, which would have a strong impact on implementation at the national level. It commended Indonesia for having accepted the majority of the recommendations, including two made by Thailand. Thailand encouraged Indonesia to continue its efforts to fully implement the recommendations accepted and its human rights obligations.

579. The United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) commended Indonesia for ratifying key international conventions and achieving significant results regarding the presence of women in public life. It recommended that Indonesia amend or repeal, within a concrete time frame, all legislation that discriminated against women and girls on the grounds of gender; have clear and firm policies to support the delivery of comprehensive and reproductive health education and services; and strengthen its commitment to eradicate practices of female genital mutilation/cutting, by adopting a legally binding policy that forbade the practice and including indicator 5.3.2 of the Sustainable Development Goals in its national framework to monitor the goals.

580. The United Kingdom of Great Britain and Northern Ireland welcomed the acceptance of its recommendation to adopt an open merits-based selection process for national candidates for United Nations treaty body elections. It also welcomed the fact that Indonesia had supported recommendations to uphold its human rights obligations in Papua, including the rights to freedom of assembly and freedom of the press. It congratulated Indonesia for the development of a national task force to combat trafficking in persons and



expressed its hope that Indonesia would continue to prioritize the protection of the most vulnerable workers by enforcing the existing legislation on minimum working standards. Finally, it regretted that Indonesia had not supported the recommendation regarding the moratorium on the use of the death penalty.

581. Uzbekistan was pleased with the constructive engagement of Indonesia in the universal periodic review process, which demonstrated its commitment to its international human rights obligations. Uzbekistan also welcomed the fact that Indonesia had accepted the majority of the recommendations, including those made by Uzbekistan concerning awareness-raising in remote regions of the country and protection of the rights of children, including their access to health care and education.

582. The Bolivarian Republic of Venezuela was pleased with the very significant progress that Indonesia had made. It highlighted, by way of examples, the empowerment of women in public and private spheres, the strengthening of educational infrastructure and free and compulsory education up to 12 years, as well as the successful social programmes on family assistance and health. It recommended that Indonesia continue strengthening its social policies.

583. Afghanistan commended Indonesia for its efforts, in particular its National Human Rights Action Plan and strengthening its partnership with national human rights institutions. Afghanistan also commended Indonesia for its national strategy to eliminate violence against children and the draft bill on gender equality and justice. Finally, Afghanistan commended Indonesia for its commitment to the rights of peaceful assembly and association.

584. Albania was pleased that Indonesia had accepted a considerable number of the recommendations, including those made by Albania on raising awareness on the justiciability of economic, social and cultural rights and the inclusion of human rights in school curricula at all levels.

585. Algeria noted that Indonesia had accepted the majority of the recommendations, including two made by Algeria with regard to ensuring access to health-care institutions and services in conformity with the national health insurance scheme with a view to implementing the objective of universal health coverage by 2019.

586. Malaysia commended Indonesia on the steps taken to implement the recommendations, including those made by Malaysia in relation to efforts to combat violence and crimes against children and to strengthen access to justice for juveniles. It acknowledged the determination shown by Indonesia to strengthen its partnership with national human rights institutions and to promote and protect the rights of vulnerable groups, in particular women, children and persons with disabilities.

587. Belarus welcomed the clear position of Indonesia on all recommendations, which illustrated the thorough analysis that they had received. It noted the active engagement of Indonesia with all human rights mechanisms, including the human rights treaty bodies. It highlighted the comprehensive approach taken by Indonesia to implement the Convention on the Rights of Persons with Disabilities.

588. Cambodia expressed its appreciation to Indonesia for the efforts and commitments to strengthen the rule of law, good governance and public administration in the country. The fact that Indonesia had accepted a large number of recommendations reflected its commitment to the promotion and protection of human rights.

589. China expressed its appreciation to Indonesia for having accepted the recommendations made by China. It commended Indonesia for adhering to the first two Optional Protocols to the Convention on the Rights of the Child and translating them into its domestic legislation and for the steps taken to combat violence against women and children and trafficking in persons. It also noted the efforts made by Indonesia to protect the rights of vulnerable groups of persons, including women, children, persons with disabilities and older persons. It welcomed the mid-term National Development Plan (2015–2019) and the fourth National Human Rights Action Plan. It noted the efforts made by Indonesia to combat poverty, raise people's living standards and promote inclusive social development.

590. Cuba recognized the progress made by Indonesia, despite the ongoing challenges it faced as a developing country. It welcomed the efforts of Indonesia to promote greater awareness of human rights among its population, government officials and other stakeholders. It expressed its appreciation to Indonesia for having accepted two of its recommendations concerning implementation of measures to increase the participation of persons with disabilities and fostering training on human rights.

591. The Democratic People's Republic of Korea noted that the dialogue with Indonesia during the universal periodic review in May 2017 had allowed others to familiarize themselves with the efforts made by Indonesia in the field of human rights. It welcomed the acceptance by Indonesia of many of the recommendations, including those made by the Democratic People's Republic of Korea.

592. Egypt commended Indonesia for its measures to ratify international treaties and incorporate them into domestic legislation and for including a number of bills on the rights of vulnerable persons in the national legislative programme (2015–2019). It welcomed the fact that Indonesia had accepted two recommendations made by Egypt to ratify other human rights instruments and to continue its national efforts to improve the legal and institutional frameworks and to implement policies and programmes focusing on and promoting the rights of women, children, persons with disabilities and older persons.

### 3. General comments made by other stakeholders

593. During the adoption of the outcome of the review of Indonesia, 10 other stakeholders made statements.

594. Komnas Ham urged the Government to eradicate impunity, prioritize the settlement of gross human rights violations, guarantee the freedom of religion or belief and the freedom of expression and abolish death penalty. It also encouraged the Government to highlight other critical issues, such as the rights of minority groups, indigenous people and human rights defenders and the prohibition of torture, including through ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

595. Lawyers for Lawyers were concerned that human rights lawyers working in conflict areas, such as the Province of Papua, were subjected to improper interference or attempts to put pressure on them by members of law enforcement agencies or investigative bodies. It was also concerned that a draft bill on advocates fell short of international standards with regard to limitations on government intervention.

596. The Lutheran World Federation noted that certain regulations contradicted the freedom of religion or belief and were used to prosecute people on the basis of religion. In the last two and a half years, 18 people had been executed and the imposition of the death sentence had increased, representing a total of 134 new death sentences. It urged the Government to establish an independent team to review the cases of unfair trials and impose a moratorium on the death penalty.

597. The British Humanist Association noted with concern that atheists were still not legally recognized and were barred from holding government office. It also noted that the country's discriminatory blasphemy laws remained active. It further highlighted the deterioration of the rights of lesbian, gay, bisexual and transgender persons who were subjected to vigilante attacks, police raids and violent, extrajudicial punishment and called on Indonesia to free all those detained under its blasphemy laws, to abolish such laws immediately and to halt and publicly condemn the wave of activities against lesbian, gay, bisexual and transgender persons.

598. Federatie van Nederlandse Verenigingen tot Integratie van Homoseksualiteit – COC Nederland, in a joint statement with the International Lesbian and Gay Association, expressed deep concern at the alarming situation faced by lesbian, gay, bisexual, transgender and intersex persons in Indonesia, where the risks of discrimination, violence and criminalization persisted at a time of rising fundamentalism. While welcoming the initiative of the police, which had issued a guideline to combat hate speech, it noted that hate speech, perpetuated by media, against the community of lesbian, gay, bisexual, transgender and intersex persons persisted.

599. Christian Solidarity Worldwide noted that, since the second cycle of the universal periodic review, the situation of religious minorities had deteriorated. Members of those communities had suffered threats and violence, destruction or forcible closure of churches and Ahmadiyya mosques, which demonstrated raising religious intolerance in Indonesia. It regretted that no recommendation had been made concerning the treatment of the Ahmadiyya Muslim community and urged Indonesia to review and repeal the 2008 anti-Ahmadiyya decree and the blasphemy laws.

600. Franciscans International, in a joint statement with VIVAT International, appreciated the Government's acceptance of two recommendations on the human rights situation in West Papua, but regretted the rejection of two important recommendations on access by United Nations mechanisms to West Papua and the investigation into violations there. They asked the Government to investigate the cases of extrajudicial killings of indigenous Papuans without delay and invite the Special Rapporteur on extrajudicial, summary or arbitrary executions to visit West Papua.

601. The Asian Forum for Human Rights and Development called on Indonesia to immediately stop executions and urged the Government to extend an invitation to the Special Rapporteur on the rights of indigenous peoples, to address the impunity in Papua by activating the permanent human rights court, to uphold freedom of expression and religion or belief and to prevent discrimination based on all grounds, including those of sexual orientation and gender identity. It also called for a non-criminal approach to blasphemy cases and the investigation into riots linked to the gathering in the Legal Aid Institute Jakarta.

602. The International Federation for Human Rights Leagues regretted that the Government had not shown any commitment to address discrimination against lesbian, gay, bisexual, transgender and intersex persons and guarantee the rights of religious minorities. It noted the Government's failure to accept all of the recommendations concerning the abolition of the death penalty, including those calling for a moratorium on executions and the abolition of capital punishment for drug-related offences. It was also concerned that the Government had not accepted recommendations calling for investigations into previous human rights abuses and was disappointed by the Government's decision not to extend an open invitation to all special procedure mandate holders, including the Special Rapporteur on the rights of indigenous peoples.

603. Amnesty International urged Indonesia to ratify the international human rights instruments that it had agreed to ratify in the previous cycle of the universal periodic review but had not yet implemented. It noted the efforts of Indonesia to address previous human rights violations and provide redress to victims and families had not been sufficient and that it had not accepted a recommendation in that regard. Amnesty International welcomed the country's commitment to address human rights violations in Papua, but noted that the authorities continued to criminalize peaceful political activities, particularly in Maluku and Papua, blasphemy and religious defamation. It regretted that Indonesia had not accepted recommendations to repeal or amend provisions in laws and regulations that imposed restrictions on freedom of expression, thought, conscience and religion. It welcomed the commitment of Indonesia to consider a moratorium on executions with a view to abolishing death penalty and to commute the existing death sentences.

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

604. The President stated that, based on the information provided, out of 225 recommendations received, 167 had enjoyed the support of Indonesia and 58 had been noted.

605. The delegation of Indonesia expressed its appreciation and gratitude to all those who had participated in the interactive dialogue and the genuine interest of States in the country's efforts to progress and address challenges in the protection and promotion of human rights. It emphasized that such efforts were part of a continuous process. It also expressed its appreciation to the members of the troika and the Secretariat.

606. The delegation acknowledged the presence and active and constructive engagement of representatives of national human rights institutions and civil society organizations during the dialogue and promised further cooperation with them in the follow-up to the process.

607. In conclusion, the delegation reiterated the commitment of Indonesia to the universal periodic review mechanism and constructive engagement with States and other stakeholders to better protect and promote the human rights of Indonesian people.

### **Finland**

608. The review of Finland was held on 3 May 2017 in conformity with all the relevant provisions contained in relevant Human Rights Council resolutions and decisions, and was based on the following documents:

(a) The national report submitted by Finland in accordance with paragraph 15 (a) of the annex to Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 (A/HRC/WG.6/27/FIN/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) of the annex to Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 (A/HRC/WG.6/27/FIN/2 and Corr.1);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) of the annex to Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 (A/HRC/WG.6/27/FIN/3).

609. At its 23rd and 24th meetings, on 21 September 2017, the Human Rights Council considered and adopted the outcome of the review of Finland (see sect. C below).

610. The outcome of the review of Finland comprises the report of the Working Group on the Universal Periodic Review (A/HRC/36/8), the views of the State under review concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the Human Rights Council in plenary session to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see A/HRC/36/8/Add.1).

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

611. The delegation of Finland expressed its sincere appreciation to all delegations for having made recommendations during the interactive dialogue in May. It welcomed, in particular, the opportunity to hear the views and comments from the national human rights institution, which had been granted A status in 2015, and non-governmental organizations.

612. The rule of law in Finland was one of the world's strongest as the country held third place in the global Rule of Law Index.

613. The Constitution of Finland required active measures from the public authorities for the protection and promotion of fundamental and human rights. The implementation and promotion of human rights were stressed in the Government's activities.

614. According to the government programme for 2025, Finland would be promoting an environment of trust and mutual respect, in which those with different backgrounds could participate in building society. That objective was in accordance with the theme of the country's centenary celebration, which was "Together". The story of 100-year-old Finland was first and foremost a story of doing things together.

615. The delegation of Finland emphasized that a well-functioning and active civil society was an important actor in identifying possible shortcomings concerning human rights and fundamental freedoms and signalling the importance of further actions, and stressed the Government's commitment to active dialogue and constructive engagement with civil society. The democratic system and rule of law ensured civil society's freedom of action and the broadest possible opportunities for people to participate in and influence the various sectors of society.

616. During the national universal periodic review process, dialogue and other interactions with non-governmental organizations offered a good opportunity to assess the domestic human rights situation in a self-critical manner. Such an assessment facilitated an inventory of the developments and good practices and an ongoing discussion on the remaining challenges to the full implementation of human rights.

617. As the recommendations illustrated, racist, discriminatory and xenophobic attitudes, as well as hate speech, other hate crimes and intolerance, remained a challenge in Finland. Violence against women continued to be one of the most fundamental obstacles to the full realization of women's rights. The rights of persons belonging to minorities, lesbian, gay, bisexual, transgender and intersex persons, asylum seekers, refugees and migrants and persons deprived of their liberty were not always fully realized. Part of the population was in danger of being marginalized. As regards the indigenous Sami people, several human rights issues remained open, and the Government remained committed to finding solutions in cooperation with the Sami.

618. The challenges illustrated in the recommendations coincided to a large extent with the country's priorities in further strengthening the implementation of human rights and fundamental freedoms. Many were addressed in the second National Action Plan on Fundamental and Human Rights (2017–2019) and would be tackled by concrete measures. The Action Plan, with its 43 special cross-administrative actions, focused on human rights education, equality and non-discrimination, the right of individuals and groups to self-determination, fundamental rights and digitalization. All actions would be implemented in cooperation with the various stakeholders in order to achieve more sustainable results in the promotion of fundamental and human rights. Together with specific and more detailed action plans for several administrative branches and the recent developments in the national human rights architecture, the Government's intention was to strengthen knowledge of fundamental and human rights, focus on the concrete shortcomings identified and continue the good practices to address its international obligations and commitments in the further promotion of universal and indivisible human rights in a transparent manner.

619. As pledged during the dialogue in May, the network of contact persons for fundamental and human rights, consisting of representatives of different ministries, had already reviewed the recommendations and would actively continue to follow up on their implementation. A voluntary midterm report would be prepared, with the support of human rights actors, including civil society, and submitted to the Human Rights Council.

620. Naturally, the national human rights institution, particularly the Human Rights Centre, would also be playing a significant role in monitoring the implementation of the recommendations.

621. The Government continued to emphasize the obligatory nature and the political importance of economic, social and cultural rights so that in practice they also enjoyed equal status with civil and political rights.

622. Finland had received 153 recommendations, all of which had received further examination. Through intergovernmental cooperation and consultations with civil society, the Government had thoroughly considered all the recommendations. The Government had accepted 120 recommendations and had partially accepted 6. The remaining (27) recommendations had been noted. The Government had provided its written comments to the recommendations in the addendum to the report of the Working Group on the Universal periodic Review. Given the word limitation, the Government had focused on the recommendations noted.

623. Many of the fully accepted recommendations were already in the process of being implemented.

624. Noting recommendations did not mean rejecting them or forgetting them altogether. Both noted and accepted recommendations would be used as human rights tools of equal value in the Government's work. The Government would review its stand on the recommendations noted and their possible implementation when preparing its voluntary midterm report. Moreover, Finland would provide information on noted and accepted recommendations in its national report for the fourth cycle of the universal periodic review. The national human rights institution and non-governmental organizations would use noted recommendations as tools in their independent monitoring of the human rights situation in Finland. The constructive dialogue had to continue.

625. Two of the partially accepted recommendations related to violence against women, which was considered a serious human rights violation in Finland. Finland had ratified the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence more than two years earlier; its first monitoring cycle under the

Convention was to start that autumn. The Government was of the view that all the requirements of the Convention had been fulfilled. Naturally, implementation required further budgetary resources. The ratification process had intensified multisectoral actions in combating violence against women and domestic violence, had focused improvements on the situation of victims and had led to several important amendments to the Criminal Code. The Government was committed to continuing that work. Although certain resources were being gradually increased, the Government considered that recommendations related to immediate additional financial resources could not be accepted at the time.

626. The Government considered that basic and further education on human rights for various administrative actors and branches had been organized and therefore deemed obligatory human rights education for certain administrative branches unnecessary. Human rights were taken into consideration at all levels of formal education. Measures had been taken to further strengthen human rights education for certain administrative branches, including the judiciary.

627. Discrimination and self-determination would be among the focus areas of the Government's activities on fundamental and human rights during the next few years. The National Advisory Board on Social Welfare and Health-Care Ethics had taken a position according to which children had the right to define their own genders. That position was being discussed with actors treating intersex individuals and work on the issues continued.

628. Both international and national studies had shown that discrimination occurred in different areas of life in Finland and people could be exposed to it for various reasons. Tackling discrimination was a priority area in many of the Government's policy fields, including those on gender equality and the pay gap, integration and minority issues.

629. The Government was further developing monitoring mechanisms on discrimination and strengthening legal protection for victims. In addition, special attention was paid to early childhood education, reconciliation of work and family life, interfaces between work, unemployment and exclusion from the labour market, housing, overindebtedness and immigration.

630. Legislation against discrimination had widened the protection against discrimination on the grounds of sexual orientation or gender identity. A working group had been set up to evaluate the Act on the Legal Recognition of the Gender of Transsexuals and to propose any necessary amendments. However, the Government had not yet agreed on presenting the issue to Parliament.

631. One of the four key areas in the Government's Integration Programme for 2016–2019 was to tackle racism, xenophobia, hate speech and hate crimes by promoting a culture of humane national discussions and respect for human dignity to foster inclusion, integration and societal integrity. In addition, the National Action Plan on Fundamental and Human Rights included several multisectoral activities that effectively addressed hate speech, racism and hate crimes in several ways, including by establishing national dialogues and the extensive participation of authorities, organizations and communities.

632. The Government's preliminary views on the recommendations had been presented as part of an interactive discussion with civil society in mid-August. In that discussion, the representatives of non-governmental organizations had stressed certain divergent opinions on the acceptance of the recommendations and the urgency of further modifying legislation on self-determination in accordance with international standards. Issues related to violence against women and children's rights, including the rights of unaccompanied minors, had also been raised. As a result of the intervention by civil society, the Government had reviewed its position and had decided to accept certain additional recommendations. The genuine and constructive dialogue, with a clear message from civil society, had resulted in further strengthening of human rights in certain policy areas.

633. The Government welcomed the participation and contribution of civil society in the implementation process. Constructive and coherent cooperation would continue when preparing the midterm report. Only by working together could positive changes be achieved for everyone.

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

634. During the adoption of the outcome of the review of Finland, 16 delegations made statements.

635. Lithuania noted that Finland had once again shown its long-standing commitment to promote human rights domestically and globally and its consistent and exemplary national efforts across a wide range of human rights issues. It welcomed the preparation of an implementation plan for the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence by a special committee established within the Government of Finland and inquired about the committee's future work to use and build upon that good practice by other signatories to the Convention.

636. Maldives noted the acceptance of its recommendations by Finland on strengthening the education system through training on human rights education, and providing services to minority groups and migrants. It was encouraged by the efforts of Finland to combat discrimination, racism and xenophobia. It commended Finland for its allocation of budgets for better integration of minorities, such as Roma and the Sami.

637. Pakistan commended the Government for having accepted the majority of the recommendations made during the twenty-seventh session of the Working Group on the Universal Periodic Review. It praised the efforts of the Government to implement structural reforms promoting employment, entrepreneurship and economic growth.

638. The Philippines conveyed its appreciation to Finland for having accepted three of its recommendations. It hoped that the Government would consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

639. Romania was pleased to acknowledge the acceptance by Finland of its recommendation regarding the placement of children in the care system based on the decisions of an administrative court, in compliance with article 9 of the Convention on the Rights of the Child.

640. The Russian Federation welcomed the decision taken by Finland to accept the recommendations made by the Russian Federation, but was concerned about the unwillingness of the Finnish authorities to recognize existing problems concerning the rights of children, in particular the unjustified removal of children from their families. It was also alarmed by the placement of children in the same places of detention as adults.

641. Sierra Leone praised the new National Action Plan for the Prevention of Violent Radicalization and Extremism. It commended the Government for its proposal to accede to the International Convention for the Protection of All Persons from Enforced Disappearance. Furthermore, Finland was considering ratifying the International Labour Organization Indigenous and Tribal Peoples Convention, 1989 (No. 169). Sierra Leone mentioned that the anti-rape legislation that Finland had put in place was sufficiently punitive. It encouraged Finland to further strengthen strategies in that regard, to ensure that the eradication of domestic violence remained a national priority.

642. Afghanistan praised the development of the national action plan on human rights and the adoption of relevant human rights policies. Many other important measures had been taken to safeguard the rights and freedoms of all citizens, in particular vulnerable groups, such as children and persons with disabilities. It also appreciated the measures taken to prevent violence against women and promote gender equality, in particular the adoption of a four-year action plan to implement the Council of Europe Convention on Preventing and Combating of Violence against Women and Domestic Violence and the Action Plan for Gender Equality.

643. Albania noted with appreciation the long-standing priorities of Finland in human rights policy, namely the importance of the free and active participation of civil society in all spheres of life and the inclusion of all people without discrimination. It acknowledged the acceptance of the vast majority of the recommendations by Finland, including the two made by Albania.

644. China appreciated that its recommendations to combat racial discrimination and xenophobia to effectively reduce the number of cases of hate crimes, to adopt laws and

policies to guarantee the human rights of refugees, migrants and ethnic minorities and to promote gender equality and further combat violence against women had all been accepted by Finland. It commended Finland for its adoption of anti-discrimination legislation and the National Action Plan for the Prevention of Violent Radicalization and Extremism.

645. Côte d'Ivoire welcomed the efforts and progress achieved by Finland in the area of human rights and encouraged it to continue on that path. Côte d'Ivoire thanked the Government of Finland for considering all the recommendations and encouraged it to take the necessary measures to ensure their implementation and to protect human rights.

646. Egypt expressed concern at the escalation of hate speech, Islamophobia, xenophobia and racist acts against migrants and asylum seekers. It requested Finland to consider the recommendations put forward by Egypt in a positive light, namely those on taking immediate and effective measures to combat hate speech, Islamophobia, xenophobia and racist acts. It encouraged Finland to provide protection to asylum seekers through legal assistance, family reunification and social security payments and to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

647. Estonia welcomed the positive approach taken by the Government of Finland to continue to work on the recommendations accepted, including those to prevent and combat violence against women and domestic violence. It noted the commitment of the Government to continue to strengthen measures to combat, prevent and investigate hate speech and hate crimes on the Internet.

### 3. General comments made by other stakeholders

648. During the adoption of the outcome of the review of Finland, 7 other stakeholders made statements.

649. The Human Rights Centre praised the Government's open dialogue and consultations with the independent human rights bodies and civil society throughout the universal periodic review process. The Centre referred to the Government's second National Action Plan on Fundamental and Human Rights, which would contribute to the implementation of the recommendations accepted during the universal periodic review process. The Centre stressed that the Government had fully accepted 120 recommendations, had partially accepted 6 and had noted 27, which were too many in its view. In many of the recommendations accepted, the Government had indicated that, in its view, the issues at stake had already been positively resolved. The Centre was concerned that such a status quo approach, when no measures were foreseen, could result in a lack of real progress. It mentioned the recommendations that had not been accepted by Finland, reiterating that a wide range of civil society organizations had called upon the Government to amend the Act on the Legal Recognition of the Gender of Transsexuals and immediately abolish the preconditions concerning sterilization and a psychological diagnosis based on mental health to obtain legal recognition of their gender identity.

650. The European Region of the International Lesbian and Gay Federation, in consultation with Trasek, an association for transgender and intersex rights, and the Finnish National Youth Council (Allianssi), referred to the recommendations noted by Finland to remove sterilization as a precondition for legal gender recognition, recommendations that had been made by the Committee on the Elimination of Discrimination against Women, the Council of Europe and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment. The European Court of Human Rights had recently ruled that the requirement concerning sterilization was a violation of human rights. The European Region of the International Lesbian and Gay Federation called upon Finland to amend the Act on the Legal Recognition of the Gender of Transsexuals in accordance with its international and regional obligations.

651. The International Federation for Human Rights Leagues and the Finnish League for Human Rights regretted that 27 recommendations had not been accepted by Finland. They urged Finland to protect the rights of transgender and intersex persons and remove the requirement for sterilization in accordance with the judgment of the European Court of Human Rights (see *A.P., Garçon and Nicot v. France*). The International Federation for Human Rights Leagues and the Finnish League for Human Rights called on Finland to ratify the International Convention on the Protection of the Rights of All Migrant Workers



and Members of Their Families and International Labour Organization Indigenous and Tribal Peoples Convention, 1989 (No. 169) in order to solve issues concerning land rights in northern Finland. They also mentioned the need to include human rights education in teachers' study programmes.

652. Amnesty International urged Finland to amend the Act on the Legal Recognition of the Gender of Transsexuals to remove the need for sterilization and a mental health diagnosis as a requirement for legal gender recognition. It acknowledged the acceptance of recommendations regarding the review of asylum legislation, the fight against violence against women and trafficking and an amendment to the Criminal Code to define rape. It welcomed the acceptance of recommendations to strengthen the national human rights framework, to combat discrimination, racism and xenophobia and to adequately fund human rights education, and called on Finland to guarantee adequate resources for their early implementation.

653. The International Association for Democracy in Africa stressed that Finland was regarded as a model democracy. It praised the policies of Finland on women's rights, as a pioneer for gender equality. It mentioned the ratification of the Convention on the Elimination of All Forms of Discrimination against Women in 1986 and the establishment of the first Ombudsman for Equality. It noted the legislation to promote good ethnic relations among the population and the establishment of human rights institutions.

654. The Pan African Union for Science and Technology noted that the literacy rates in Finland were the highest in the world. Finland also had the highest labour-force participation rate of women and the largest share of women to have completed higher education compared with men. It commended Finland for its promotion of sexual and reproductive health and rights of women and girls in developing countries.

655. International Lawyers.org welcomed the efforts of Finland to respect human rights. It mentioned the engagement of Finland to secure a world based on the rule of law. It encouraged Finland to ratify without delay the Treaty on the Prohibition of Nuclear Weapons.

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

656. The President stated that, based on the information provided, out of 153 recommendations received, 120 had enjoyed the support of Finland, additional clarifications had been provided on another 3 recommendations and 30 had been noted.

657. The delegation thanked again all those who had participated during the review of Finland. The interactive dialogue had provided further tools to assess the level of implementation of the recommendations from the second cycle of the universal periodic review in 2012 and those from other human rights mechanisms. All the comments and observations made during the discussion would be taken into consideration in further discussions and dialogue with the relevant ministries and civil society actors. The delegation of Finland responded to the statement made by the Russian Federation and underlined that the best interests of the child, both in legislation and in practice, were at the core of all the activities of the authorities in Finland. The delegation concluded by looking forward to the national follow-up process to further enhance the realization of human rights in Finland.

#### **United Kingdom of Great Britain and Northern Ireland**

658. The review of the United Kingdom of Great Britain and Northern Ireland was held on 21 September 2017 in conformity with all the relevant provisions contained in relevant Human Rights Council resolutions and decisions, and was based on the following documents:

(a) The national report submitted by the United Kingdom of Great Britain and Northern Ireland in accordance with paragraph 15 (a) of the annex to Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 (A/HRC/WG.6/27/GBR/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) of the annex to Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 (A/HRC/WG.6/27/GBR/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) of the annex to Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 (A/HRC/WG.6/27/GBR/3 and Corr.1).

659. At its 24th meeting, on 21 September 2017, the Human Rights Council considered and adopted the outcome of the review of the United Kingdom of Great Britain and Northern Ireland (see sect. C below).

660. The outcome of the review of the United Kingdom of Great Britain and Northern Ireland comprises the report of the Working Group on the Universal Periodic Review (A/HRC/36/9), the views of the State under review concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the Human Rights Council in plenary session to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see A/HRC/36/9/Add.1).

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

661. The delegation of the United Kingdom of Great Britain and Northern Ireland was pleased to present its formal response to the 227 recommendations the Government had received during the very constructive dialogue in May earlier that year.

662. The United Kingdom had a long-standing tradition of ensuring that rights and liberties were protected domestically and of fulfilling its international human rights obligations. The United Kingdom remained a confident, strong and dependable partner internationally.

663. It was honoured to serve again as an elected member of the Human Rights Council. It remained a strong advocate of the Council, and the mechanisms at its disposal, including the universal periodic review. It welcomed the positive changes that the universal periodic review had promoted, including the spirit of international cooperation among States on human rights issues, and the important role played by technical assistance in helping States with their recommendations from the universal periodic review.

664. During the third cycle of the universal periodic review, the United Kingdom had participated fully and demonstrated its commitment to ensuring that all of the recommendations made to other States had been precise, practical, constructive, forward-looking and implementable. It had also continued to exercise restraint on the number of recommendations made to other States, and was open to working with other States who wished to learn from its approach and experience.

665. Every effort had been made to respond on the day to the issues, recommendations and comments raised by States at the twenty-seventh session of the Working Group on the Universal Periodic Review in May and also to address the questions submitted in advance.

666. Following that session, the Government had reserved its position on the 227 recommendations received. That enabled a careful review of the recommendations through consultations across Government and with colleagues in the governments of Scotland, Wales, Northern Ireland and its Crown dependencies and overseas territories. The Government of the United Kingdom also met with stakeholders and its national human rights institutions over the summer to discuss the recommendations with them, and to listen to their views on priority areas among the 227 individual recommendations.

667. The Government of the United Kingdom had given considerable thought to each recommendation and had submitted its response in writing in August. The delegation referred to two documents: the addendum to the report of the Working Group on the Universal Periodic Review, which grouped the recommendations by subject matter but referred to them only by number, and a longer annex to that document, which set out the recommendations in full and outlined the Government's position in relation to each one. The second document included responses from across Government together with those from the devolved administrations. The delegation hoped that its content would help support greater understanding of the Government's position on all the recommendations.

668. In summary, the United Kingdom had supported 96 recommendations (which meant that the Government had either fully implemented them or intended to do so) and had noted

131 recommendations (which indicated that the United Kingdom may have taken some steps but was not currently implementing them in full).

669. In 2012, the Government had committed voluntarily to updating the Working Group on the Universal Periodic Review through a midterm report on its position in relation to the 132 recommendations received during the second cycle of the universal periodic review. It had delivered on that commitment with a midterm report in 2014.

670. The Government had again committed to following up the 227 recommendations received with a midterm report in 2019 and had made an additional commitment to provide an update on up to 5 recommendations by May 2018. The universal periodic review was not just a three-and-a-half-hour dialogue that occurred every four years. Each cycle built on the last, and midterm reports and other updates were an important way to demonstrate ongoing commitment ahead of the next cycle.

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

671. During the adoption of the outcome of the review of the United Kingdom, 13 delegations made statements.

672. The Russian Federation was extremely concerned that a large number of its recommendations had not been supported by the United Kingdom. It considered unacceptable that a State, which portrayed itself as a democratic State, considered censorship and pressure on the media to be acceptable. It was regrettable that the United Kingdom was not ready to conduct a thorough and impartial investigation into widespread cases of sexual abuse of children by high-ranking officials and punish those responsible.

673. Sierra Leone was encouraged by the Government's engagement to tackle racism and racial discrimination through the launch and implementation of the Hate Crime Action Plan (2016). It highlighted the continuous efforts to tackle modern forms of slavery and trafficking. It was disappointed to note that the recommendations that it had made had not enjoyed the support of the United Kingdom and urged the Government to reconsider them.

674. Egypt expressed its concern about the policies of the United Kingdom that had facilitated the dissemination of hatred and xenophobic ideas. Unfortunately, many programmes were underfinanced, in particular those dealing with the rights of women, children and minorities. Such policies engendered an atmosphere of xenophobia and Islamophobia. It expressed sadness that its five recommendations had not been supported by the United Kingdom. It recommended that the United Kingdom abide by the recommendations made during the universal periodic review.

675. The Sudan commended the United Kingdom for launching the new Hate Crime Action Plan in 2016 and encouraged the Government to implement it. It regretted that its recommendations had not enjoyed the support of the United Kingdom.

676. The Bolivarian Republic of Venezuela was concerned about the serious effects of austerity measures in the form of cuts and new eligibility criteria for social security benefits, which had increased poverty and the inequality gap. It was disappointed that the United Kingdom had not accepted a large number of constructive recommendations. It urged the Government to establish a national human rights action plan that included concrete measures to implement the recommendations of United Nations mechanisms.

677. Albania commended the United Kingdom for its constructive engagement and enhanced dialogue during the process and its continued engagement in the promotion and protection of human rights around the globe. It remained confident that the United Kingdom would continue to pay due attention to women's and children's rights at the national level, in order to sustain progress in that regard.

678. Bahrain noted with satisfaction the number of recommendations supported by the United Kingdom, especially the two recommendations submitted by Bahrain regarding religious hatred, discrimination and xenophobia, and combating trafficking in persons and children. It commended the United Kingdom for launching its action plan to combat hate crime and the measures taken to combat trafficking in persons.

679. China was concerned at the growing sentiments against refugees and migrants and increasing racial discrimination. It regretted that the United Kingdom had not accepted

recommendations on combating racism and xenophobia. It appealed to the United Kingdom to accept and implement those recommendations, guarantee in general the rights of migrants, refugees, women and children and make substantive progress on combating hate crime. It urged the United Kingdom to take practical measures to implement the International Convention on the Elimination of All Forms of Racial Discrimination.

680. Côte d'Ivoire thanked the Government for its interest in the recommendations made during the course of the review and remained convinced that their effective implementation would contribute significantly to the improvement of the human rights situation in the country. Côte d'Ivoire welcomed the efforts made by the Government to better protect the rights of persons living in the United Kingdom and encouraged it to continue its full cooperation with the international community.

681. Sri Lanka welcomed efforts to address trafficking in persons and modern-day slavery and encouraged the United Kingdom to continue those efforts. It commended the United Kingdom for its commitment to advancing gender equality, and took note of several measures taken to tackle gender discrimination, including the reduction of the gender pay gap in the United Kingdom to its lowest ever level of 18.1 per cent. It welcomed the Government's decision to review its reservations to United Nations treaties.

682. Estonia noted positively the assurances given by the Government remain committed to the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights). Estonia commended the United Kingdom for being a front-runner in summoning a global response to prevent the use of the Internet for the purposes of terrorism and underscored its decisive steps to tackle hate crime and hate speech. It regretted that the United Kingdom had decided to note many of the recommendations, including those on ratifying the Optional Protocol to the International Covenant on Civil and Political Rights.

683. Gabon welcomed the Government's commitment to giving effect to the recommendations that had received its support, and highlighted the actions taken by the Government to guarantee the promotion and protection of human rights in favour of all vulnerable persons, including women and children. It encouraged the United Kingdom to continue its efforts to implement the recommendations accepted.

684. Ghana welcomed the Hate Crime Action Plan and measures to combat domestic violence. It noted with satisfaction the Government's commitment to improve the well-being of children in disadvantaged situations. It called on the United Kingdom to take steps to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance.

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

685. During the adoption of the outcome of the review of the United Kingdom, 11 other stakeholders made statements.

686. The Equality and Human Rights Commission and the Northern Ireland Human Rights Commission expressed concern that so many challenges outlined in its latest reports had also been raised in 2012. The reputation of the United Kingdom as a champion of human rights was now under threat due to the negative tone of some politicians and many parts of the media during the debate on the Human Rights Act and the potential risk to people's equality and human rights protections when the country left the European Union. The Government's continuing refusal to fully incorporate the United Nations treaties that it had signed showed scant regard for its international commitments. They were disappointed by the lack of leadership on human rights across the Government.

687. The British Humanist Association expressed its disappointment at the absence of any criticism of the Government's position on the religious discrimination practised by State-funded faith schools. In deciding which children to admit, State-funded schools designated with a religious character were able to discriminate against children on the basis of their own or their parents' religious beliefs. It called on the Government to extend the current limits on religious selection at "free schools" to all State-funded religious schools, with a view to ultimately ending such discrimination.

688. The Women's International League for Peace and Freedom stated that the commitment of the United Kingdom to undertake a careful assessment before authorizing arms transfer was at odds with its continued arms transfers to several countries. It called on the United Kingdom to: immediately stop arms transfers to Saudi Arabia; review its arms exports to all countries where there was evidence of violations of human rights or international humanitarian law; and duly take into account the recommendations made by OHCHR in its report on the impact of arms transfers on the enjoyment of human rights (A/HRC/35/8), as well as those made by other United Nations bodies, to ensure effective, transparent and gender-sensitive human rights impact assessments of arms exports.

689. The Alliance Defending Freedom expressed its disappointment that its concerns and recommendations had not been taken into account by the United Kingdom. It wanted a clear commitment from the Government that it would not liberalize abortion laws any further. It underscored that the so-called "counter-extremism and safeguarding bill" should never again see the light of day, asserting that its vague and undefined concepts opened the door to "thought policing". Such a path would lead to the shutting down of legitimate speech and freedom of expression under the guise of combating terrorism, in violation of articles 19 and 20 of the International Covenant on Civil and Political Rights.

690. The International Association of Democratic Lawyers stated the Working Group on Arbitrary Detention had found that Julian Assange was a victim of arbitrary detention and, in December 2015, had requested that the United Kingdom and Sweden give effect to Mr. Assange's immediate freedom of movement and right to compensation. It urged the Human Rights Council to recommend that the United Kingdom ensure Mr. Assange's immediate freedom of movement.

691. Action Canada for Population and Development regretted that, out of 227 recommendations to improve its human rights record, the United Kingdom had chosen to accept less than 100 recommendations. The criminalization of abortion in Northern Ireland was incompatible with the international obligations of the United Kingdom concerning human rights and was a violation of the rights to health, non-discrimination, privacy, life, liberty and security of the person and to be free from inhuman and degrading treatment. Action Canada for Population and Development called on the Government to put to one side the politics that had sustained that discrimination.

692. Defence for Children International welcomed the efforts to improve the protection of children's rights, significantly reducing the numbers of children in prison. However, Defence for Children International highlighted that the United Kingdom had only supported 42 per cent of the recommendations received, urged it to reconsider its position and strongly encouraged it to implement the recommendations concerning, *inter alia*: safeguarding the Human Rights Act, ratifying the third Optional Protocol to the Convention on the Rights of the Child on a communications procedure, incorporating that treaty into domestic law, reviewing anti-terrorism measures and prohibiting all corporal punishment in the family.

693. Amnesty International regretted the rejection by the United Kingdom of all 13 recommendations calling for the preservation of its current level of human rights protection in any changes to the Human Rights Act and the process of leaving the European Union. Amnesty International was also concerned that proposals to replace the Human Rights Act would result in a weakening of standards and called on the United Kingdom to retain the Human Rights Act and remain a signatory to the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights). It was deeply troubling that the United Kingdom had rejected recommendations to introduce a statutory time limit on the detention of migrants and asylum seekers.

694. Edmund Rice International stated that, in the United Kingdom, an increasing number of people used local food banks on a regular basis and that it was clearly failing to meet its human rights obligations to support the right to food of its citizens. The Government was also failing to address effectively homelessness in Northern Ireland. The Government had no strategy or system for refugee support and integration and rejected asylum seekers were denied all statutory support following eviction. They were subjected to a form of extreme human marginalization contrary to the United Nations human rights conventions.

695. Allied Rainbow Communities International stated that, as part of the celebration of 50 years of decriminalization of same-sex relations in the United Kingdom, those convicted

under the Sexual Offences Act, 1967 had been “pardoned”. It was essential that the United Kingdom apologize for the colonial laws criminalizing same-sex relations. The logic of “pardon” should be extended to the logic of “apology” to those in the former British colonies whose lives had been blighted by those laws. The act of apologizing carried, as an essential component, a commitment to non-repetition. It should be seen as a forward-looking gesture.

696. Conseil international pour le soutien à des procès équitables et aux droits de l’homme stated that people in the Gulf had previously suffered direct colonization of territories in the Indian Ocean by the United Kingdom and that had now been replaced by agreements that maintained its control. It called on the United Kingdom to reform that relationship in order to have one that guaranteed the interests of both sides, guaranteeing more democracy and freedoms, in accordance with the road map declared in the Geneva Declaration for Democratic Transition and Human Rights in the Gulf.

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

697. The President stated that, based on the information provided, out of 227 recommendations received, 96 had enjoyed the support of the United Kingdom and 131 had been noted.

698. The delegation stated that the Government remained fully committed to the universal periodic review mechanism.

699. In May, the Government had listened with interest to the views and recommendations of States, including comments on the importance of ensuring the ongoing protection of equality and human rights as the United Kingdom left the European Union and the desire for the country to strengthen its approach to international treaties. The Government would not repeal or replace the Human Rights Act while the process of leaving the European Union was under way; it would consider its human rights legal framework when that process had concluded.

700. Regarding incorporation, the delegation stated the United Kingdom was confident that it was fully complying with its United Nations treaty obligations. Those treaties had not been incorporated into domestic law and they did not require State parties to do so.

701. The United Kingdom had put in place a combination of policies and legislation to give effect to the United Nations human rights treaties that it had ratified. The same approach was followed by the overseas territories and the Crown dependencies to which those treaties had been extended.

702. The impact of changes to welfare benefits, access to justice and a desire to see continued monitoring of those changes were among the other issues raised. In May, the delegation had referred to policies to tackle poverty. The head of the delegation had also spoken of the work under way to tackle modern slavery and hate crime.

703. In response to one of the statements made, the delegation stated that, on 28 November 2016, the Working Group on Arbitrary Detention had rejected the request of the Government to review opinion No. 54/2015 concerning Julian Assange. The delegation was disappointed that the Working Group had not reviewed its deeply flawed and incorrect position. Mr. Assange was not and had not been arbitrarily detained. He was free to leave the Embassy of Ecuador, but he would be subject to the law of the United Kingdom.

704. The delegation underscored, regarding the number or percentage of recommendations “supported” or “noted”, that “noted” did not mean rejected, suggesting that any statistical analysis be approached with caution and encouraging those interested in human rights to read the extensive response provided by the United Kingdom.

705. The delegation thanked the country’s active civil society and national human rights institutions and the troika for their contributions. It remained a strong advocate of human rights, promoting open societies and challenging threats to civil society.

#### **India**

706. The review of India was held on 4 May 2017 in conformity with all the relevant provisions contained in relevant Human Rights Council resolutions and decisions, and was based on the following documents:

(a) The national report submitted by India in accordance with paragraph 15 (a) of the annex to Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 (A/HRC/WG.6/27/IND/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) of the annex to Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 (A/HRC/WG.6/27/IND/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) of the annex to Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 (A/HRC/WG.6/27/IND/3).

707. At its 24th meeting, on 21 September 2017, the Human Rights Council considered and adopted the outcome of the review of India (see sect. C below).

708. The outcome of the review of India comprises the report of the Working Group on the Universal Periodic Review (A/HRC/36/10), the views of the State under review concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the Human Rights Council in plenary session to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see A/HRC/36/10/Add.1).

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

709. The delegation of India, headed by the Permanent Representative of India to the United Nations Office and other international organizations in Geneva, Rajiv K. Chander, thanked OHCHR for its able assistance in finalizing the report of the Working Group on the Universal Periodic Review and the troika – Latvia, the Philippines and South Africa – for their dedication and contribution to the review process.

710. India had been a firm supporter of the universal periodic review process since its inception in 2006. India valued the distinctly universal and peer-review nature of the mechanism, which was supported by all. The review platform was conducive to open engagement among States and other stakeholders to address issues related to human rights. The universal periodic review process was a mechanism that encouraged States to strengthen their human rights record and learn from the best practices of others. India remained committed to meaningful engagement with international organizations and individual States in a constructive spirit.

711. India was a vibrant pluralistic society founded on strong democratic principles. Its Constitution guaranteed fundamental rights to all its citizens. India was convinced that inclusive and equitable development was the key to securing a life of dignity, security, empowerment and freedom for all. In that regard, a set of robust socioeconomic policies had been put in place to address the basic needs of people, including policies on health, education, housing, poverty alleviation, women's empowerment, food security and social security.

712. The national report of India submitted for the third cycle review reflected the current state of play regarding the implementation of previous recommendations and the progress made in other related areas, while acknowledging the challenges that India faced in the implementation of some of the recommendations. Most of those challenges stemmed from the complexity and diversity of Indian society. However, India remained committed to making progress on the implementation of its commitments under various human rights instruments.

713. The delegation thanked all States for their active participation in the review of India and their valuable recommendations. India gave the utmost importance to consistently building upon and further improving the human rights standards achieved so far in the country. India was working towards ensuring that its policies and schemes were aimed at allowing the people of India to live with dignity and respect.

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

714. During the adoption of the outcome of the review of India, 13 delegations made statements.

715. China welcomed the constructive approach shown by India to the universal periodic review. It appreciated the commitment of India to implementing the recommendations accepted, including those made by China on continued efforts to promote sustainable economic and social development, improve people's living standards, guarantee the rights of persons with disabilities, the elderly and other vulnerable groups, and adopt effective legislation and law enforcement measures to combat violence against women. China also appreciated the efforts made by India to eliminate poverty and achieve inclusive sustainable development, and recognized the measures taken to guarantee people's rights to health, education, housing and food.

716. Côte d'Ivoire expressed its appreciation to India for the interest shown in the recommendations and remained convinced that their implementation would contribute significantly to the improvement of the human rights situation in the country. Côte d'Ivoire welcomed all the efforts made by India to promote and protect human rights, and encouraged it to continue its full cooperation with the international community.

717. Cuba reiterated its appreciation to India for the progress made in protecting and promoting all human rights, despite the challenges that it faced. Cuba valued the progress made in the areas of, inter alia, early childhood education, child labour and protection of the rights of persons with disabilities. Cuba thanked India for having accepted the two recommendations that it had made on measures to combat trafficking in persons and on gender.

718. Egypt recalled that it had commended India during its review for its efforts to provide more resources with a view to securing the enjoyment of economic and social rights by all groups, particularly vulnerable groups, such as women, children, the poor and religious followers. India had undertaken to promote transparency and openness, particularly in relation to free access to information. Egypt expressed its appreciation to India for the steps taken to empower women in the labour market with a view to securing decent working conditions and their socioeconomic empowerment, and to provide quality education for all children. Egypt welcomed the acceptance by India of the recommendations made by Egypt on poverty eradication and achieving sustainable development.

719. Estonia commended India for its commitment to continuing efforts to finalize ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to more effectively preventing, prosecuting and punishing cases of domestic violence and to promoting awareness-raising campaigns on gender violence, including honour crimes. However, Estonia regretted that India had not accepted the recommendations to ratify the Agreement on the Privileges and Immunities of the International Criminal Court, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. Estonia reiterated its recommendation to strengthen the independent functioning of the judiciary, in order to reduce delays in judicial proceedings, enhance transparency and guarantee the right to a speedy trial.

720. Ethiopia commended India for having accepted the recommendations made by Ethiopia aimed at promoting equal access to justice for all, especially by providing more legal aid to the poor and marginalized and allocating appropriate resources to reducing backlogs and delays in the administration of court cases. Ethiopia encouraged India to take all measures necessary to implement in full the recommendations accepted.

721. Ghana welcomed the adoption by India of the National Food Security Act to eliminate all forms of malnutrition, including child malnutrition, and the expansion of the coverage of the Integrated Child Development Services Scheme for better nutrition, health and overall development of children under the age of 6. While acknowledging the efforts that were being made to promote and protect human rights and fundamental freedoms,



Ghana urged India to take steps to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol thereto.

722. The Islamic Republic of Iran welcomed the efforts made by India concerning socioeconomic development, poverty eradication and increasing health expenditure and health insurance coverage for families living below the poverty line. The Islamic Republic of Iran also appreciated the commitment of India to reforming its legal system with a view to protecting and promoting the rights of women and girls. There had also been other positive achievements, such as the adoption of the Rights of Persons with Disabilities Act and the Child Labour (Prohibition and Regulation) Amendment Act in 2016 and ratification of the International Labour Organization Minimum Age Convention, 1973 (No. 138).

723. Iraq expressed its appreciation to India for having accepted the two recommendations that it had made, and commended India for its acceptance of most of the recommendations made.

724. Kyrgyzstan commended India for having accepted a number of recommendations, including those it had made, namely on taking additional serious measures to eliminate violence against women and children, including sexual violence; enhancing activities aimed at eliminating discrimination against women, in particular women from lower castes; and stepping up efforts to increase girls' secondary education, including ensuring that schools were girl-friendly in every respect. Kyrgyzstan was convinced that their implementation would enhance the protection of the rights of women and children and their well-being.

725. The Lao People's Democratic Republic commended India for its unwavering efforts to promote and protect the rights of vulnerable groups, including women, children and persons with disabilities, by taking steps to promote equal participation of women in the workforce and combat violence against women. It also commended India for its constant efforts towards the ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

726. Libya expressed its appreciation to India for its commitment to continuing its efforts to promote and protect human rights and fundamental freedoms. Libya hoped that India would continue to harmonize its development policies with sustainable development in the field of food security, poverty eradication and support for health and education. Libya wished India further progress and prosperity.

727. Lithuania stated that India had taken positive steps in the context of its human rights commitments on strengthening its national mechanisms and improving its overall human rights record. While noting with appreciation that India had accepted numerous important recommendations, Lithuania regretted that its own recommendations had only been noted, without being provided with an explanation. Freedom of expression and a free and strong civil society were among the key ingredients of democracy and the full enjoyment of fundamental rights and freedoms by all persons. It encouraged India to take additional steps in those areas in the future.

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

728. During the adoption of the outcome of the review of India, 11 other stakeholders made statements.

729. The National Human Rights Commission of India stated that challenges to the safeguarding of human rights in the country remained despite an independent judiciary, free media and an active civil society. Several recommendations received during the second review cycle had yet to be implemented. The Commission expected that there would be better implementation of the recommendations accepted by India in the current review cycle. In that regard, the Commission proposed to work with both the Government and civil society towards implementation of those recommendations. The Commission would also strive to disseminate and publicize the outcome of the review within the country among all stakeholders for that purpose. The Commission had already approached the ministries involved in implementing the recommendations, calling upon them to expeditiously examine all the recommendations so that decisions could be taken as early as possible. The Commission concluded by reiterating that it would work with all stakeholders to assist them in the process of implementation before the next review.

730. The Center for Reproductive Rights urged India to take immediate steps to strengthen accountability for child marriage, including by harmonizing personal laws and laws on domestic and sexual violence (including marital rape), reproductive health, marriage and birth registration, education and dowry with human rights and constitutional law to ensure a minimum legal age of marriage of 18 and to address gaps and inconsistencies that left girls vulnerable to child marriage. It also urged India to end the violence and suffering caused by coercive, unsafe and abusive sterilization by implementing recent Supreme Court decisions in that regard. Finally, it urged India to ensure that all women had access to quality counselling on, and access to, the full range of contraceptive methods in a voluntary and safe manner.

731. The Minority Rights Group welcomed the acceptance by India of several recommendations. However, it stated that legislation to ban the slaughter of cows had influenced the rise of so-called “cow protection units”, which had engaged in mob violence and lynching of minorities. It urged India to take steps to reform or repeal such legislation, together with legislation on freedom of religion prohibiting forcible conversion. There remained an urgent need for the authorities to investigate incidents of targeted violence, including vigilante violence against Muslims, and to hold the perpetrators to account, including public officials in cases in which the State had been complicit.

732. Franciscans International appreciated the commitment of India to ensuring that laws were fully and consistently enforced to provide adequate protection for members of religious minorities and other vulnerable populations. However, it had observed an environment of fear among religious minorities and advocates of freedom of expression, belief, thought and assembly in the country. It had documented, inter alia, the increase in criminalization of minorities and of Dalits and Adivasis for eating beef and hate speech by State officials, which had led to incitement to violence and discrimination against minorities. It urged India to take appropriate and visible actions against incidents of mob lynching of minorities and human rights defenders.

733. The International Humanist and Ethical Union stated that India had continued to witness innumerable attacks on Dalits and members of its other minorities. The International Humanist and Ethical Union commended India for its acceptance of recommendations on the discrimination of scheduled castes and tribes. In the previous 100 days, 39 Dalits had been killed while cleaning sewer lines. It urged India to effectively implement the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act. It was disappointed that India had not accepted the recommendations on revising the Armed Forces (Special Powers) Act and the Foreign Contribution (Regulation) Act and on protecting human rights defenders against harassment and intimidation.

734. The Asian Forum for Human Rights and Development welcomed the decision of India to accept 152 of the 250 recommendations made. However, it remained deeply apprehensive about the pattern of ambivalence that had emerged from its only having noted the recommendations to firmly secure the future of civil and political rights in the country. It was deeply concerned that India had only accepted 13 of the 21 recommendations on ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It also expressed concern that India had noted several recommendations on hate speech, the repeal of discriminatory laws and laws on preventing communal violence, protecting the rights of religious minorities and eradicating violence against women, as well as all the recommendations related to the Armed Forces (Special Powers) Act and the rights and freedoms of human rights defenders. It regretted the lack of a commitment to strengthening the justice system and guaranteeing the independence of the judiciary.

735. The International Commission of Jurists urged India to reconsider, accept and implement the recommendations to: decriminalize consensual same-sex sexual relations; enact legislation consistent with the Supreme Court’s recognition of the rights of transgender persons and international human rights standards; repeal the Armed Forces (Special Powers) Act and other similar laws; become a party to the treaties that had been recommended; and establish a moratorium on the use of the death penalty, with a view towards its abolishment.

736. Allied Rainbow Communities International urged India to act in accordance with a Supreme Court ruling on the right to privacy for lesbian, gay, bisexual and transgender persons, and to take all necessary action to protect their rights. It also noted with concern

the rising tide of intolerance, which had created a climate that allowed for brutal violence against minorities and dissenting voices. It urged India to condemn the recent killing of Gauri Lankesh, an independent journalist, in no uncertain terms and outline a plan of action to respond to such forms of hate crime and hate propaganda that fomented vilification of diverse viewpoints.

737. Christian Solidarity Worldwide commended India for its engagement during the third cycle of the universal periodic review cycle, during which the Government had stated its commitment to ensuring a safe environment for human rights defenders. However, Christian Solidarity Worldwide noted that the space for journalists, writers and other human rights defenders who voiced dissent was quickly deteriorating. The recent murder of Ms. Lankesh, who had spoken out against the blatant attacks on freedom of expression and violations of the rights of minorities, was indicative of a wider crackdown on free speech and thought. It also expressed deep concern about the anti-conversion laws already in force in six states. It called upon India to implement its constitutional guarantees granting all citizens the right to practise their religion or belief, and to ensure that the voice of dissent against oppression and injustice was protected.

738. Amnesty International welcomed the fact that India had supported recommendations to improve access to health, education and housing and to reduce poverty. However, it regretted that India had rejected important specific recommendations to reduce discrimination and violence against marginalized groups, respect the freedom to dissent, and eradicate impunity for human rights violations. By taking steps recently to forcibly return all Rohingya refugees and asylum seekers to Myanmar, where they could face serious human rights violations, India risked failing its moral and legal obligations. Finally, Amnesty International welcomed the fact that India had supported recommendations to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

739. Action Canada for Population and Development called upon India to implement the recommendations on removing the exception to marital rape in its penal laws. It stressed that putting the institution of marriage before the basic human right of a person to be free from sexual violence was unacceptable. It also urged India to recognize and address the holistic sexual and reproductive health and rights of women and girls with disabilities and their impact on issues across access, in accordance with general comment No. 3 (2016) on women and girls with disabilities of the Committee on the Rights of Persons with Disabilities.

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

740. The President stated that, based on the information provided, out of 250 recommendations received, 152 had enjoyed the support of India and 98 had been noted.

741. The delegation stated that India, the world's largest democracy, was home to a multi-ethnic, multi-faith, multilingual population that had lived together for millennia with an ethos of respect for diversity and plurality. It was therefore natural that independent India had adopted a rights-oriented constitutional framework with a secular polity and independent judiciary. A range of national and state-level commissions monitored compliance with human rights, and a free press and a vibrant and vocal civil society acted as the vigilant guardians of rights and freedoms in India. Given the hopes and aspirations of around 1.3 billion citizens, India continued to prioritize, through a range of protective and affirmative measures, the attainment of liberty and development for all. In the spirit of leaving no one behind, India followed the motto of "all together and development for all".

742. The delegation reiterated the great importance India attached to the universal periodic review mechanism. India was working towards implementation of the 152 recommendations accepted and remained mindful of the remaining 98 recommendations it had noted. In that context, the delegation underscored that national priorities and interests deserved due recognition as India transformed its universal periodic review commitments into positive developments on the ground.

## Brazil

743. The review of Brazil was held on 5 May 2017 in conformity with all the relevant provisions contained in relevant Human Rights Council resolutions and decisions, and was based on the following documents:

(a) The national report submitted by Brazil in accordance with paragraph 15 (a) of the annex to Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 (A/HRC/WG.6/27/BRA/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) of the annex to Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 (A/HRC/WG.6/27/BRA/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) of the annex to Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 (A/HRC/WG.6/27/BRA/3).

744. At its 24th meeting, on 21 September 2017, the Human Rights Council considered and adopted the outcome of the review of Brazil (see sect. C below).

745. The outcome of the review of Brazil comprises the report of the Working Group on the Universal Periodic Review (A/HRC/36/11), the views of the State under review concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the Human Rights Council in plenary session to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see A/HRC/36/11/Add.1).

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

746. The head of the delegation, the Permanent Representative of Brazil to the United Nations Office and other international organizations in Geneva, Maria Nazareth Farani Azevêdo, stated that Brazil was pleased to have participated in the third cycle of the universal periodic review. The process embodied the principles of universality, non-selectivity, non-politicization, international solidarity, constructive dialogue, cooperation and transparency.

747. Brazil had prepared for the review in a spirit of openness, transparency and commitment to the promotion and protection of all human rights. During the introduction of its national report, Brazil had been represented by a high-level, diverse delegation, headed by the Minister for Human Rights, Luislinda Dias de Valois Santos.

748. Brazil was pleased to have received 246 recommendations, covering a wide variety of topics from 103 different countries, and accepted all but 4 of the recommendations. Only in those specific cases, which were incompatible with its legal system, including its constitutional rules or Supreme Court decisions, had the country not been in a position to support the recommendations. As regards the recommendation made by the Holy See in paragraph 136.99 of the report of the Working Group on the Universal Periodic Review, Brazil would continue to protect families composed of a man and a woman, as it protected all families, as well as the unborn, in accordance with its legislation and the decisions made by its Supreme Court on that matter. The decision on each recommendation was the result of broad consultations with various sectors of Brazilian society. Brazil had also established an online system to receive inputs, held a public hearing in Congress and engaged open dialogue with all those interested in contributing to the promotion and protection of human rights.

749. The delegation expressed its gratitude for the comments and constructive criticism made in good faith during the review, much of which had recognized the efforts and measures adopted by Brazil. Brazil was thankful for the encouragement received and reaffirmed its commitment to remaining on the same constructive path. The delegation also thanked the countries of the troika and the support and guidance received from the staff of the secretariat of the Human Rights Council and OHCHR. It also thanked the translators and interpreters and the many other professionals who discreetly facilitated the process.

750. Brazil had steadily managed to recover from the worst economic crisis in recorded history, while preserving policies to promote and protect human rights, in particular those

of the most vulnerable. Throughout the process to impeach the President, its democratic institutions had remained solid. During that difficult period, Brazil had benefited from a vibrant civil society, open political debate, a free press and an independent judiciary. Brazil was seriously committed to fighting corruption, which corroborated not only its attachment to justice and the rule of law, but also the strength of its democratic institutions and constitutional order.

751. Brazil did not shy away from its responsibilities, and it was taking concrete steps to deal with the many challenges it faced. President Michel Temer had focused on fighting recession, while approving urgent and necessary reforms. At the same time, the Government had sought to maintain and expand social programmes to protect those in vulnerable situations.

752. Constitutional reforms had been adopted to restore the balance and sustainability of public accounts and ensure that public debt would remain at an acceptable level and would not hamper future generations' prospects for development. Brazil had enacted legislation to reform secondary education in Brazil, which had been under discussion by Congress for more than two decades. It had further strengthened the *Bolsa Família* programme and had expanded student loans for university, as well as the housing programme *Minha Casa, Minha Vida*.

753. In view of the high rates of unemployment and underemployment, President Temer was implementing important innovations in labour relations. The new legislation adopted by Congress would promote job creation, reducing informal and insecure employment and preparing Brazil for the challenges of the twenty-first century.

754. Brazil had established the National Security Plan, which proposed an integrated approach focusing on three core areas: reducing homicides and violence against women, improving the prison system and ensuring more rigorous efforts to combat transnational crime. All those initiatives had been democratically discussed by Congress, in a transparent and inclusive fashion, with full coverage by the media and consultations with stakeholders.

755. Brazil remained committed to an ambitious reform agenda. In order to ensure that the retirement system was sustainable in the long run, urgent measures were needed in order to guarantee that current and future generations could benefit from the social security system.

756. Brazil was fully committed to implementing the recommendations from the universal periodic review, while seeking synergies with the measures in place to achieve the goals and targets contained in the 2030 Agenda for Sustainable Development. Brazil was examining every one of the recommendations with a view to integrating them into laws, policies and mechanisms, which were already in place or which would need to be adopted.

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

757. During the adoption of the outcome of the review of Brazil, 13 delegations made statements.

758. China appreciated the commitment shown by Brazil to implementing the recommendations accepted. China thanked Brazil for having accepted the recommendations made by China, including continuing to implement social and economic development. China thanked Brazil for improving people's living standards, further enhancing social security systems, enhancing education infrastructure and improving rural education. China appreciated the achievements of Brazil in eradicating poverty, promoting gender equality and developing health and education.

759. Côte d'Ivoire welcomed the attention paid by Brazil to the recommendations formulated in the course of the review and remained convinced that their effective implementation would contribute to improvements in the human rights situation in the country. Côte d'Ivoire appreciated the efforts made by Brazil in the context of ensuring the protection of human rights and encouraged it to continue to cooperate fully with the international community.

760. Egypt commended Brazil for increasing cooperation with the Human Rights Council. It thanked Brazil for having accepted the majority of the recommendations, which was a

clear demonstration of its efforts to continue to protect and promote human rights in the country.

761. Estonia acknowledged the efforts of Brazil to enhance the protection of human rights. Estonia noted positively the efforts of Brazil to reduce violence against women and encouraged it to take further steps to combat domestic violence and high maternal mortality rates and to protect fully the rights of the child. Brazil should ensure an effective consultation process with indigenous peoples in all decision-making that might affect them.

762. Ethiopia commended Brazil for having accepted many of the recommendations, including those made by Ethiopia on continuing efforts to implement the National Policy on Climate Change, on reducing deforestation in the Amazon region and continuing to combat slave and child labour. Ethiopia encouraged Brazil to take all measures necessary to implement fully the recommendations accepted.

763. Ghana noted with appreciation the establishment by Brazil of the National System to Prevent and Combat Torture in accordance with its obligations under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Ghana welcomed the programme that was being implemented by Brazil to protect human rights defenders, in particular the mobilization of public agencies to investigate alleged violations of the rights of human rights defenders and to prevent such violations.

764. Haiti thanked Brazil for having taken into account its three recommendations on reducing the murder rate of Brazilians of African descent, guaranteeing access to justice and improving the quality of public education, especially for Brazilians of African descent. Haiti encouraged Brazil to submit a midterm report for the universal periodic review.

765. India noted that the commitment of Brazil to the universal periodic review process was reflected in its support for all but four of the recommendations received. It commended Brazil for striving towards poverty alleviation, ensuring access to adequate housing and promoting sustainable development. India also recognized the efforts of Brazil to incorporate human rights principles into its national legislation and minimize racial discrimination.

766. The Islamic Republic of Iran commended Brazil for its achievements concerning human rights since its previous review. The Islamic Republic of Iran welcomed the establishment of the national human rights institutions and the legislative measures taken to enhance access to justice. It also welcomed the progress achieved in combating modern slavery and trafficking in persons, and improvements in the human rights situation of persons with disabilities, children, women, indigenous peoples and Brazilians of African descent.

767. Iraq appreciated that Brazil had accepted the recommendations made by Iraq. Iraq also appreciated that Brazil had accepted the majority of the recommendations received.

768. Libya welcomed the fact that Brazil had accepted the majority of the recommendations. Libya encouraged Brazil to continue its efforts to protect and promote human rights and to combat poverty. It encouraged Brazil to continue to make progress concerning the rights to health and education.

769. Madagascar welcomed the acceptance by Brazil of most of the recommendations. It also welcomed the efforts made by Brazil in favour of persons with disabilities in the areas of education, health and housing. It further welcomed the strengthening of the rights of the child through the adoption of a new law prohibiting corporal punishment and sexual exploitation of children and adolescents.

770. Morocco took note of the initiatives introduced by Brazil in the field of health, particularly universal access to health care for all without discrimination. Morocco welcomed the integration of programmes to raise awareness of human rights in the education system. Morocco congratulated Brazil for its continued efforts to build a more just and sustainable society.

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

771. During the adoption of the outcome of the review of Brazil, 9 other stakeholders made statements.

772. Conectas Direitos Humanos noted that the rejection by Brazil of the recommendation made by the Holy See was in accordance with its international obligations. Conectas Direitos Humanos condemned the efforts made by local conservative groups to overturn the decision of Brazil in that regard. It urged Brazil to take concrete steps to implement effectively the recommendations accepted and to develop fully functional mechanisms to monitor progress thereon. It encouraged Brazil to increase transparency in the process for selecting candidates for international human rights bodies.

773. Plan International celebrated the acceptance by Brazil of the vast majority of the recommendations, many of which explicitly encouraged strengthening the rights of children and adolescents. It urged Brazil to take effective measures to comply with those recommendations, implementing public policies with a committed budget that guaranteed full implementation of the recommendations. It noted the urgency of implementing the recommendations regarding the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, which meant creating the necessary complaint mechanisms for children, taking account of racial, ethnic and rural-urban inequalities in the National Education Plan and promoting public policies that guaranteed the rights to family and community coexistence and to a life free of domestic, institutional and social violence.

774. Conselho Indigenista Missionário noted that the situation of indigenous peoples in Brazil was not ideal, as a consequence of different human rights violations affecting them. It raised serious concerns about the killing of indigenous leaders, the disputes over indigenous lands, the indigenous land demarcation process and the destruction of the Amazon rainforest.

775. The Center for Reproductive Rights noted that maternal mortality rates in Brazil were disproportionately high for a country of its economic status and the chances of dying in pregnancy and childbirth were greatest among indigenous, low-income, rural and Afrodescendent women. Abortion was legal only in situations in which it was necessary to save the women's life or the pregnancy was the result of rape. Instead of advancing women's rights, restrictive laws on abortion continued to exacerbate and entrench discrimination against women. It welcomed the commitment of Brazil to accepting the recommendations on maternal health and reproductive rights.

776. The Association for the Prevention of Torture noted that conditions of detention remained appalling and ill-treatment was widespread in Brazil. The number of prisoners continued to increase; Brazil had the third highest prison population in the world. It welcomed the major step taken by Brazil, since the previous review, in implementing the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, namely the enactment of a federal law establishing a national system to prevent torture and creating a new specialized body as the national preventive mechanism. It highlighted the significance of the gradual implementation of custody hearings throughout the country. It called attention to the needs of groups at higher risk of being subjected to ill-treatment, such as lesbian, gay, bisexual, transgender and intersex persons in detention, encouraging Brazil to ensure that national and international standards to protect those groups were respected.

777. In a joint statement, the International Volunteerism Organization for Women, Education and Development and Volontariato Internazionale per lo Sviluppo recognized the efforts made by Brazil in previous years, in particular through the Women Living Without Violence programme, which defined violence against women as a malicious crime. Too many women were killed as a result of domestic violence and it was imperative that perpetrators were brought to justice. They called upon Brazil to create more specialized courts to address cases of female victims of violence, facilitate the denunciation of perpetrators of violence against women, including through continuous sensitization measures and psychological support for the victims, and take concrete measures to provide education, especially to young persons, on non-violence.

778. Associazione Comunità Papa Giovanni XXII noted the overcrowding, poor hygiene and sanitary conditions, ill-treatment, violence and even torture in the prison system in Brazil. It also underlined the lack of social integration and the stigma faced by the families of the detainees. It asked Brazil to expand, through new regulatory instruments, alternative measures to detention and promote collaboration with civil society. It also asked Brazil to take appropriate measures to support detainees' families through the creation of family

support pathways to reduce social exclusion and foster access to health care, social security and employment.

779. Article 19: International Centre against Censorship noted that the review of Brazil came at a time when journalists, human rights defenders and social leaders had been under unprecedented pressure. Already in 2017, 62 human rights defenders and leaders of indigenous peoples and traditional communities had been killed, and hundreds more had faced attacks, including physical assault, stigmatization, harassment and intimidation, illegal surveillance and judicial harassment. Journalists and bloggers reporting on matters of public interest, protests and mass development projects were most at risk of reprisals. It welcomed the commitment of Brazil to strengthening the federal protection mechanism.

780. Amnesty International noted that there was a gap between the willingness of Brazil to accept the recommendations made during the review and the trend in the type of laws and policies being adopted in the country. While Brazil had accepted recommendations to investigate killings by the police and to prevent abuse by law enforcement officials, the number of people killed during police operations was increasing dramatically. It noted that Brazil had accepted recommendations to guarantee the safety of human rights defenders and maintained that the programme of protection for human rights defenders was operating throughout the country. However, the programme of protection was not operational and had in fact been dismantled in the previous year, putting hundreds of human rights defenders at risk. While Brazil had supported recommendations to protect the rights of the child, it had proposed legislation and constitutional amendments, which were currently before Congress, that would reduce the age of criminal responsibility.

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

781. The President stated that, based on the information provided, out of 246 recommendations received, 242 had enjoyed the support of Brazil and 4 had been noted.

782. The delegation thanked all the other delegations and civil society organizations that had taken the floor and engaged constructively in the dialogue with Brazil in the context of the third cycle of the universal periodic review.

783. Brazil was responsive to the demands of civil society and was committed to improving the channels for dialogue, with a view to ensuring that the recommendations had a concrete and positive impact, in particular in favour of the most disadvantaged.

784. Brazil was working to ensure that the existing institutional framework provided venues for free, democratic and transparent interaction between the State and society on all the relevant issues at hand. In that regard, the Ministry of Human Rights would play a crucial role. The Ministry enjoyed considerable coordinating capacity and was able to harmonize policies aimed at the promotion of racial equality and the rights of children, adolescents, lesbian, gay, bisexual, transgender and intersex persons, older persons and persons with disabilities. It was naturally the focal point for the implementation of a great number of recommendations.

785. With regard to the issues raised by civil society organizations during the debate, the head of the delegation clarified the following points: Brazil had showed a long commitment to protecting indigenous peoples' rights, as enshrined in the Constitution and as implemented through public policies, in particular in the areas of education and health with an approximately \$700 million budget; in 2013, it had created a national committee and mechanism to combat torture; and the ongoing custody hearing programme, as well as the national policy on alternative punishment, had yielded significant results.

786. The delegation reaffirmed the attachment of Brazil to the principles and values embodied by the universal periodic review mechanism. Brazil was ready to implement the recommendations that it had formally accepted and would remain open to engaging constructively with all stakeholders, including civil society and United Nations agencies and mechanisms. The delegation reiterated the commitment of Brazil to promoting and protecting all human rights within its territory.



## Philippines

787. The review of the Philippines was held on 8 May 2017 in conformity with all the relevant provisions contained in relevant Human Rights Council resolutions and decisions, and was based on the following documents:

(a) The national report submitted by the Philippines in accordance with paragraph 15 (a) of the annex to Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 (A/HRC/WG.6/27/PHL/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) of the annex to Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 (A/HRC/WG.6/27/PHL/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) of the annex to Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 (A/HRC/WG.6/27/PHL/3).

788. At its 25th meeting, on 22 September 2017, the Human Rights Council considered and adopted the outcome of the review of the Philippines (see sect. C below).

789. The outcome of the review of the Philippines comprises the report of the Working Group on the Universal Periodic Review (A/HRC/36/12), the views of the State under review concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the Human Rights Council in plenary session to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see A/HRC/36/PHL/Add.1).

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

790. The delegation stated that the full participation of the Philippines in the universal periodic review mechanism reflected the country's sustained support for the mechanism and also underscored the country's desire to further strengthen the mechanism. The mechanism was useful in that it encouraged the Philippines to continue its efforts towards the fulfilment of human rights for all, as presented in the country's national report and interventions during the twenty-seventh session of the Working Group on the Universal Periodic Review in May 2017.

791. The Government had conducted a careful review of all the recommendations that had been received during the review and in that regard had considered inputs from various stakeholders. It acknowledged those recommendations that reflected recognition and respect for the State's implementation of its human rights commitments and did not seek to intervene in the State's pursuance of human rights.

792. Of the 257 recommendations that had been received, 103 had been fully supported. Those recommendations reflected an understanding of the current human rights situation in the Philippines, gave due recognition and respect to the Philippines for having implemented previous recommendations or its efforts to implement them and were supportive of the efforts made by the Philippines in pursuance of human rights to enhance human dignity.

793. The 103 recommendations that had been supported by the Philippines related to, first, the strengthening of international cooperation with the human rights mechanisms to protect vulnerable sectors of the population; second, the sustainable protection of family and society, such as the preservation of the sanctity of family life, effective advocacy of economic and social rights through development, mitigation of the adverse effects of climate change, eradication of poverty and improvements in access to health care and public education; third, the enhancement of the current capacities of the State to protect the right to life, liberty and property through the rule of law, accessibility of victims to justice in pursuance of anti-abortion initiatives, eradication of all forms of slavery, counter-terrorism efforts and the campaign against illegal drugs; and, fourth, an acknowledgment of the efforts to formulate and implement a national human rights action plan. The recommendations supported would be given special attention under the third Human Rights Plan for the period 2018–2022.

794. The remaining 154 recommendations had been noted based on the country's national circumstances. Out of those recommendations, 99 recommendations had been accepted in

principle as they were aligned with the aspirations of the Government. However, those recommendations could only be noted because the Philippines could not guarantee or commit to their full implementation in the current cycle. The processes necessary to implement those recommendations were beyond the individual control of any of the branches of Government, particularly in those cases in which the recommendations prescribed legislative action. However, the Philippines would strive to implement those recommendations in accordance with its national, cultural and historical circumstances. The aforementioned 99 recommendations also included recommendations that had been perceived to insinuate that the Philippines had not taken any action on the concerns raised despite the Government having substantially reported on the actions that had been taken in its national report and in its oral statement during the interactive dialogue. Supporting those recommendations would denigrate the serious efforts made by the Government to address the issues raised and weaken the value of the interactive dialogue process.

795. Recommendations relating to extrajudicial killings allegedly resulting from the administration's campaign against illegal drugs had been noted. The Philippines had explained sufficiently that the deaths that had occurred in the course of the implementation of the campaign had not been extrajudicial killings but had arisen from legitimate law enforcement operations that, furthermore, had been carried out in accordance with the rules of engagement of law enforcement officials. Mechanisms were in place to address any abuse by law enforcement and security forces.

796. As regards recommendations relating to the reimposition of the death penalty and the lowering of the age of criminal responsibility, those matters were the subject of further deliberations in Congress, as had been explained in the statement made by the delegation during the interactive dialogue. As such, there were processes in place that needed to be followed and a predetermined outcome could not be imposed.

797. Of the 154 recommendations noted, 55 had not been supported due to the premises on which they had been drafted. Many of those recommendations were sweeping, vague or contradictory, especially in the context of the country's democratic process.

798. The delegation proposed that the recommendations noted, specifically those that had been supported in principle, should be reviewed and updated during the fourth cycle of the universal periodic review.

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

799. During the adoption of the outcome of the review of the Philippines, 14 delegations made statements.

800. The Lao People's Democratic Republic commended the Philippines for having accepted many of the recommendations, including the two recommendations it had made. Due note was taken of the adoption of the national development plan for 2017–2022 and the implementation of various measures in relation to combating poverty, and promoting the rights to health and education and the rights of vulnerable groups.

801. Libya appreciated the fact that many recommendations had been supported by the Philippines, which reflected the Government's commitment to protecting human rights and to interacting positively with international human rights mechanisms. Libya expressed the hope that the Philippines would continue to make positive efforts.

802. Madagascar welcomed the large number of recommendations supported by the Philippines and commended it for its efforts to protect human rights, despite the natural disasters the country had experienced in recent years. It noted the ratification of the ASEAN Convention against Trafficking in Persons, Especially Women and Children and the creation of an inter-institutional committee to resolve cases of forced disappearance, torture and other grave violations of human rights. Madagascar encouraged the Philippines to implement the recommendations supported.

803. Malaysia expressed its appreciation to the Philippines for supporting the recommendations Malaysia had made relating to access to quality education, access to education for girls and combating poverty. It commended the Philippines for integrating a human rights perspective into its development initiatives, and for upholding its

commitments to the obligations under the human rights instruments to which the Philippines was a party.

804. Maldives noted that the recommendations that it had made had been supported by the Philippines. Maldives encouraged the Philippines to comply with international standards in its efforts to combat the use of illegal drugs. Maldives appreciated the efforts that had been made to promote gender equality and to provide quality education.

805. Myanmar commended the Philippines for its positive cooperation with the United Nations, the international human rights mechanisms and the universal periodic review process. The Philippines had accepted a large number of recommendations, including the two that had been made by Myanmar.

806. China commended the Philippines for its commitment to implementing all the recommendations supported and appreciated the fact that those made by China had been supported. China also appreciated the efforts and achievements made in the promotion and protection of human rights, including the efforts to eliminate poverty, provide social equality, develop the education and health sectors, increase employment and improve living standards. China supported the Philippines in its adoption of a comprehensive policy to combat drug-related crimes. China called on the international community to respect the judicial sovereignty of the Philippines and support its efforts in combating drug-related crimes.

807. The Russian Federation commended the Philippines for its efforts in further strengthening the human rights institutions and mechanisms with a view to upholding fundamental rights and freedoms. The positive experience amassed by the Philippines in implementing the recommendations from the second cycle of the universal periodic review would be useful for further improvements in the legal system.

808. Sierra Leone encouraged the Philippines to consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance. Efforts to eradicate the use and distribution of illegal drugs should not be detrimental to the respect for and promotion of human rights and freedoms. The Philippines should consider granting the request for a visit by the Special Rapporteur on extrajudicial, summary or arbitrary executions.

809. Singapore welcomed the acceptance of 103 recommendations, including the 2 made by Singapore. It expressed support for the continuing efforts of the Philippines to promote development and realize the human rights of its people, in accordance with its national context and circumstances.

810. The Sudan noted the ratification, among others, of the ASEAN Convention against Trafficking in Persons, Especially Women and Children. It stated that the Philippines had supported a large number of the recommendations, but regretted that those made by the Sudan had not been supported.

811. Thailand was pleased by the commitment of the Philippines to promote and protect human rights, which was evident from its support for a number of recommendations, including the two made by Thailand. It hoped that the Philippines would continue to implement fully the recommendations supported in an inclusive and participatory manner to bring concrete results on the ground.

812. The United Kingdom of Great Britain and Northern Ireland was concerned by the high death toll associated with the campaign against illegal drugs and the statements questioning the universality of human rights. It urged the Philippines to ensure thorough and independent investigations into all violent deaths and to commit to bringing to justice those involved, including members of the security forces. The United Kingdom was concerned by threats made against human rights defenders and called for a safe and enabling environment for them. It also called for a comprehensive response to modern-day slavery, including by building the capacities of the criminal justice system. It urged the Philippines to ratify the Protocol to the Forced Labour Convention, 1930 (No. 29).

813. The United States of America welcomed the acceptance of the two recommendations made by the United States relating to the conduct of police operations and urged the Philippines to implement them. It also urged the Philippines to conduct thorough and transparent investigations into all reports of extrajudicial killings and to

ensure that all investigative and enforcement efforts were conducted in a manner that respected and ensured human rights for all and upheld the rule of law. The United States looked forward to seeing progress in the implementation of the recommendations supported.

### 3. General comments made by other stakeholders

814. During the adoption of the outcome of the review of the Philippines, 11 other stakeholders made statements.

815. The Commission on Human Rights stated that a culture of impunity existed in the Philippines and that human rights were challenged on the ground by the restless war against illegal drugs, the extension of martial law in Mindanao and an active armed conflict causing internal displacement, the pursuance of a legislative agenda to reintroduce the death penalty and to lower the minimum age of criminal responsibility, public threats to and intimidation of human rights defenders, journalists and oversight actors, and a reduction in the Commission's budget. The Commission reiterated its call to the Government, among others, to end impunity and adhere to the rule of law in the campaign against criminality, ensure accountability, transparency and cooperation in investigations of human rights violations, especially in cases of extrajudicial killings, torture and enforced disappearances, and respect the independence of the Commission.

816. The International Lesbian and Gay Association remained concerned about the absence of national legislation to protect lesbian, gay, bisexual, transgender and intersex persons from discrimination and the efforts by some legislators to obstruct the passage of the anti-discrimination bill in the Senate. It was also concerned that education institutions continued to enforce restrictive policies on uniforms for transgender students. It recommended speeding up the passage of the national anti-discrimination law.

817. The Center for Reproductive Rights urged the Philippines to end the continued criminalization of abortion and take immediate steps to address the increasing number of abortions and the complications, injuries and maternal deaths resulting from unsafe abortions. It also urged the Philippines to address the restrictions on accessing contraceptive information and services and ensure that contraceptives were available and accessible.

818. Save the Children International stated that, between July 2016 and August 2017, the campaign against illegal drugs had claimed the lives of 54 children. It called for a humane, comprehensive and sustainable response to the drug problem in the country and an end to the killings. Children who were orphaned or affected by the killings should be provided with long-term interventions based on their psychological and socioeconomic needs. It urged Congress to pass the proposed bills to prevent the recruitment, use or displacement of children in areas of armed conflict.

819. Franciscans International expressed its concern about the violent policies of the Government against its own people. Due process and the rule of law had been set aside for the poor and powerless. The war on drugs had killed indifferently more than 12,000 Filipinos, most of whom were from poor and marginalized backgrounds. The imposition of martial law in Mindanao had led to the displacement of about 300,000 people. Human rights defenders continued to receive threats from the Government.

820. The Global Initiative for Economic, Social and Cultural Rights stated that threats of rape had become a tool of war to silence or drive women into submission. Women were among the victims of politically motivated arrests, State-sanctioned killings and sexist remarks by government officials. Laws to empower women were meaningless as the rights of women were unmet or violated with impunity. Young women toiled as modern-day slaves under a system of labour contractualization.

821. The International Humanist and Ethical Union expressed disappointment at the response of the Philippines to concerns raised by a number of States about extrajudicial killings, forced disappearances and torture during the war on drugs campaign. President Duterte had continued to threaten human rights defenders. The International Humanist and Ethical Union applauded the Government for standing firm against the pressure of the Catholic Church and other critics and adopting the Responsible Parenthood and Reproductive Health Act.

822. The Asian Forum for Human Rights and Development stated that the Philippines had continued to defend its war on drugs but had refused to ensure that practices and

policies conformed to international human rights standards. In addition to the large number of killings of human rights defenders, threats against them had also increased. The Philippines further risked backtracking on its international human rights obligations by refusing to support recommendations to maintain the abolition of the death penalty and maintain the minimum age of criminality.

823. The International Service for Human Rights, in a joint statement with CIVICUS: World Alliance for Citizen Participation, continued to have serious concerns about the environment for human rights defenders in the country. They urged the Human Rights Council to ensure that the Philippines respect its pledges and commitments. They called for a halt to all forms of attacks on human rights defenders, the enactment of a law for their protection and the acceptance of full, independent visits by special procedure mandate holders, including the Special Rapporteur on the situation of human rights defenders.

824. The International Federation for Human Rights Leagues, in a joint statement with Amnesty International, noted that the Philippines had not supported recommendations related to extrajudicial executions and protecting human rights defenders and journalists and recommendations calling on the Philippines to refrain from reinstating the death penalty. The Government's so-called war on drugs was an assault on human rights. It was regrettable that the Philippines used the universal periodic review to justify its lethal anti-drug policies, which overwhelmingly targeted poor and marginalized communities. They urged the Human Rights Council to adopt a resolution to establish an international, independent commission of investigation into such cases.

825. Human Rights Watch was concerned that, rather than investigating compelling evidence of the culpability of the police and other agents in many of the killings, President Duterte had launched a campaign of vilification and harassment against individuals and institutions pursuing accountability for such abuse. Consequently, it called on the Human Rights Council to step in and do all that it could to end the violence, support independent international investigations into the deaths and demand accountability for all unlawful killings.

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

826. The President stated that, based on the information provided, out of 257 recommendations received, 103 had enjoyed the support of the Philippines and 154 had been noted.

827. The delegation thanked all those who had participated in the review, including the Commission on Human Rights and civil society organizations, some of which had come from the Philippines. Their presence clearly demonstrated that stakeholders in the Philippines attached great value to the universal periodic review. Furthermore, it demonstrated that the Philippines was a vibrant working democracy in which all voices could be heard freely.

828. It had conscientiously listened to and taken note of the concerns raised by the various delegations and civil society organizations. Those concerns had already been extensively discussed and addressed during the interactive dialogue and in the national report. There was no culture of impunity in the Philippines. All deaths arising from police operations in relation to the campaign against illegal drugs were being investigated and administrative and criminal cases had been filed against police officers when appropriate. Not long before, an entire police force in a particular city had been relieved of its duty to facilitate an unhampered investigation of alleged wrongdoings. Furthermore, the Commission on Human Rights was carrying out its own independent investigation. Just a few days earlier, the House of Representatives, contrary to premature and unwarranted criticism, including from the Special Rapporteur on extrajudicial, summary or arbitrary executions, and after due deliberation, approved the budget of the Commission. The Philippines would continue to engage in genuine and constructive dialogue on the remaining concerns and challenges in the field of human rights.

829. The Philippines was committed, after the completion of the necessary legislative and other domestic processes, to implementing even those recommendations that had been noted. For instance, in relation to one such recommendation, the House of Representatives had just completed its third and final reading of the proposed law prohibiting discrimination against lesbian, gay, bisexual and transgender persons.

830. The Philippines would continue to implement the recommendations supported in an inclusive manner. The Government saw the universal periodic review process as a continuing process; the spirit of the recommendations would influence national and local development plans, as well as the medium-term national action plan on human rights.

831. Freedom of expression was alive in the Philippines. The forty-fifth anniversary of the declaration of martial law, 21 September 2017, had been declared a national day of protest, featuring public rallies for and against martial law.

832. The delegation expressed its appreciation to the troika of Kenya, Paraguay and Switzerland and to the Secretariat for all their support.

### **Algeria**

833. The review of Algeria was held on 8 May 2017 in conformity with all the relevant provisions contained in relevant Human Rights Council resolutions and decisions, and was based on the following documents:

(a) The national report submitted by Algeria in accordance with paragraph 15 (a) of the annex to Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 (A/HRC/WG.6/27/DZA/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) of the annex to Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 (A/HRC/WG.6/27/DZA/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) of the annex to Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 (A/HRC/WG.6/27/DZA/3).

834. At its 25th meeting, on 22 September 2017, the Human Rights Council considered and adopted the outcome of the review of Algeria (see sect. C below).

835. The outcome of the review of Algeria comprises the report of the Working Group on the Universal Periodic Review (A/HRC/36/13), the views of the State under review concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the Human Rights Council in plenary session to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see A/HRC/36/13/Add.1).

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

836. The delegation stated that it considered the universal periodic review to be the most important innovative reform in the field of human rights in the previous 10 years and noted that it should be preserved and strengthened. It noted with appreciation the increased interest shown by States and stakeholders in the review of Algeria.

837. With regard to the recommendations that had not received the support of Algeria, they had been considered either to contradict the Constitution or to be at variance with the values and rules that cemented Algerian society. Other recommendations had been noted due to their intrusive formulation or because they had been considered as based on incorrect premises. Those recommendations that had been supported by Algeria would be implemented gradually in the framework of adapting its laws to the new Constitution and consulting with civil society. Among the numerous recommendations supported by Algeria, the delegation highlighted those pertaining to freedom of assembly, demonstration, association and creation and those related to the legal guarantees of defendants.

838. The legislative elections that had taken place on 4 May 2017 had been supervised, for the first time, by a high-level independent election oversight authority, which had been established as a constitutional body as a result of the 2016 constitutional review.

839. Algeria had strengthened its institutional framework related to human rights through the establishment of the National Human Rights Council and its administrative and financial independence in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

840. The new Constitution of 2016 had introduced new guarantees on the rights to freedom of information and expression, since prison sentences could no longer be imposed on those working in the information sector. It also enshrined the right to freedom of peaceful assembly. The laws on associations and on information would soon be amended by Parliament.

841. Algeria cooperated fully and in good faith with the special procedures of the Human Rights Council. It had extended invitations to seven such mandate holders in 2010 and had announced six new invitations during the current review cycle.

842. Algeria was a party to almost all of the international human rights instruments and would examine its accession to additional instruments in the framework of an ongoing and gradual process that took into consideration the possible implications of such ratifications on the coherence and adaptation of national legislation and practice.

843. The legal framework to combat corruption had been enhanced and new legislative provisions to combat discrimination, including racial discrimination, and incitement to hatred had been introduced in the Criminal Code.

844. Several measures had been adopted to ensure respect for the physical integrity of persons with regard to ill-treatment and provisions contained in the Criminal Code had been incorporated into the Constitution. Algeria had strengthened its measures to combat trafficking in persons by establishing a national committee, which had been tasked with the elaboration of an action plan to prevent and combat such trafficking and protect victims.

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

845. During the adoption of the outcome of the review of Algeria, 14 delegations made statements.

846. The Islamic Republic of Iran commended Algeria for the 2016 constitutional amendments, including the establishment of an election oversight authority, the National Human Rights Council and the Office of the National Child Protection Ombudsman. It welcomed the efforts made by Algeria related to economic and social rights, the establishment of judicial mechanisms and amendments to the Criminal Code and Code of Criminal Procedure. It also welcomed laws to protect the rights of women, children and persons with disabilities. It appreciated the promotion of education among detainees and measures to combat trafficking in persons and violence against women.

847. Iraq thanked Algeria for the comprehensive presentation on the situation of human rights in Algeria and appreciated its acceptance of the recommendations made by Iraq.

848. Jordan thanked Algeria for the comprehensive presentation. It appreciated the acceptance by Algeria of the majority of the recommendations received, which reflected its commitment to the promotion and protection of human rights. Jordan was confident that Algeria would continue to intensify its efforts to implement the recommendations accepted and wished it every success in its endeavours to promote and protect human rights.

849. Kuwait commended Algeria for its efforts in the field of human rights, which reflected its commitment to human rights and highlighted the progress made. It was confident that Algeria would redouble its efforts in the field of human rights in order to implement the recommendations contained in the report of the Working Group on the Universal Periodic Review. Kuwait wished Algeria every success in promoting and protecting human rights.

850. Libya commended Algeria for its effective participation in the third cycle of the universal periodic review, its positive efforts made in the field of human rights and the important measures taken over many areas. Libya appreciated the fact that Algeria had accepted the majority of the recommendations received, which reflected its genuine desire to promote and protect human rights and its positive interaction with relevant international human rights mechanisms.

851. Madagascar welcomed the decision by Algeria to support numerous recommendations received and noted with satisfaction the establishment of the National Human Rights Council and the ratification of regional instruments on the rights of woman and on democracy, elections and governance. It welcomed the 2016 constitutional review

and recommended that Algeria pursue its efforts in order to make the promotion and protection of human rights even more effective.

852. Oman welcomed the support of Algeria for numerous recommendations and commended the country for the reforms carried out with a view to reaffirming the rule of law, governance, human rights and human development. It highlighted the efforts made by Algeria with regard to the independence of the judiciary, awareness and dissemination of human rights information and strategies to combat violence against women and children.

853. Pakistan noted that the acceptance by Algeria of numerous recommendations reflected its positive commitment to human rights. Pakistan particularly appreciated the strengthening of the judiciary, the establishment of the National Human Rights Council and the adoption of laws to protect the rights of women, children and persons with disabilities. It wished Algeria every success in the implementation of the recommendations accepted.

854. The Philippines congratulated Algeria for supporting a large number of the recommendations received during the interactive dialogue. It hoped that the country would continue to consider ratifying key human rights and labour conventions that enshrined the rights of migrants. The Philippines wished Algeria every success in the implementation of the recommendations accepted.

855. Qatar commended Algeria for its positive actions in the field of human rights. It welcomed the comprehensive and transparent reforms undertaken by Algeria to strengthen the rule of law, good governance and human development. More particularly, Qatar noted the establishment of the National Human Rights Council and the creation of an institution to promote and protect children's rights. It called upon Algeria to continue its open and constructive approach towards human rights.

856. The Russian Federation welcomed the reaffirmed commitment of Algeria to improve its national mechanisms to promote and protect human rights and commended it, in particular, for the creation of the National Human Rights Council and the establishment of the National Child Protection Ombudsman. It noted with satisfaction that the majority of the recommendations received during the review had been accepted.

857. Saudi Arabia noted that the position of Algeria towards the recommendations reflected its spirit of cooperation with the mechanisms of the Human Rights Council. Saudi Arabia noted that the efforts made by Algeria to enhance the right to health and overcome challenges demonstrated its keen interest in the promotion and protection of human rights. Saudi Arabia commended Algeria for having accepted most of the recommendations.

858. Sierra Leone applauded the engagement of Algeria in the universal periodic review process and noted the comprehensive responses provided to the recommendations received in that context. Sierra Leone commended Algeria for establishing a working group to examine the withdrawal of reservations to the Convention on the Elimination of All Forms of Discrimination against Women. Finally, it encouraged Algeria to consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance.

859. South Africa congratulated Algeria on the establishment of the National Human Rights Council and welcomed the steps taken to prioritize women's rights and the efforts made with regard to education and health. South Africa wished Algeria every success in implementing the recommendations.

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

860. During the adoption of the outcome of the review of Algeria, 10 other stakeholders made statements.

861. The World Evangelical Alliance noted numerous recommendations made to Algeria on freedom of religion and religious minorities and stressed the remaining challenges in practice, for instance with regard to family law, which was not yet adapted to cope with religious pluralism. It recommended that Algeria amend Ordinance No. 06-03, which had been used in the past as a tool to repress religious minorities. It encouraged Algeria to take measures in favour of minorities.

862. The Victorious Youths Movement raised concerns about serious human rights violations and restrictions on the rights to education and health, particularly in the Saharan region. It stressed the importance of the exercise of sovereignty and the rule of law in that



region. It called on the international community to urge Algeria to ratify the International Convention for the Protection of All Persons from Enforced Disappearance and to investigate cases of enforced disappearances. It called on Algeria to send open invitations, in particular to the Working Group on Enforced or Involuntary Disappearances, and to open the country to human rights mechanisms.

863. The Cairo Institute for Human Rights Studies commended Algeria for its desire to remove constraints on freedom of assembly and peaceful demonstration, repeal or amend the law on associations and adopt a law on refugees and asylum seekers. It called upon Algeria to seek advice from special procedure mandate holders in drafting laws and accept pending requests for visits. It regretted that Algeria had only noted the recommendation to ratify the International Convention for the Protection of All Persons from Enforced Disappearance. It urged Algeria to guarantee the right of victims and families to justice. It also regretted the partial acceptance of the recommendation to grant visas to international human rights organizations. It urged Algeria to withdraw without delay its reservations to the Convention on the Elimination of All Forms of Discrimination against Women.

864. Amnesty International raised concerns about the harassment of human rights defenders, journalists and peaceful protesters and restrictions on the rights to freedom of expression, association and assembly. It urged Algeria to commit to a time frame to bring its legal provisions on freedom of association and assembly into line with international standards. It regretted the rejection of recommendations to decriminalize defamation, grant visas to international human rights organizations and extend a standing invitation to special procedure mandate holders. Regarding the repression against the Ahmadiyya minority, it regretted the lack of a commitment to guaranteeing their religious freedom. It welcomed the commitment of Algeria to adopting national legislation on refugees. It called upon Algeria to amend the Family Code, which discriminated against women.

865. Rencontre africaine pour la défense des droits de l'homme appreciated the efforts made by Algeria to combat corruption and improve human rights. It called on the country to tackle gender-based violence, amend the Family Code and ensure women's access to employment. It urged Algeria to promote, protect and respect the rights to freedom of expression, association, assembly, religion and belief. It expressed concern about the rise of racism against sub-Saharan migrants and the lack of legislation on refugees and asylum seekers, and urged Algeria to protect African migrants. It invited Algeria to allow all special procedure mandate holders to visit and lift restrictions on human rights organizations and foreign journalists. It also referred to poverty among young persons.

866. The African Development Association regretted the lack of investigations into cases of enforced disappearance, including in the Tindouf camps. It referred to documented cases of torture against human rights defenders and opponents of the Government. It noted human rights violations against residents of the Tindouf camps, including violations of the rights to life, freedom of association, expression and demonstration, health and food.

867. The Jssor Youth Organization referred to the situation of young persons affected by widespread unemployment and urged Algeria to devote more attention to them. It made recommendations on socioeconomic issues aimed at empowering young persons and promoting their entrepreneurship.

868. Human Rights Watch referred to criminal prosecutions against media figures and journalists and labour activists who had called for peaceful demonstrations. Despite having accepted recommendations on freedom of speech and association in 2012, no tangible improvements had been made; legislation still provided for prison sentences for non-violent speech offences. It urged Algeria to accept recommendations on freedom of speech, assembly and association. More particularly, it called upon Algeria to revise or repeal Law 12-06 on association, issue visas to international human rights organizations and foreign journalists and reply to the pending visit requests by special procedure mandate holders. While welcoming legislation criminalizing domestic violence, it urged Algeria to adopt a more comprehensive legal framework in that regard. It raised concerns about the prosecution of Ahmadis.

869. Organisation internationale pour le développement intégral de la femme referred to allegations of human rights violations in the south-west of the country and in the Tindouf camps, including with regard to the rights to life, liberty and security, education, health and housing. It requested Algeria to recognize the violations committed since its independence,

take moral and legal responsibility for the situation in the Sahara and provide remedies to victims. It urged Algeria to implement the recommendations of the special procedure mandate holders that had visited the Tindouf camps.

870. Organisation pour la communication en Afrique et de promotion de la coopération économique internationale was concerned about the violations of the rights of sub-Saharan migrants, including their expulsion from Algeria, and the rights of women and children. Its report on those violations had led to intimidation, threats and reprisals against the organization. It invited Algeria to strengthen institutions and develop policies on human rights.

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

871. The President stated that, based on the information provided, out of 229 recommendations received, 177 had enjoyed the support of Algeria, additional clarification had been provided on another 16 and 36 had been noted.

872. With reference to the statements made about the Sahrawi refugee camps in Tindouf, the delegation noted that the situation had resulted from the violation, by the occupying power, of the rights of the Sahrawis to independence. Non-governmental organizations that referred to that issue were not considered as credible and were being manipulated. OHCHR had conducted a technical visit to Tindouf two years before and had subsequently requested a second visit to assess the human rights situation in the camps. Neither United Nations agencies nor international non-governmental organizations present in the camps, nor members of Congress nor non-governmental organizations from foreign countries that regularly visited the camps had ever reported human rights violations in the Sahrawi camps of Tindouf.

873. Freedom of religion or belief in Algeria had been forged over 14 centuries by Islam. Freedom of religion in Algeria was protected for all religions. All revealed religions were celebrated in the country and subject to legal rest days. Such celebrations were the subject of radio broadcasts. Christian and Jewish missionaries were paid by the State. Violations of freedom of religion or related harassments only existed in the imagination of those who made such allegations.

874. In relation to Ahmadis, individuals were not prosecuted because of their religious convictions but because they had committed acts that were illegal, such as raising funds in public places or building religious buildings without authorization, or even preaching in unauthorized or unidentified areas. No differentiation was made between Islam and other religions.

875. Algeria was a country of asylum and as such it showed solidarity with those seeking asylum, help and assistance, as illustrated by the fact that hundreds of thousands of people had found refuge in the country. With regard to the few cases of persons deported to their country of origin, that had been done at the request of their Government. The allegation according to which those persons had been violently deported did not reflect the reality. Those deportations were carried out in the context of intergovernmental agreements between States and with the assistance of the Office of the United Nations High Commissioner for Refugees and the International Organization for Migration. Certain persons involved in criminal activities had indeed been subjected to expulsion orders, as was the practice in all countries of the world.

876. With regard to violence against women, the law punished domestic violence, and violence in private and public spheres and at the workplace. The Government had adopted a repressive policy in that regard and specialized units had been set up in all police stations to support victims of gender-based violence. In order to provide assistance to divorced women, a fund had been set up to provide an indemnity to those who would not receive maintenance payments from their former spouse.

877. In relation to freedom of association and the view that the law enacted in 2012 was too restrictive and did not enable civil society organizations to thrive in the social environment, the delegation noted that the number of associations had substantially increased since the enactment of the law. The constitutional review had led to the preparation, in cooperation with civil society organizations, of a new draft law that would

be better adapted to international non-governmental organizations wishing to open an office in the country and to foreign funding.

878. The delegation thanked all the delegations who had participated in the review of Algeria and pledged that the promises and commitments made with regard to the promotion of and respect for human rights would be honoured in full by Algeria.

## **Poland**

879. The review of Poland was held on 9 May 2017 in conformity with all the relevant provisions contained in relevant Human Rights Council resolutions and decisions, and was based on the following documents:

(a) The national report submitted by Poland in accordance with paragraph 15 (a) of the annex to Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 (A/HRC/WG.6/27/POL/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) of the annex to Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 (A/HRC/WG.6/27/POL/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) of the annex to Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 (A/HRC/WG.6/27/POL/3).

880. At its 25th meeting, on 22 September 2017, the Human Rights Council considered and adopted the outcome of the review of Poland (see sect. C below).

881. The outcome of the review of Poland comprises the report of the Working Group on the Universal Periodic Review (A/HRC/36/14), the views of the State under review concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the Human Rights Council in plenary session to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see A/HRC/36/14/Add.1).

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

882. The delegation, headed by the Deputy Permanent Representative of Poland to the United Nations Office and other international organizations in Geneva, Jerzy Bauriski, stated that it was a pleasure for Poland to be among the first countries participating in the third cycle of the universal periodic review. Poland greatly valued the universal periodic review process and considered it to be one of the most important human rights accomplishments to date.

883. The preparation of the national report and participation in the review in May had been a complex organizational challenge, which had required the participation of many government actors. The Government thanked the Polish non-governmental organizations that had decided to meet and share their remarks, views and concerns regarding the national report.

884. Poland considered the universal periodic review mechanism not only as a step in fulfilling international recommendations on human rights, but also in the context of its candidacy for the Human Rights Council for the period 2020–2022. Poland was making every effort to fulfil its human rights obligations. The universal periodic review allowed not only a general overview of the human rights situation in a country but also an opportunity for improvements to be made in the areas that required attention.

885. More than 80 States had participated in the review of Poland during the twenty-seventh session of the Working Group on the Universal Periodic Review in May 2017. Poland had received 185 recommendations. In response, Poland had noted 21 recommendations and partially accepted another 10. On 10 recommendations, Poland could not give its definitive position. The remaining recommendations (144), a large majority, had been accepted by Poland.

886. Poland was party to the vast majority of human rights treaties. During the previous cycle of the universal periodic review (2012–2016), Poland had signed and ratified a

number of conventions, including the Convention on the Rights of Persons with Disabilities and the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. The recommendations that had not enjoyed its support concerned, for example, ratification of certain conventions, including: the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness; and the International Labour Organization Indigenous and Tribal Peoples Convention, 1989 (No. 169). Although Poland had no immediate plans to accede to those international treaties, it remained committed to protecting the rights of all persons on the basis of its international obligations.

887. The delegation elaborated on the position of Poland on the issue of recent changes to legislation, which had been raised by some of the delegations. First, concerning the recommendation to re-establish the Council for the Prevention of Racial Discrimination, Xenophobia and Related Intolerance, although Poland had no such plans, the responsibilities of the former Council were fulfilled in the scope of the existing institutional framework, which was tasked with preventing racial discrimination, xenophobia and intolerance. Second, certain States had recommended that Poland separate the functions of the Prosecutor General and the Minister of Justice. Although, currently, Poland did not plan to separate those two functions, its position was that existing law guaranteed the independence of prosecutors. Finally, all amendments to legislation complied with the Constitution and the provisions of international human rights treaties.

888. Regarding the questions of children's rights and the elimination of poverty among children, which were among the main priorities of the country, Poland had recently introduced a number of actions and policies to protect children's rights. Poland had amended the Family and Guardianship Code to guarantee better protection of children in case of divorce or separation of parents. It had introduced the Family 500+ programme for the disbursement of child benefit, resulting in a considerable decrease in levels of poverty and a reduction in the number of persons collecting social welfare benefits. The Government had also adopted a resolution concerning the so-called For Life programme with the aim of assisting families that included persons with disabilities, especially parents raising children with disabilities. Poland made every effort to promote and protect the rights of all children, including children of foreign nationalities in Poland. With that in mind, an ordinance of the Minister for National Education concerning the education of foreign nationals and of Polish citizens formerly educated at schools abroad had been drafted in 2016. The ordinance made it possible to accommodate children arriving from abroad, that is foreign nationals without any or sufficient command of the Polish language, in regular classes with their Polish peers. As Poland found the problem of trafficking in persons very alarming, particularly when it related to minors, a document on identifying and proceedings with minors who were victims of trafficking in persons had been drafted and issued to police officers and border guards in 2015.

889. Moreover, Poland was aware that poverty affected many vulnerable groups, including: children, persons with disabilities and older persons. Therefore, Poland was currently working on a programme to financially support retired persons, so that they could enjoy their life in comfort and dignity.

890. Poland was making every effort to reach disadvantaged groups in society to improve the quality of their lives and protect their human rights.

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

891. During the adoption of the outcome of the review of Poland, 12 delegations made statements.

892. The Russian Federation regretted that a number of important recommendations had been rejected by Poland. Any party or organization that fuelled racial discrimination or instigated it should be declared illegal. It hoped that Poland would demonstrate a willingness to cease the disgraceful practice of the destruction of monuments to honour the Soviet troops who perished in the fight against Nazi Germany, in line with the recommendations adopted and the General Assembly resolution on combating glorification of Nazism.

893. Sierra Leone took note of the strategy for persons with disabilities for 2017–2030, the Family 500+ programme and the introduction of a new police-led system to record all hate crime investigations. It was pleased that its three recommendations had enjoyed the support of Poland, particularly the one on the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance. It hoped that Poland would continue to implement strategies for protecting women from domestic violence, including through its programme for 2014–2020.

894. Albania was pleased that Poland had accepted the vast majority of the recommendations, including its own regarding the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance. It remained confident that Poland would continue to give due attention to the rights of migrant workers, minorities and vulnerable groups, including by taking all appropriate measures to prevent and combat racial discrimination and intolerance, and violence and discrimination based on sexual orientation and gender identity.

895. Belarus appreciated the acceptance of its recommendation on strengthening the national mechanisms for combating trafficking in persons. The steps taken by Poland to provide financial support to families with children and improve the protection of the rights of persons with disabilities would strengthen the social protection of the population. It trusted that Poland would devote sufficient attention to fulfilling the recommendations on preventing the spread of all manifestations of hatred and discrimination.

896. China appreciated the acceptance of the majority of the recommendations, including the two recommendations that it had made. It looked forward to Poland taking steps to implement those recommendations, especially legislative steps, on combating violence against women and protecting minorities, including Roma, upholding their right to education, housing, health care and employment, promoting their social inclusion and adopting measures to ensure access for unaccompanied migrant children to high quality education services.

897. Egypt commended Poland for its ratification of the Convention on the Rights of Persons with Disabilities, the legal amendments to combat violence against women and reduce wage disparities between men and women and the efforts to protect and support families. It looked forward to the positive engagement of Poland on its recommendations, which called for sustained efforts in the framework of the new national action plan to combat trafficking in persons and the strengthening of existing measures to combat xenophobia and hate crimes.

898. Estonia commended the commitment of Poland to continuing to strengthen gender equality and the empowerment of women, including by accepting recommendations to continue efforts to eliminate violence against women. It encouraged Poland to ensure favourable legislation on women's rights, including access to comprehensive sexual education and family planning. It regretted that Poland had noted some recommendations, including the ones to ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities.

899. India noted the positive measures taken by Poland to implement previous recommendations. It recognized the efforts in the sphere of women's rights, the rights of persons with disabilities and the introduction of institutional changes concerning equality of treatment. India trusted that Poland would further intensify its efforts to implement the recommendations accepted in the coming years.

900. Iraq expressed its gratitude to Poland for presenting the human rights situation in the country. It appreciated the fact that Poland had supported the majority of the recommendations, including the two recommendations that it had made.

901. Libya appreciated the extensive explanations provided by Poland about the recommendations and took note of the acceptance of the large majority of them. It hoped that Poland would continue efforts to deal with challenges, including with regard to hate crimes and incitement, and improve the situation of persons with disabilities.

902. Maldives was encouraged by the efforts of Poland in advancing children's rights and the importance given to the protection of the rights of persons with disabilities. It also commended Poland for all the initiatives it had taken to combat gender-based violence and

the discrimination women faced in the workplace, sexual exploitation of children and racial discrimination.

903. Pakistan acknowledged the steps taken by Poland to ensure equal treatment of women and men and combat discrimination and hate crimes, including the appointment of equal treatment coordinators in each ministry and the project entitled “migrants against hate crimes: how to enforce your rights”. It encouraged Poland to take further measures to combat discrimination and intolerance against migrants and religious minorities.

### 3. General comments made by other stakeholders

904. During the adoption of the outcome of the review of Poland, 11 other stakeholders made statements.

905. The Office of the Commissioner for Human Rights was concerned about the Government’s statement that the integrity and independence of the Constitutional Tribunal was protected, since there was serious doubt concerning its independence, which posed a serious threat to the rule of law, democracy and the protection of human rights. The Commissioner also remained concerned about the political control of media. Due to the changes adopted in 2016, the governing majority had gained broad responsibilities for appointing the management of public broadcasters, while the National Broadcasting Council, the constitutional organ, had been deprived of its responsibilities. The Commissioner welcomed the Government’s acceptance of recommendations to criminalize hate crimes on the grounds of age, disability and sexual orientation. However, it regretted that Poland did not see the need to change the Act on Equal Treatment.

906. The International Bar Association urged Poland to ensure that the principles of the independence of the judiciary and the separation of powers were implemented in practice. It welcomed the veto by the President of the Act on the National Judicial Council and the Act on the Supreme Court and urged Parliament not to adopt those laws. If adopted, they would end the terms of office of many members of the National Judicial Council, with their successors then being appointed not by the judiciary but by Parliament; they would also end the tenure of all judges sitting in the Supreme Court, except for those chosen by the President. In August 2017, the Act on the Organization of Ordinary Courts came into force, which enabled the Minister of Justice to recall all the presidents of the courts during their terms of office. Such a move contravened international standards regarding the tenure of judges.

907. The European Region of the International Lesbian and Gay Association welcomed the acceptance by Poland of six recommendations regarding amendments to the Criminal Code to ensure that crimes motivated by discrimination on any grounds, including disability, gender identity and expression and sexual orientation, were included and could be investigated and prosecuted as hate crimes. It also welcomed the acceptance of the recommendations on combating violence and discrimination against lesbian, gay, bisexual, transgender and intersex persons. However, the recommendations on legal recognition of same-sex partnerships had not been accepted. It stressed that many human rights abuses on lesbian, gay, bisexual and transgender persons stemmed from the fact that the law did not provide for the possibility to register same-sex partnerships.

908. The Federation for Women and Family Planning stated that hospitals’ arbitrary and unlawful procedures, abusive recourse to conscientious objection and lack of proper information for patients, combined with the criminalization of abortion, led to a situation in which pregnant women were unable to obtain safe medical services in public hospitals and were forced to seek abortions in unsafe conditions. The draft bill to ban abortions in situations in which the foetus was disabled was being prepared. Access to contraception was limited. The new curriculum for “Preparation for family life” incorporated patriarchal and discriminatory stereotypes and religious views on reproductive health. The European Court of Human Rights had found Poland responsible for violating the right of access to reproductive health services.

909. The Human Rights House Foundation stated that, since 2015, Poland had succeeded in dismantling its hard-won democratic gains. The process had begun with changes to the functioning of the Constitutional Tribunal, a law granting the Government control over public television and radio, a law granting additional powers of surveillance to the intelligence and law enforcement authorities and the merging of the functions of the

Minister of Justice and the Prosecutor General. Furthermore, Parliament had authorized the Minister of Justice to choose Supreme Court judges and had given itself the power to appoint the members of the National Judicial Council. It joined the national Commissioner for Human Rights in urging Poland to recall the recent honourable struggle of its people for human rights and respect their rights to an independent judiciary, due process, independent media and fundamental freedoms.

910. The African Regional Agricultural Credit Association stated that it had been more than 25 years since Poland had begun its transformation from a communist country to that of a vibrant democracy characterized by Western norms, such as the rule of law, good governance and respect for human rights. Poland had also been performing remarkably well on the economic front. With a gross domestic product of \$475 billion in 2015, Poland was ranked twenty-fifth among the world's largest economic powers. Poland had also pursued a policy of sustainable development and had paid adequate attention to the issues concerning the environment and climate change.

911. Action Canada for Population and Development stated that as many as six States had recommended guaranteeing access to safe and legal abortion. Poland had responded by presenting itself as a State that faultlessly protected the right to legal abortion, contraception and sexuality education. Poland had referred to the possibility of obtaining an abortion free of charge as stated in the act on family planning. However, in practice, hospitals and doctors did not comply with the law. Many doctors prolonged the medical procedures to terminate a pregnancy in order to exceed the deadline to perform a legal abortion. Doctors also refused to perform procedures, claiming that they had a right to conscientious objection. Such a refusal to provide care without a timely referral to another service provider was overused by doctors and in use in entire hospitals.

912. The Helsinki Foundation for Human Rights stated that the constitutional crisis posed a serious threat to all the mechanisms offering checks and balances and undermined the protection of the rule of law. The Constitutional Tribunal was under political influence and two of its judgments from 2016 had not been published. Its President had not sworn into office three judges who had been legally appointed in 2015. The Helsinki Foundation for Human Rights also remained concerned about the protection of freedom of speech and information and public media. As a consequence of the changes adopted in 2016, the governing majority had increased its control over the appointment of the management of public broadcasters. The operational space for non-governmental organizations was also shrinking, as Parliament had adopted a law to change the process of distributing public funds to such organizations.

913. Amnesty International noted the commitments made by Poland to implement the recommendations of the European Commission for Democracy through Law (Venice Commission) and the European Commission with regard to the rule of law and to take measures to protect the independence of the judiciary and the separation of powers. However, it indicated that those commitments came at a time when the Government and the President were submitting new proposals on judicial reform, which were in direct violation of international human rights standards. It was concerned that Poland had rejected a recommendation to repeal the restrictive amendments to the law on assemblies. It welcomed the support of Poland for eight recommendations to ensure women's access to safe and legal abortion. However, it noted the initiatives by civil society groups and members of Parliament to introduce further restrictions on access to abortion.

914. CIVICUS: World Alliance for Citizen Participation remained seriously concerned by the Government's control of State institutions and the media. There was an urgent need to revisit changes made to the law on broadcasting in January 2016 to prevent political interference. It welcomed the acceptance by Poland of the recommendation to guarantee freedom of assembly, but urged reconsideration of the rejection of the recommendation to repeal the restrictive amendments to the law on assemblies. It welcomed the acceptance of recommendations on freedom of association, however, it urged Poland to ensure that guarantees were applied equally to all, including groups promoting the rights of lesbian, gay, bisexual, transgender and intersex persons, and that the new counter-terrorism legislation was not used as a pretext to erode the rights of minority groups, particularly Muslims.

915. The European Union of Public Relations stated that Poland had managed to build a robust democracy and thriving free-market economy by carefully sequencing its economic and political reforms, installing welfare policies designed to protect the most vulnerable. Poland had a range of public policies intended to address short-term poverty and rehabilitate the poorest individuals and households to become self-sufficient. Poland also actively engaged in the promotion of women's rights and targeted inclusive economic growth with a focus on the poorer segments of society and less advanced regions. Its new policy measures included generous family spending under the Family 500+ programme.

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

916. The President stated that, based on the information provided, out of 185 recommendations received, 144 had enjoyed the support of Poland, additional clarification had been provided on another 10 and 31 had been noted.

917. The head of the delegation thanked all the speakers for their interest, words of encouragement and criticism. Poland would seriously consider all the recommendations and comments and, as had been done previously, would submit a midterm report. Poland was also looking forward to its next review to demonstrate its commitment to the protection of human rights. Poland hoped that its report showed the efforts made to better protect human rights. It considered many initiatives in the field of human rights as permanent tasks, including in such areas as preventing discrimination and violence against women.

918. Poland had already extended a standing invitation to special procedure mandate holders in 2001: it was in the process of facilitating the next visit of the Special Rapporteur on the independence of judges and lawyers in October that year. The head of the delegation also addressed two issues that had been raised during the discussion. The first issue concerned the Government's approach to the rights of vulnerable groups, including lesbian, gay, bisexual, transgender and intersex persons. Poland remained committed to the principle of the universality of human rights. Everyone, irrespective of their sexual orientation or gender identity, was entitled to the enjoyment of human rights and State protection against violence and discrimination. Equality before the law and the general prohibition of discrimination were enshrined in the Constitution. In that context, Poland did not plan to recognize marriage between same-sex persons as it was against the provisions of the Constitution. The second issue concerned recent amendments and draft amendments to the law on the judiciary and the Constitutional Tribunal. The Government's position was that the organizational principles of the judiciary were the sovereign prerogative of the State. Moreover, there was strong support in society for judicial reform, which would be implemented.

919. Poland was determined to maintain the highest standards concerning the rule of law and often relied on the support of international institutions in that regard. Poland hoped for fruitful cooperation with the Human Rights Council and other United Nations bodies in the future.

#### **Netherlands**

920. The review of the Netherlands was held on 10 May 2017 in conformity with all the relevant provisions contained in relevant Human Rights Council resolutions and decisions, and was based on the following documents:

(a) The national report submitted by the Netherlands in accordance with paragraph 15 (a) of the annex to Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 (A/HRC/WG.6/27/NLD/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) of the annex to Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 (A/HRC/WG.6/27/NLD/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) of the annex to Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 (A/HRC/WG.6/27/NLD/3).

921. At its 26th meeting, on 22 September 2017, the Human Rights Council considered and adopted the outcome of the review of the Netherlands (see sect. C below).



922. The outcome of the review of the Netherlands comprises the report of the Working Group on the Universal Periodic Review (A/HRC/36/15), the views of the State under review concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the Human Rights Council in plenary session to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see A/HRC/36/15/Add.1).

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

923. The delegation stated that representatives of all four countries of the Kingdom of the Netherlands, namely the Netherlands, Aruba, Curaçao and Sint Maarten, had taken part in the interactive dialogue during the twenty-seventh session of the Working Group on the Universal Periodic Review in May 2017 as each country was responsible for the implementation of obligations stemming from the different human rights conventions in force on its territory. The delegation thanked the delegations of Belgium, Germany, Mexico, Norway, Slovenia, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland for submitting advanced questions. The advanced questions had proven to be useful for the delegation to prepare and engage effectively in the interactive dialogue. The submission of advanced questions to the State under review should continue as a good practice. The delegation expressed its appreciation to the 89 delegations that had made statements during the interactive dialogue.

924. The Netherlands had received a total of 203 recommendations during the review in May 2017. Most of the recommendations concerned the country of the Netherlands. The recommendations covered many different areas that had been discussed during the interactive dialogue, including the institutional human rights infrastructure and the legislative and policy framework.

925. The delegation noted the encouragement that its Government had received to continue to implement its various action plans, including the National Action Plan on Human Rights. Many recommendations focused on such areas as protection from discrimination, the rights of the child and of migrants, and hate crime. In that respect, the Netherlands was urged to continue its strategic and systematic approach to combat discrimination and hate crimes on the grounds of, *inter alia*, race, ethnic origin, nationality and religion. The Government would follow up those recommendations, including by continuing the implementation of the National Action Programme against Discrimination.

926. The Netherlands had received several recommendations related to business and human rights. The delegation expressed the Government's commitment to preventing and remedying the involvement of Netherlands companies in human rights abuses and continuing its efforts in that area, in line with the Guiding Principles on Business and Human Rights and its National Action Plan on Business and Human Rights.

927. The delegation reported that the Government had examined thoroughly the recommendations. The four constituent countries of the Netherlands had expressed their position on seven recommendations (A/HRC/36/15, paras. 131.25, 131.26, 131.117, 131.123, 131.154, 131.199 and 131.203), while the Government of the Netherlands had provided its position on the remaining recommendations. Due to extreme circumstances and the damage caused by Hurricane Irma in Sint Maarten, the government of Sint Maarten could not participate in finalizing the position of the four constituent countries on the recommendations. Therefore, some adjustments might be made by the government of Sint Maarten.

928. The Netherlands had accepted 104 recommendations and 98 recommendations had been noted. The delegation had provided a written explanation of its position on the recommendations. For instance, three recommendations (A/HRC/36/15, paras. 131.5, 131.6 and 131.7) related to the ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights had been noted because the Government was currently studying the advice it had requested from the Council of State on a supporting draft law. A decision on ratification of the Optional Protocol would be taken by the new Government to be appointed soon. Other recommendations had been accepted, for instance those on strengthening national policy in order to decrease the gender wage gap (*ibid.*, paras. 131.41 and 131.42) and 13 recommendations to combat hate crime and hate speech.

929. The delegation informed the Human Rights Council that the Government had informed Parliament about its position on the recommendations before submitting its response and the adoption of the outcome of the review by the Council. Furthermore, the consultation process had included several stakeholders, including the Netherlands Institute for Human Rights and non-governmental organizations. The delegation noted with appreciation their contribution to the universal periodic review process and highlighted their vital role as constructive partners and watchdogs in the follow-up process to the recommendations.

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

930. During the adoption of the outcome of the review of the Netherlands, 15 delegations made statements.

931. Sierra Leone noted the efforts of the Government to protect the rights of vulnerable groups, including persons with disabilities and children. It noted the efforts of Aruba to develop a national action plan on human rights. Sierra Leone encouraged the Netherlands to consider withdrawing its reservations to several articles of the Convention on the Rights of the Child.

932. The Sudan commended the Netherlands for its ratification of the Convention on the Rights of Persons with Disabilities and the adoption of the National Action Plan on Business and Human Rights. It encouraged the Netherlands to eliminate all forms of discrimination against women and girls. The Sudan noted that the Netherlands had supported a large number of recommendations from the third cycle.

933. Tunisia commended the Netherlands for supporting a large number of recommendations. It welcomed the ratification of the Convention on the Rights of Persons with Disabilities and the adoption of the National Action Plan on Human Rights and a national anti-discrimination programme.

934. Albania welcomed the voluntary submission of a midterm report by the Netherlands. It commended the Netherlands for its active engagement in advancing human rights protection globally and for upholding high standards of human rights protection at the national level. It noted that the Netherlands Institute for Human Rights had been awarded A status.

935. Bahrain commended the Netherlands for the recommendations supported, including two recommendations made by Bahrain to develop training for police officers and eliminate discrimination and xenophobia. Bahrain expressed its hope that the Netherlands would continue working on the full implementation of the remaining recommendations from previous cycles, along with the new ones.

936. China noted the adoption of the National Action Plan on Human Rights and the ratification of the Convention on the Rights of Persons with Disabilities. It also noted that the Netherlands had supported most of the recommendations received, including two made by China. It hoped that the Netherlands would attach great importance to the implementation of the recommendations, in particular those on enhancing anti-discrimination legislation, combating racial discrimination, xenophobia and racial violence, protecting the rights of Roma, ethnic minorities, refugees and migrants and combating trafficking in persons and sexual exploitation of children.

937. Côte d'Ivoire noted with appreciation that the Netherlands had supported a number of recommendations and hoped that it would make efforts to implement them in full. Côte d'Ivoire praised the efforts of the Netherlands to guarantee equality and human rights to all its citizens. Côte d'Ivoire encouraged the Netherlands to continue its cooperation with international human rights mechanisms.

938. Egypt commended the Netherlands for the positive developments in the protection of human rights, including the ratification of the Convention on the Rights of Persons with Disabilities and the measures to address the gender pay gap. It noted persisting discrimination against minorities, including Islamophobia, and discrimination against refugees and asylum seekers. It expected that the Netherlands would consider positively the recommendations made by Egypt, including those on adopting policies to protect all minorities, taking measures to address intolerance in political discourse and on the Internet,

addressing human rights violations by Netherlands companies and ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

939. Estonia noted with appreciation that the Netherlands had supported the majority of the recommendations. It commended the Netherlands for the establishment of a national human rights institution and the implementation of the National Action Plan on Human Rights. It noted the decision to launch the process to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, which might lead to a re-examination of the ratification of the Optional Protocol to the Convention on the Rights of Persons with Disabilities.

940. India commended the Netherlands for its achievements in advancing human rights, particularly the efforts to prevent ethnic profiling. It noted the projects to increase public awareness about the importance of the economic independence of women. India highlighted the steps taken by the Netherlands to evaluate the National Action Plan on Human Rights. It hoped that the Government would continue its efforts to implement the recommendations that it had supported.

941. The Islamic Republic of Iran called upon the Netherlands to combat systematic discrimination on the grounds of race, ethnicity, nationality and religion and strengthen its efforts to prevent discriminatory attitudes and actions, including hate speech against Muslims, migrants, refugees and asylum seekers. It hoped that the Netherlands would fully implement the recommendations made by the Islamic Republic of Iran.

942. Iraq commended the Netherlands for supporting the majority of the recommendations, including two recommendations made by Iraq.

943. Libya noted with appreciation that the Netherlands had supported a number of important recommendations. It commended the Netherlands for the measures taken to promote human rights, including the adoption of the National Action Plan on Human Rights in 2013 in line with the recommendations from the second cycle of the universal periodic review, and the implementation of an action plan to fight discrimination in employment. Libya hoped that the Netherlands would continue its efforts to reduce hate speech.

944. The Philippines noted that the Netherlands had supported the recommendations made by the Philippines to prevent and combat violence against women, including domestic violence. It hoped that the Netherlands would consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol to the Convention on the Rights of Persons with Disabilities, and would be able to ensure accountability for human rights violations and environmental damages caused by companies registered or based in the Netherlands.

945. The Russian Federation reiterated its concern that the legal amendments adopted by Parliament expanded the authority of special services and facilitated their access to information on the Internet. It considered that the Government should take measures to protect the right to privacy, including private information, from unjustified interference by the special services. It highlighted the need to ensure oversight by civil society of the conditions of and treatment in places of detention for asylum seekers and other categories of migrants. The Russian Federation was concerned about poor prison conditions, trafficking in persons and the limited access to education and health care in the Caribbean Netherlands.

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

946. During the adoption of the outcome of the review of the Netherlands, 10 other stakeholders made statements.

947. The Netherlands Institute for Human Rights (by video message) noted with satisfaction that the most important human rights issues were reflected in the recommendations from the third cycle of the review. Those recommendations could, therefore, be used for a new national action plan on human rights. It encouraged the Netherlands to use the lessons learned from the previous action plan to develop a new effective instrument with measurable objectives for the implementation of the

recommendations. The Institute highlighted the differences in the realization of human rights between the Caribbean and European parts of the Netherlands, which required its urgent attention.

948. Defence for Children International welcomed the continuous efforts of the Government to protect the rights of the child, the ratification of the Convention on the Rights of Persons with Disabilities and the adoption of the National Action Plan on Human Rights in 2013. It encouraged the Netherlands to implement several recommendations related to the rights of the child, including those on the ratification of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the inclusion of human rights education in school curriculums and the protection of children of refugees, asylum seekers and undocumented migrants from discrimination.

949. The Minnesota Citizens Concerned for Life Education Fund noted that the universal periodic review and recommendations therefrom had not addressed the growing and troubling practice of euthanasia in the Netherlands. It noted the concern expressed by the Human Rights Committee at the lack of guarantees to exclude undue influence and misapprehension in decisions on euthanasia. It referred to the concerns expressed by some human rights treaty bodies at the cases of euthanizing children under the age of 18 and infants with disabilities. The rights to life, health and freedom from discrimination were being violated by the Netherlands in its practice of euthanasia.

950. Federatie van Nederlandse Verenigingen tot Integratie Van Homoseksualiteit – COC Nederland welcomed the efforts of the authorities to protect the rights of persons based on their sexual orientation. It noted, however, the remaining challenges in protecting transgender and intersex persons and in addressing discrimination and violence against lesbian, gay, bisexual, transgender and intersex persons. It encouraged the authorities to, inter alia, improve access to legal gender recognition, including reimbursement of all aspects of gender-affirmative health care, ensure comprehensive education on sexual and gender diversity and address discrimination against transgender and intersex persons in the labour market.

951. The International Commission of Jurists encouraged the Minister of the Interior of the new Government to make efforts to coordinate the implementation of the recommendations accepted and engage with Parliament to set up priorities and design meaningful actions within the framework of the new human rights action plan. It conveyed a message to the Government from civil society: start turning words into actions.

952. Action Canada for Population and Development noted the recommendations supported by the Netherlands related to comprehensive sexuality education and paternity leave. It noted, however, that the Government's response to those recommendations had implied that they had been fully implemented. It considered that a comprehensive approach to sexuality education had often been missing and thus urged the Government, inter alia, to ensure that gender equality and sexual rights were compulsory elements of the school curriculum and increase paid paternity leave beyond the current modest allocation of five days.

953. Amnesty International noted that the number of persons held in immigration detention was on the rise and thus it regretted the fact that the Netherlands had not supported the recommendations to reduce immigration detention and prioritize the use of alternative measures. It noted also that the Government had not supported recommendations to ensure adequate safeguards against human rights violations in counter-terrorism measures. It called for systematic monitoring of police stop-and-search operations and the inclusion of human rights education in the mandatory school curriculum.

954. International-Lawyers.org noted with concern the growing number of instances of xenophobia, especially Islamophobia, in the Netherlands. It urged the Government to address such discrimination in line with the International Convention on the Elimination of All Forms of Racial Discrimination and the Durban Declaration and Programme of Action.

955. Endeavour Forum stated that the Netherlands had ignored the rights of children based on age. It stated that abortion constituted the killing of a human being. It expressed the view that human dismemberment was not a solution to social problems and that abortion was the worst form of child abuse. It stated that abortion had resulted in the genocide of a large number of human beings over decades.

956. The Islamic Human Rights Commission noted the recommendations from the Committee on the Elimination of Racial Discrimination to promote the elimination of certain features of the character of Zwarte Piet (Black Pete) that reflected negative stereotypes and were experienced by many persons of African descent as vestiges of slavery. It reported that the Netherlands had not agreed to ban the racist aspects of the Sinterklass festival. It noted reports of intimidation and threats against journalists who questioned the racist aspects of the festival and was concerned by the rise of Islamophobia and cases of violence.

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

957. The President stated that, based on the information provided, out of 203 recommendations received, 104 had enjoyed the support of the Netherlands, additional clarification had been provided on 1 recommendation and 98 had been noted.

958. The delegation thanked the States and civil society organizations that had participated in the review for their constructive comments and criticism. It reassured the Human Rights Council that the Government would carefully consider those comments and expressed the Government's readiness to continue the discussion bilaterally on those issues. The Government planned to organize a conference on the follow-up to the recommendations with the participation of stakeholders in November. The conference would be divided into several workshops on the different themes discussed during the review.

959. The delegation informed the Human Rights Council that a new Government would be formed following the recent elections, which would subsequently adopt new policies. Nevertheless, the Netherlands would remain strongly committed to the universal periodic review process and the recommendations therefrom. The outcome of the conference on the follow-up to be held in November would be reflected in those new policies. An important factor in the success of the third cycle of the universal periodic review remained the effective implementation of the recommendations. The delegation concluded by reiterating the appeal made by one of the non-governmental organizations to start work on implementing the recommendations.

#### **South Africa**

960. The review of South Africa was held on 10 May 2017 in conformity with all the relevant provisions contained in relevant Human Rights Council resolutions and decisions, and was based on the following documents:

(a) The national report submitted by South Africa in accordance with paragraph 15 (a) of the annex to Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 (A/HRC/WG.6/27/ZAF/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) of the annex to Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 (A/HRC/WG.6/27/ZAF/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) of the annex to Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 (A/HRC/WG.6/27/ZAF/3).

961. At its 26th meeting, on 22 September 2017, the Human Rights Council considered and adopted the outcome of the review of South Africa (see sect. C below).

962. The outcome of the review of South Africa comprises the report of the Working Group on the Universal Periodic Review (A/HRC/36/16), the views of the State under review concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the Human Rights Council in plenary session to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see A/HRC/36/16/Add.1).

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

963. The delegation, headed by the Deputy Minister for Justice and Constitutional Development, John Jeffery, introduced the position of South Africa on the recommendations received.

964. September 2017 marked the fortieth anniversary of the death of Steve Biko, who had been killed in police custody on 12 September 1977, after a litany of human rights violations that included enforced disappearance, arbitrary detention, torture and State-sanctioned murder, all of which were too common in Apartheid South Africa. The best way to honour his legacy was to ensure human rights for all. The delegation was therefore pleased to report back on the progress made regarding the report of the Working Group on the Universal Periodic Review.

965. During the third cycle review in May 2017, South Africa received a total of 243 recommendations, of which 187 had been accepted. Those recommendations were receiving the attention of the Government and were at various phases in the planning and implementation process. At least one of the recommendations was beyond the scope of South Africa to implement as it fell within the purview of the institution-building text of the Human Rights Council. The remainder of the recommendations were ongoing in nature and would therefore require more detailed consideration. Acceptance of those recommendations would also require a realistic consideration of the resources available. Therefore, South Africa would report comprehensively on all the recommendations at its next review in 2022.

966. Many of the recommendation made to South Africa had focused on the elimination of hate speech, hate crimes, racism and other forms of discrimination. The delegation stressed the Government's commitment to eliminating racism in all its forms. The Prevention and Combating of Hate Crimes and Hate Speech Bill had been published for public comment earlier in the year and had generated considerable debate, notably in relation to the provisions on hate speech. The Government believed that criminalizing such conduct would act as a deterrent and discourage persons from expressing such views. The National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance was in the process of being finalized.

967. South Africa had also received many recommendations on the elimination of discrimination and violence against women. The Government remained concerned by the continuation of that scourge and was endeavouring to improve the operation of the many initiatives and programmes in existence, such as the work being carried out by the Thuthuzela care centres and the Sexual Offences Courts. A number of initiatives were being undertaken in collaboration with non-governmental organizations that focused on better parenting and involved fatherhood.

968. With regard to the rights of lesbian, gay, bisexual, transgender and intersex persons, the delegation recalled the work of the national task team, noting that the engagement among civil society, various government departments and national human rights institutions was beginning to yield results.

969. The Government was making important strides by developing standard operating procedures, hosting national dialogues and training immigration officials.

970. Social cohesion, nation-building and the prevention of sporadic attacks on foreign nationals were high on the Government's agenda and various interministerial task teams had been established to address those issues. Some of the challenges that were being addressed included the implementation of labour policies as they pertained to foreign nationals, the implementation of the laws that governed business licences, and the country's border management and migration policies.

971. The delegation recalled questions received during the session of the Working Group on the Universal Periodic Review in May regarding the Life Esidimeni incident and reported on the measures taken to implement the initial recommendations of the Health Ombudsman to establish an alternative dispute resolution process.

972. The delegation also indicated that South Africa welcomed the recommendations to promote socioeconomic rights and reiterated the Government's commitment to the pro-poor programmes. It noted the progress made, including the increase during the previous 23

years of the social grants programme to poor and vulnerable communities from 2.7 million to 17 million people and the numerous measures taken with regard to education.

973. The delegation highlighted achievements in the area of health, noting that, in 2017, the White Paper on national health insurance had been gazetted as a policy document. The National Health Insurance scheme was a health financing system that would seek to provide access to quality health-care services to all South Africans. Additionally, with 3.9 million persons on antiretroviral drugs, South Africa had the largest such programme in the world. The country had also recently reached a breakthrough pricing agreement on antiretroviral drugs that would accelerate the availability of the first affordable, generic, single pill HIV treatment regimen in the public health sector.

974. Despite the commitments of South Africa and its many legislative, policy and other measures to achieve socioeconomic and political rights for all, it still struggled to overcome the legacy of inequality. September 2017 marked the fifth anniversary of the national development plan, which was the country's blueprint for socioeconomic development to tackle the challenges of poverty, unemployment and inequality by 2030.

975. On the issue of national human rights institutions, the Constitution had set up an array of independent institutions. With regard specifically to recommendations made on the work of the South African Human Rights Commission, the Government had participated in regular cooperative meetings with the Commission.

976. With regard to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, before ratification could be achieved, an agreement on the structure and location of the national preventive mechanism needed to be reached.

977. The delegation recalled ongoing efforts to combat trafficking in persons, including the adoption of the Prevention and Combating of Trafficking in Persons Act. A national intersectoral committee on the prevention and combating of trafficking in persons had also been established. The work being carried out was aligned with the commitments made in the United Nations Global Plan of Action to Combat Trafficking in Persons and on Goal 16 of the Sustainable Development Goals.

978. South Africa remained fully committed to the protection, promotion and enjoyment of human rights by all.

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

979. During the adoption of the outcome of the review of South Africa, 16 delegations made statements.

980. Senegal stated that South Africa had developed economic, social and cultural policies to consolidate the nation. In that context, the national plan for development entitled "Vision 2030" had been recently adopted. Senegal shared the aims of South Africa to combat racism, xenophobia, intolerance and discrimination and, in that regard, welcomed the enactment of the bill criminalizing hate speech.

981. Sierra Leone noted with interest that crimes committed against persons with albinism would be covered under the Prevention and Combating of Hate Crimes and Hate Speech Bill of 2016 and encouraged all efforts aimed at the protection of persons with albinism. Sierra Leone encouraged South Africa to consider becoming a signatory to the core conventions it was not currently a party to, notably the International Convention for the Protection of All Persons from Enforced Disappearance and the International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families.

982. Sri Lanka noted that South Africa had accepted 187 recommendations out of 243. It welcomed the commitment of South Africa to human rights and, in particular, the measures taken to implement the 2030 Agenda for Sustainable Development through the national development plan, Vision 2030. Sri Lanka encouraged the Government to continue efforts to eliminate hate crime, hate speech and racism, racial discrimination, xenophobia and related intolerance through the legal and policy measures that it had already embarked upon.

983. The Sudan commended South Africa for its enactment of the Prevention and Combating of Trafficking in Persons Act in 2013, the adoption of the national development plan (Vision 2030) and the drafting of a national action plan to combat racism, racial discrimination, xenophobia and related intolerance. It noted with appreciation that South Africa had accepted the majority of the recommendations received.

984. Togo welcomed the full participation of South Africa in the universal periodic review process and its renewed commitment to continuing to protect and promote human rights in the country. Togo commended South Africa for the measures it had adopted to eliminate poverty and reduce inequalities and encouraged South Africa to continue its efforts to combat hate speech and hate crimes.

985. Tunisia welcomed the acceptance by South Africa of the majority of the recommendations received and the steps taken to promote economic and social rights, in particular, the adoption of the national development plan (Vision 2030) to combat poverty and reduce inequality by 2030. Tunisia welcomed the adoption of specific laws to combat torture, trafficking in persons and protect information.

986. Uzbekistan thanked South Africa for the updated information with regard to the recommendations and commended the country for its constructive participation in the universal periodic review process. The effective implementation of the recommendations would help to further strengthen the protection of human rights in South Africa.

987. The Bolivarian Republic of Venezuela stated that the sound social programmes adopted by South Africa to reduce inequality and poverty reaffirmed the country's determination to enhance the well-being of its people. It noted the increase in the budget for education and significant progress in different areas related to health, such as the increase in life expectancy and improvements in mortality rates. It noted the leadership of South Africa in the effective implementation of the Durban Declaration and Programme of Action.

988. Albania commended South Africa for its constructive engagement with the mechanisms of the Human Rights Council, including its standing invitation to the special procedures. Albania appreciated the acceptance by South Africa of its recommendation on the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and encouraged the country to continue on its positive path in upholding human rights, including by enhancing implementation of its international obligations in its national legislation.

989. Algeria noted that South Africa had done much to combat racism, as reflected in the draft national plan of action developed in that context. Algeria welcomed the commitment of South Africa at the regional and international levels to promote human rights for all. It noted that South Africa had accepted most of the recommendations received, including those made by Algeria on combating sexual violence against children and the fight against HIV/AIDS.

990. Azerbaijan commended South Africa for its constructive engagement in and commitment to the universal periodic review process. Azerbaijan congratulated South Africa for its continuous efforts to promote and protect human rights in the country, and commended the Government for its institutionalized and committed approach with regard to the implementation of the Sustainable Development Goals.

991. Belgium asked about the concrete measures that would be adopted with regard to strengthening the protection of lesbian, gay, bisexual, transgender and intersex persons. It noted with regret that two of its recommendations had not been accepted by South Africa, namely on revising the legislation on children in order to set 18 years as the minimum age for marriage for boys and girls and ratifying the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.

992. Botswana noted the development of the education system with a view to increasing access. It also noted the draft national action plan to combat racism, racial discrimination, xenophobia and related intolerance aimed at providing a basis for the development of a comprehensive public policy against those scourges. Botswana was confident that the action plan would be finalized as planned.

993. China commended South Africa for its acceptance of the recommendations received, including on continuing to promote sustainable development, eradicating poverty and



improving people's living standards. China appreciated the remarkable achievements of South Africa in breaking down racial barriers, promoting equality and protecting the various rights of its people. China also appreciated the implementation of the national development plan (Vision 2030).

994. Côte d'Ivoire congratulated South Africa on the efforts made in favour of the promotion and protection of human rights in the country. Côte d'Ivoire encouraged South Africa to continue its efforts, in particular to promote the rights of women, children and vulnerable persons.

995. Cuba thanked South Africa for having accepted its two recommendations on continuing the implementation of policies to reduce poverty and inequality and advancing the process to adopt the Prevention and Combating of Hate Crimes and Hate Speech Bill. Cuba welcomed the active role played by South Africa in the international debate on such relevant issues as the impact of the activities of transnational corporations on human rights, in particular private military and security companies, and the right to development.

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

996. During the adoption of the outcome of the review of South Africa, 12 other stakeholders made statements.

997. The South African Human Rights Commission (by video message) commended the Government for the significant progress achieved since the previous cycle of the universal periodic review. It supported the recommendations on inequality, racism and xenophobia, socioeconomic rights, gender-based violence, hate crimes, the challenges faced by persons with disabilities, HIV/AIDS and children's rights. It reiterated the recommendations on the ratification of outstanding international instruments, including the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

998. The International Bar Association noted that South Africa had withdrawn its notice to withdraw from the International Criminal Court. However, the African National Congress had called for an African court to address international crimes that would exempt heads of State and senior officials from prosecution. It called on the Government to adopt a law on hate speech, as recommended, ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and facilitate a visit of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance.

999. The International Lesbian and Gay Association noted with appreciation that the Government had accepted all seven of the recommendations on sexual orientation, gender identity and expression and sex characteristics. It urged the Government to support civil society organizations on public education campaigns to combat hate speech and social stigmatization of transgender and intersex persons and to take measures to increase tolerance and social inclusion.

1000. The Association for the Prevention of Torture noted that, although South Africa had signed the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 10 years ago and, since then, had accepted recommendations to ratify that instrument, it had failed to do so. The Association hoped that South Africa would now give priority to ratification of the Optional Protocol. The Association was encouraged by the renewed interest in the practicalities of implementing the Optional Protocol.

1001. The Swedish Association for Sexuality Education noted that 2017 marked the twentieth anniversary of the Choice on Termination of Pregnancy Act. However, an estimated 50 per cent of abortions were still performed by illegal providers and almost 10 per cent of maternal deaths were from unsafe abortions. It urged South Africa, through the implementation of the recommendations from the universal periodic review, to uphold the sexual and reproductive health and rights of all and place women and young persons at the centre of reproductive justice.

1002. Action Canada for Population and Development noted that many of the 243 recommendations made during the third cycle of the universal periodic review echoed

recommendations made in the previous cycles, notably on gender-based violence, HIV/AIDS, poverty, inequality and racial discrimination. The repeated commitments by South Africa to address those issues had been undermined by, among others, rampant extraction of the country's natural resources by multinational corporations, the political economy of aid conditionality, which was the modern face of colonialism, and corruption.

1003. Edmund Rice International noted that South Africa had high rates of gender-based violence and that statistics showed that only a fifth of perpetrators faced legal action following a reported rape. It indicated that, despite significant government investment, the education system was highly dysfunctional. It recommended that the Government reopen refugee offices and hire additional personnel.

1004. Amnesty International emphasized the need for a national strategic plan on combating gender-based violence and for urgent improvements in the rates of conviction and justice for survivors. It welcomed the acceptance by South Africa of some of the recommendations to reduce, including through capacity-building, excessive use of force. It deeply regretted that, more than five years after 34 striking miners had been killed and another 70 injured at Marikana, the victims and their families were still awaiting justice.

1005. Human Rights Watch urged South Africa to fulfil the commitments made during the third cycle of the universal periodic review, including on the prevention of xenophobia and other forms of intolerance and violence against women. It indicated that South Africa should reaffirm its commitment to the International Criminal Court. It noted the recommendations calling on South Africa to prioritize implementation of inclusive education for children with disabilities and indicated that the Government should ensure that children with disabilities had access to quality basic education.

1006. Rencontre africaine pour la défense des droits de l'homme remained concerned by the increase in violence, xenophobia, discrimination and intolerance against African migrants in the country and the pillaging of their belongings. It called upon the Government to launch an outreach campaign on tolerance. It noted the steady decline in HIV infections. It encouraged South Africa to fight against corruption, sexual violence and excessive use of force by the security forces.

1007. Villages unis congratulated South Africa for its full cooperation with the mechanisms of the Human Rights Council. It encouraged South Africa in its efforts to combat discrimination and violence against women and welcomed the clear political will of the Government to adopt concrete measures and take action against xenophobia and racism.

1008. International-Lawyers.org welcomed the Prevention and Combating of Hate Crimes and Hate Speech Bill, noting that the most prominent legacy of South Africa was its struggle against racism and other forms of discrimination. In that context, it urged South Africa to continue to pursue its role as a global leader in support of the Durban Declaration and Programme of Action.

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

1009. The President stated that, based on the information provided, out of 243 recommendations received, 187 had enjoyed the support of South Africa and 56 had been noted.

1010. The delegation thanked the representatives of States and civil society organizations for their comments, the majority of which had been supportive. Certain of the issues raised related to areas on which further action could be taken. On the issue of migrants, refugees, asylum seekers and stateless persons, that was a complicated area that required international cooperation and burden sharing. South Africa strongly supported the development of the global compacts on refugees and migrants to ensure protection of their human rights. South Africa viewed the universal periodic review mechanism as an important tool for cooperation and constructive engagement among States and all other stakeholders. It remained committed to effectively implementing the recommendations accepted and would engage in consultations in that regard.

## B. General debate on agenda item 6

1011. At its 27th meeting, on 22 September 2017, and at its 28th meeting, on 25 September, the Human Rights Council held a general debate on agenda item 6, during which the following made statements:

(a) Representatives of States members of the Human Rights Council: Armenia<sup>15</sup> (on behalf of International Organization of la Francophonie), China, Cuba, Egypt (on behalf of the Group of Arab States), Estonia<sup>15</sup> (on behalf of the European Union), Georgia, Iraq, Paraguay, Portugal (also on behalf of Angola, Australia, the Bahamas, Belgium, Botswana, Brazil, Colombia, Costa Rica, Denmark, Ecuador, Fiji, Georgia, Haiti, Italy, Mexico, Morocco, the Netherlands, Norway, Paraguay, the Republic of Korea, Seychelles, Slovenia, Thailand, Timor-Leste, Tunisia and Uruguay), Tunisia (also on behalf of the Group of African States), United States of America, Venezuela (Bolivarian Republic of);

(b) Representatives of observer States: Armenia, Belize, Guinea-Bissau, Haiti, Iran (Islamic Republic of), Malawi, Maldives, Montenegro, Morocco, Samoa (also on behalf of Angola, Belize, Guinea-Bissau, Malawi, Mali, the Marshall Islands and Mauritania), Sweden, Turkey;

(c) Observer for an intergovernmental organization: the Commonwealth;

(d) Observers for non-governmental organizations: ABC Tamil Oli, Africa culture internationale, African Regional Agricultural Credit Association, Alliance Creative Community Project, Alsalam Foundation, Americans for Democracy and Human Rights in Bahrain, Anaja – L'Éternel a répondu, Article 19: International Centre against Censorship, Association Bharathi centre culturel franco-tamoul, Association culturelle des Tamouls en France, Association des étudiants tamouls de France, Association of World Citizens, Association pour les victimes du monde, Association pour l'intégration et le développement durable au Burundi, Association solidarité internationale pour l'Afrique, Association Thendral, Canners International Permanent Committee, Center for Environmental and Management Studies, Center for Organisation Research and Education, Colombian Commission of Jurists, Commission to Study the Organization of Peace, Conseil international pour le soutien à des procès équitables et aux droits de l'homme, Ensemble contre la peine de mort, Federatie van Nederlandse Verenigingen tot Integratie van Homoseksualiteit – COC Nederland, Health and Environment Program, Indian Council of South America, Indigenous People of Africa Coordinating Committee, International Association for Democracy in Africa, International Buddhist Relief Organisation, International Educational Development, International Human Rights Association of American Minorities, International Humanist and Ethical Union (also on behalf of Alliance Defending Freedom, Baha'i International Community, Christian Solidarity Worldwide, European Humanist Federation, International Association for Religious Freedom and International Fellowship of Reconciliation), International Organization for the Elimination of All Forms of Racial Discrimination, International-Lawyers.org, Iraqi Development Organization, Khiam Rehabilitation Centre for Victims of Torture, Le pont, Liberation, Ma'arij Foundation for Peace and Development, Mbororo Social and Cultural Development Association, Next Century Foundation, Observatoire mauritanien des droits de l'homme et de la démocratie, Organisation pour la communication en Afrique et de promotion de la coopération économique internationale, Pan African Union for Science and Technology, Prahar, Rencontre africaine pour la défense des droits de l'homme, Society Studies Centre, Tamil Uzhagam, Tourner la page, United Schools International, United Towns Agency for North-South Cooperation, UPR Info, Vaagdhara, Verein Südwind Entwicklungspolitik, World Barua Organization, World Environment and Resources Council, World Muslim Congress.

<sup>15</sup> Observer of the Human Rights Council speaking on behalf of member and observer States.

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

### **Bahrain**

1012. At its 22nd meeting, on 21 September 2017, the Human Rights Council adopted draft decision 36/101 without a vote.

### **Ecuador**

1013. At its 22nd meeting, on 21 September 2017, the Human Rights Council adopted draft decision 36/102 without a vote.

### **Tunisia**

1014. At its 22nd meeting, on 21 September 2017, the Human Rights Council adopted draft decision 36/103 without a vote.

### **Morocco**

1015. At its 23rd meeting, on 21 September 2017, the Human Rights Council adopted draft decision 36/104 without a vote.

### **Indonesia**

1016. At its 23rd meeting, on 21 September 2017, the Human Rights Council adopted draft decision 36/105 without a vote.

### **Finland**

1017. At its 24th meeting, on 21 September 2017, the Human Rights Council adopted draft decision 36/106 without a vote.

### **United Kingdom of Great Britain and Northern Ireland**

1018. At its 24th meeting, on 21 September 2017, the Human Rights Council adopted draft decision 36/107 without a vote.

### **India**

1019. At its 24th meeting, on 21 September 2017, the Human Rights Council adopted draft decision 36/108 without a vote.

### **Brazil**

1020. At its 24th meeting, on 21 September 2017, the Human Rights Council adopted draft decision 36/109 without a vote.

### **Philippines**

1021. At its 25th meeting, on 22 September 2017, the Human Rights Council adopted draft decision 36/110 without a vote.

### **Algeria**

1022. At its 25th meeting, on 22 September 2017, the Human Rights Council adopted draft decision 36/111 without a vote.

### **Poland**

1023. At its 25th meeting, on 22 September 2017, the Human Rights Council adopted draft decision 36/112 without a vote.

### **Netherlands**

1024. At its 26th meeting, on 22 September 2017, the Human Rights Council adopted draft decision 36/113 without a vote.

**South Africa**

1025. At its 26th meeting, on 22 September 2017, the Human Rights Council adopted draft decision 36/114 without a vote.

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

### General debate on agenda item 7

1026. At its 28th and 29th meetings, on 25 September 2017, the Human Rights Council held a general debate on agenda item 7, during which the following made statements:

(a) The representatives of the Syrian Arab Republic and the State of Palestine, as the States concerned;

(b) Representatives of States members of the Human Rights Council: Bangladesh, Bolivia (Plurinational State of), Brazil, China, Cuba, Ecuador, Egypt (also on behalf of the Group of Arab States), Indonesia, Iraq, Nicaragua<sup>15</sup> (also on behalf of Algeria, Bahrain, Bangladesh, Bolivia (Plurinational State of), Cuba, Ecuador, Egypt, Indonesia, Malaysia, Namibia, Pakistan, Saudi Arabia, South Africa, United Arab Emirates, Venezuela (Bolivarian Republic of) and Zimbabwe), Nigeria, Pakistan<sup>15</sup> (on behalf of the Organization of Islamic Cooperation), Qatar, Saudi Arabia, South Africa, Tunisia (also on behalf of the Group of African States), United Arab Emirates, Venezuela (Bolivarian Republic of) (also on behalf of the Movement of Non-Aligned Countries);

(c) Representatives of observer States: Algeria, Angola, Bahrain, Chile, Democratic People's Republic of Korea, Iran (Islamic Republic of), Jordan, Kuwait, Lebanon, Libya, Malaysia, Maldives, Mauritania, Morocco, Namibia, Nicaragua, Oman, Pakistan, Russian Federation, Senegal, Sudan, Turkey;

(d) Observer for an intergovernmental organization: Cooperation Council for the Arab States of the Gulf;

(e) Observers for non-governmental organizations: Adalah: Legal Center for Arab Minority Rights in Israel, Africa culture internationale, Agence pour les droits de l'homme, Al-Haq, Amuta for NGO Responsibility, Association of World Citizens, Badil Resource Center for Palestinian Residency and Refugee Rights, B'nai B'rith (also on behalf of Coordinating Board of Jewish Organizations), Cairo Institute for Human Rights Studies (also on behalf of Al Mezan Center for Human Rights), Commission of the Churches on International Affairs of the World Council of Churches, Conseil de jeunesse pluriculturelle, Conseil International pour le soutien à des procès équitables et aux droits de l'homme, Defence for Children International, Human Rights Watch, Indian Movement "Tupaj Amaru", International Association of Democratic Lawyers, International Buddhist Relief Organisation, International Federation for Human Rights Leagues, International Human Rights Association of American Minorities, International Organization for the Elimination of All Forms of Racial Discrimination, International Youth and Student Movement for the United Nations, International-Lawyers.org, Khiam Rehabilitation Centre for Victims of Torture, Meezaan Center for Human Rights, Norwegian Refugee Council, Palestinian Center for Development and Media Freedoms "MADA", Palestinian Return Centre, Servas International, Union of Arab Jurists, United Nations Watch, Women's Centre for Legal Aid and Counselling, World Jewish Congress, World Muslim Congress.

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

### A. Panel discussion

#### **Annual discussion on the integration of a gender perspective throughout the work of the Human Rights Council and that of its mechanisms**

1027. At its 11th meeting, on 15 September 2017, the Human Rights Council held, pursuant to Council resolution 6/30, an annual discussion on the integration of a gender perspective, with a focus on the theme “The universal periodic review and the 2030 Agenda for Sustainable Development: achieve gender equality and empower all women and girls”.

1028. The United Nations High Commissioner for Human Rights made an opening statement for the panel. The Executive Director of the Gender Centre at the Graduate Institute of International and Development Studies, Claire Somerville, moderated the discussion for the panel.

1029. At the same meeting, the following panellists made statements: Secretary General of the Commission for Women in Jordan, Salma Nims; Deputy Executive Director of the International Division at the Danish Institute for Human Rights, Eva Grambye; Executive Director of UPR Info, Roland Chauville; Assistant Representative of the Malawi Country Office, United Nations Population Fund, Dorothy Nyasulu.

1030. The ensuing panel discussion was divided into two speaking slots, which were held at the same meeting. During the first speaking slot, the following made statements and asked the panellists questions:

(a) Representatives of States members of the Human Rights Council: Belgium (also on behalf of Luxembourg and Netherlands), Brazil (on behalf of the Community of Portuguese-speaking Countries), Canada<sup>15</sup> (also on behalf of Australia, Iceland, Liechtenstein, New Zealand, Norway and Switzerland), Chile (also on behalf of Argentina, Brazil, Colombia, Costa Rica, Guatemala, Mexico, Peru and Uruguay), Estonia<sup>15</sup> (also on behalf of Denmark, Finland, Iceland, Latvia, Lithuania, Norway and Sweden), Ethiopia, Pakistan<sup>15</sup> (on behalf of the Organization of Islamic Cooperation), Switzerland (also on behalf of Austria, Liechtenstein and Slovenia), Tunisia (on behalf of the Group of African States);

(b) Representatives of observer States: Bahrain, Ireland;

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

(d) Observer for national human rights institutions: Global Alliance of National Human Rights Institutions;

(e) Observers for non-governmental organizations: Swedish Federation for Lesbian, Gay, Bisexual and Transgender Rights (also on behalf of International Lesbian and Gay Association), Terre des hommes fédération internationale (also on behalf of Defence for Children International, Foundation ECPAT International and Plan International).

1031. At the end of the first speaking slot, the panellists answered questions and made comments.

1032. During the second speaking slot, the following made statements:

(a) Representatives of States members of the Human Rights Council: Bangladesh, Botswana, Georgia, India, Qatar, United Arab Emirates;

(b) Representatives of observer States: Angola, Bosnia and Herzegovina, Bulgaria, Greece, Israel, Italy, Maldives, Pakistan, Sierra Leone, Spain, Viet Nam;

(c) Observer for an intergovernmental organization: International Development Law Organization;

(d) Observers for non-governmental organizations: Action Canada for Population and Development, CIVICUS: World Alliance for Citizen Participation (also on behalf of Association for Women's Rights in Development), International Service for Human Rights, Verein Südwind Entwicklungspolitik.

1033. Also at the same meeting, the panellists answered questions and made concluding remarks.

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

1034. At its 29th meeting, on 25 September 2017, and at its 31st meeting, on 26 September, the Human Rights Council held a general debate on agenda item 8, during which the following made statements:

(a) Representatives of States members of the Human Rights Council: Bolivia (Plurinational State of), China, Colombia<sup>15</sup> (also on behalf of Argentina, Brazil, Chile, Costa Rica, Mexico and Uruguay), Egypt (on behalf of the Group of Arab States), Estonia<sup>15</sup> (on behalf of the European Union), Ethiopia (also on behalf of Italy, Japan, Mexico, Morocco and the United Kingdom of Great Britain and Northern Ireland), Iraq, Pakistan<sup>15</sup> (on behalf of the Organization of Islamic Cooperation), Philippines, South Africa, Switzerland (also on behalf of Albania, Brazil, Colombia, Greece, Guatemala, Mexico, Paraguay, Portugal and Uruguay), Tunisia (on behalf of the Group of African States), United States of America, Venezuela (Bolivarian Republic of);

(b) Representatives of observer States: Greece, Israel, Libya, Mozambique, Namibia, Russian Federation;

(c) Observers for non-governmental organizations: ABC Tamil Oli, Action Canada for Population and Development (also on behalf of Allied Rainbow Communities International, Center for Reproductive Rights, Centro de Estudios Legales y Sociales, European Humanist Federation, European Youth Forum, Federatie van Nederlandse Verenigingen tot Integratie Van Homoseksualiteit – COC Nederland, International Commission of Jurists, International Federation for Human Rights Leagues, International HIV/AIDS Alliance, International Humanist and Ethical Union, International Lesbian and Gay Association, International Planned Parenthood Federation, IPAS, Médecins du monde (international), Rutgers, Sonke Gender Justice Network, Women Enabled, Women's International Democratic Federation and World Young Women's Christian Association), Alliance Creative Community Project, Alsalam Foundation, Americans for Democracy and Human Rights in Bahrain, Anaja – L'Éternel a répondu, Asian Forum for Human Rights and Development, Association AMOR, Association Bharathi centre culturel franco-tamoul, Association culturelle des Tamouls en France, Association of World Citizens, Association pour les victimes du monde, Association pour l'intégration et le développement durable au Burundi, Association solidarité internationale pour l'Afrique, Association Thendral, Canners International Permanent Committee, Center for Environmental and Management Studies, Center for Organisation Research and Education, Centre for Human Rights and Peace Advocacy, Centro de Estudios Legales y Sociales (also on behalf of Penal Reform International), Centro Regional de Derechos Humanos y Justicia de Género, Commission to Study the Organization of Peace, Conectas Direitos Humanos, Conseil de jeunesse pluriculturelle, Conseil international pour le soutien à des procès équitables et aux droits de l'homme, European Union of Public Relations, Human Security Initiative Organization, Indigenous People of Africa Coordinating Committee, International Association for Democracy in Africa, International Humanist and Ethical Union, International Human Rights Association of American Minorities, International Organization for the Elimination of All Forms of Racial Discrimination, International-Lawyers.org, International Youth and Student Movement for the United Nations, Iuventum, Kham Rehabilitation Centre for Victims of Torture, Le pont, Liberation, Ma'arij Foundation for Peace and Development, Mbororo Social and Cultural Development Association, Meezaan Center for Human Rights, Observatoire mauritanien des droits de l'homme et de la démocratie, Organisation internationale pour le développement intégral de la femme, Organisation pour la communication en Afrique et de promotion de la coopération économique internationale, Pan African Union for Science and Technology, Prahar, Presse emblème campagne, Rencontre africaine pour la défense des droits de l'homme, Servas International, Society for Development and Community Empowerment, Tamil Uzhagam, Tourner la page, United



Nations Watch, United Schools International, Vaagdhara, Verein Südwind Entwicklungspolitik, Victorious Youths Movement, World Barua Organization, World Environment and Resources Council, World Muslim Congress.

1035. At the 29th meeting, on 25 September 2017, the representative of the Bolivarian Republic of Venezuela made a statement in exercise of the right of reply.

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

### **A. Interactive dialogue with the Working Group of Experts on People of African Descent**

1036. At the 31st meeting, on 26 September 2017, the Chair-Rapporteur of the Working Group of Experts on People of African Descent, Sabelo Gumedze, presented the reports of the Working Group (A/HRC/36/60 and Add.1–2).

1037. At the same meeting, the representatives of Canada and Germany made statements as the States concerned.

1038. Also at the same meeting, a representative of the German Institute for Human Rights made a statement.

1039. During the ensuing interactive dialogue, at the same meeting, the following made statements and asked the Chair-Rapporteur of the Working Group questions:

(a) Representatives of States members of the Human Rights Council: Bolivia (Plurinational State of), Botswana, Brazil, Cuba, Ecuador, Nigeria, Tunisia (on behalf of the Group of African States), United States of America, Venezuela (Bolivarian Republic of);

(b) Representatives of observer States: Azerbaijan, Benin, Italy, Kenya, Libya, Mexico;

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

(d) Observers for non-governmental organizations: Comité international pour le respect et l'application de la charte africaine des droits de l'homme et des peuples, Commission africaine des promoteurs de la santé et des droits de l'homme, Commission of the Churches on International Affairs of the World Council of Churches, Espace Afrique international, International Organization for the Elimination of All Forms of Racial Discrimination, International Youth and Student Movement for the United Nations, International-Lawyers.org, Minority Rights Group.

1040. Also at the same meeting, the Chair-Rapporteur answered questions and made his concluding remarks.

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

1041. At its 32nd meeting, on 26 September 2017, the Human Rights Council held a general debate on agenda item 9, during which the following made statements:

(a) Representatives of States members of the Human Rights Council: Bangladesh, Brazil, Brazil (also on behalf of Argentina, Chile, Guatemala, Haiti, Mexico, Peru and Uruguay), China, Cuba, Ecuador, Egypt (on behalf of the Group of Arab States), Estonia<sup>15</sup> (also on behalf of the European Union, Albania, Bosnia and Herzegovina, Georgia, Liechtenstein, Montenegro, Republic of Moldova, Serbia, the former Yugoslav Republic of Macedonia, Turkey and Ukraine), Iraq, Pakistan<sup>15</sup> (on behalf of the Organization of Islamic Cooperation), Tunisia (on behalf of the Group of African States), Venezuela (Bolivarian Republic of) (also on behalf of the Movement of Non-Aligned Countries);

(b) Representatives of observer States: Armenia, Azerbaijan, Bahrain, Greece, Iran (Islamic Republic of), Israel, Libya, Mexico, Pakistan, Russian Federation, Sierra Leone, Turkey, Ukraine;

(c) Observers for non-governmental organizations: ABC Tamil Oli, Africa culture internationale, Alliance Creative Community Project, Alsalam Foundation, Americans for Democracy and Human Rights in Bahrain, Amuta for NGO Responsibility, Anaja – L'Éternel a répondu, Asian-Eurasian Human Rights Forum, Association Bharathi

centre culturel franco-tamoul, Association culturelle des Tamouls en France, Association des étudiants tamouls de France, Association of World Citizens, Association pour les victimes du monde, Association pour l'intégration et le développement durable au Burundi, Association solidarité internationale pour l'Afrique, Association Thendral, Center for Environmental and Management Studies, Center for Organisation Research and Education, Commission africaine des promoteurs de la santé et des droits de l'homme, Conseil international pour le soutien à des procès équitables et aux droits de l'homme, European Centre for Law and Justice, European Union of Public Relations, Indian Council of South America, Indian Movement "Tupaj Amaru", Indigenous People of Africa Coordinating Committee, International Association for Democracy in Africa, International Buddhist Relief Organisation, International Educational Development, International Human Rights Association of American Minorities, International Movement against All Forms of Discrimination and Racism, International Organization for the Elimination of All Forms of Racial Discrimination, International Youth and Student Movement for the United Nations (also on behalf of Action internationale pour la paix et le développement dans la région des Grands Lacs, African Development Association, Association Dunenyo, Comité international pour le respect et l'application de la charte africaine des droits de l'homme et des peuples, Commission africaine des promoteurs de la santé et des droits de l'homme, Espace Afrique international, Global Action on Aging, Indian Movement "Tupaj Amaru", International Association against Torture, International Association of Democratic Lawyers, International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities, International Organization for the Elimination of All Forms of Racial Discrimination, International-Lawyers.org, Iuventum, Liberation, Servas International and Tiye International), International-Lawyers.org, Iraqi Development Organization, Khiam Rehabilitation Centre for Victims of Torture, Le pont, Liberation, Ma'arij Foundation for Peace and Development, Mbororo Social and Cultural Development Association, Meezaan Center for Human Rights, Next Century Foundation, Observatoire mauritanien des droits de l'homme et de la démocratie, Organisation pour la communication en Afrique et de promotion de la coopération économique internationale, Organization for Defending Victims of Violence, Palestinian Return Centre, Pan African Union for Science and Technology, Pasumai Thaayagam Foundation, Prahar, Rencontre africaine pour la défense des droits de l'homme, Servas International, Sikh Human Rights Group, Society for Development and Community Empowerment, Stichting International Center for Ethnobotanical Education, Research and Service, Tamil Uzhagam, Tourner la page, United Nations Watch, United Schools International, Vaagdhara, Verein Südwind Entwicklungspolitik, World Barua Organization, World Environment and Resources Council, World Jewish Congress, World Muslim Congress.

1042. At the same meeting, the representatives of Armenia, Azerbaijan, China, Cuba and the Russian Federation made statements in exercise of the right of reply.

1043. Also at the same meeting, the representatives of Armenia and Azerbaijan made statements in exercise of the second right of reply.

## C. Consideration of and action on draft proposals

### Mandate of the Working Group of Experts on People of African Descent

1044. At the 42nd meeting, on 29 September 2017, the representative of Tunisia (on behalf of the Group of African States) introduced draft resolution A/HRC/36/L.16, sponsored by Tunisia (on behalf of the Group of African States) and co-sponsored by Haiti and Venezuela (Bolivarian Republic of). Subsequently, Bolivia (Plurinational State of), Brazil, Canada, Chile, China, Costa Rica, Cuba, the Dominican Republic, Ecuador, Greece, Honduras, Panama, the Republic of Korea and the former Yugoslav Republic of Macedonia joined the sponsors.

1045. At the same meeting, the representative of Latvia (on behalf of States members of the European Union that are members of the Human Rights Council) made a general comment on the draft resolution.

1046. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated administrative and programme budget implications of the draft resolution.

1047. Also at the same meeting, the representative of the United States of America made a statement in explanation of vote before the vote in relation to the draft resolution. In his statement, the representative of the United States of America disassociated the member State from the consensus on the draft resolution.

1048. At the same meeting, the Human Rights Council adopted the draft resolution without a vote (resolution 36/23).

**From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance**

1049. At the 42nd meeting, on 29 September 2017, the representative of Tunisia (on behalf of the Group of African States) introduced draft resolution A/HRC/36/L.17/Rev.1, sponsored by Tunisia (on behalf of the Group of African States) and co-sponsored by Chile, China, Cuba, Ecuador, Haiti and Venezuela (Bolivarian Republic of). Subsequently, Bolivia (Plurinational State of), the Philippines, Thailand and Turkey joined the sponsors.

1050. At the same meeting, the representatives of Latvia (on behalf of States members of the European Union that are members of the Human Rights Council), Switzerland and the United States of America made statements in explanation of vote before the vote in relation to the draft resolution.

1051. Also at the same meeting, at the request of the representative of the United States of America, a recorded vote was taken on the draft resolution. The voting was as follows:

*In favour:*

Bangladesh, Bolivia (Plurinational State of), Botswana, Brazil, Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Ghana, India, Indonesia, Iraq, Kenya, Kyrgyzstan, Mongolia, Nigeria, Panama, Paraguay, Philippines, Qatar, Rwanda, Saudi Arabia, South Africa, Togo, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of)

*Against:*

Albania, Germany, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America

*Abstaining:*

Belgium, Croatia, Georgia, Hungary, Japan, Latvia, Netherlands, Portugal, Republic of Korea, Slovenia

1052. The Human Rights Council adopted the draft resolution by 32 votes to 5, with 10 abstentions (resolution 36/24).

1053. At the same meeting, the representative of the Bolivarian Republic of Venezuela made a statement in explanation of vote after the vote and general comments on all of the draft proposals adopted under agenda item 9.

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

### **A. Enhanced interactive dialogue on technical assistance and capacity-building for human rights in the Democratic Republic of the Congo**

1054. At the 33rd meeting, on 26 September 2017, the United Nations Deputy High Commissioner for Human Rights presented, pursuant to Human Rights Council resolution 33/29, the report of the High Commissioner on the human rights situation and the activities of the United Nations Joint Human Rights Office in the Democratic Republic of the Congo (A/HRC/36/34).

1055. At the same meeting, the following presenters made statements: Minister for Human Rights of the Democratic Republic of the Congo, Marie-Ange Mushobekwa; Special Representative of the Secretary-General for the Democratic Republic of the Congo and the Head of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, Maman Sidikou; Commissioner for Political Affairs of the African Union, Cessouma Minata Samate; Chair of the Congolese Association for Access to Justice, Georges Kapiamba.

1056. During the ensuing discussion, at the 34th meeting, on 27 September 2017, the following made statements and asked the Deputy High Commissioner and presenters questions:

(a) Representatives of States members of the Human Rights Council: Belgium, Botswana, China, Egypt, Germany, Netherlands, Portugal, Switzerland, Tunisia (on behalf of the Group of African States), United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of observer States: Algeria, Angola, Canada, Congo, Czechia, France, Greece, Ireland, Morocco, Mozambique, Sudan, Sweden (also on behalf of Denmark, Estonia, Finland, Iceland, Latvia, Lithuania and Norway), Uganda, Holy See;

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

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

(e) Observers for non-governmental organizations: African Development Association, Amnesty International, Espace Afrique international, Human Rights Watch, International Federation for Human Rights Leagues, International Federation of ACAT, International-Lawyers.org, Rencontre africaine pour la défense des droits de l'homme.

1057. At the same meeting, the presenters answered questions and made their concluding remarks.

1058. Also at the same meeting, the Deputy High Commissioner answered questions and made her concluding remarks.

### **B. Interactive dialogue on cooperation and assistance to Ukraine in the field of human rights**

1059. At the 33rd meeting, on 26 September 2017, the United Nations Deputy High Commissioner for Human Rights provided, pursuant to Human Rights Council resolution 35/31, an oral update on the situation of human rights in Ukraine.

1060. At the same meeting, the Deputy Minister for Foreign Affairs of Ukraine, Sergiy Kyslytsya, made a statement as the State concerned.

1061. During the ensuing interactive dialogue, also at the same meeting, the following made statements and asked the Deputy High Commissioner questions:

(a) Representatives of States members of the Human Rights Council: Albania, Croatia, Georgia, Germany, Hungary, Japan, Latvia, Netherlands, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of observer States: Australia, Austria, Azerbaijan, Bulgaria, Czechia, Denmark, Estonia, Finland, France, Iceland, Ireland, Lithuania, Luxembourg, New Zealand, Norway, Poland, Republic of Moldova, Romania, Russian Federation, Slovakia, Spain, Sweden, Turkey;

(c) Observers for non-governmental organizations: Caritas Internationalis, Human Rights House Foundation, Human Rights Watch, Minority Rights Group, World Federation of Ukrainian Women's Organizations.

1062. At the same meeting, the Deputy High Commissioner answered questions and made her concluding remarks.

### **C. Interactive dialogue on technical assistance and capacity-building to improve human rights in Libya**

1063. At the 35th meeting, on 27 September 2017, the United Nations Deputy High Commissioner for Human Rights provided, pursuant to Human Rights Council resolution 34/38, an oral update on the situation of human rights in Libya.

1064. At the same meeting, the Head of the Human Rights, Transitional Justice and Rule of Law Division of the United Nations Support Mission in Libya, Matilda Bogner, made a statement.

1065. Also at the same meeting, the representative of Libya made a statement as the State concerned.

1066. During the ensuing interactive dialogue, at the 35th and 36th meetings, on 27 September 2017, the following made statements and asked the Deputy High Commissioner questions:

(a) Representatives of States members of the Human Rights Council: China, Egypt (also on behalf of the Group of Arab States), Hungary, Netherlands, Portugal, Qatar, Tunisia (also on behalf of the Group of African States), United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of observer States: Algeria, Bahrain, Greece, Ireland, Italy, Jordan, Mali, Malta, Spain, Sudan, Turkey, Ukraine;

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

(d) Observers for non-governmental organizations: Amnesty International, Article 19: International Centre against Censorship, Cairo Institute for Human Rights Studies, Conseil de jeunesse pluriculturelle, Human Rights Watch, Rencontre africaine pour la défense des droits de l'homme.

1067. At the 36th meeting, on 27 September 2017, the Deputy High Commissioner answered questions and made her concluding remarks.

### **D. Interactive dialogues with special procedure mandate holders**

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

1068. At the 34th meeting, on 27 September 2017, the Special Rapporteur on the situation of human rights in Cambodia, Rhona Smith, presented her report (A/HRC/36/61).

1069. At the same meeting, the representative of Cambodia made a statement as the State concerned.

1070. 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 Human Rights Council: China, Germany, Japan, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of observer States: Australia, Czechia, France, Ireland, Lao People's Democratic Republic, Mexico, Myanmar, Thailand;

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

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

(e) Observers for non-governmental organizations: Article 19: International Centre against Censorship, Asian Forum for Human Rights and Development, Human Rights Watch, International Catholic Child Bureau, International Commission of Jurists, International Federation for Human Rights Leagues, Lawyers' Rights Watch Canada, World Organization against Torture.

1071. Also at the same meeting, the Special Rapporteur answered questions and made her concluding remarks.

### **Independent Expert on the situation of human rights in Somalia**

1072. At the 35th meeting, on 27 September 2017, the Independent Expert on the situation of human rights in Somalia, Bahame Tom Nyanduga, presented his report (A/HRC/36/62).

1073. At the same meeting, the representative of Somalia made a statement as the State concerned.

1074. 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 Human Rights Council: Botswana, Egypt (also on behalf of the Group of Arab States), Germany, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of observer States: Australia, France, Ireland, Italy, Mozambique, Qatar, Sudan, Turkey, Yemen;

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

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

(e) Observers for non-governmental organizations: East and Horn of Africa Human Rights Defenders Project, Human Rights Watch, International Educational Development, International Federation of Journalists, Rencontre africaine pour la défense des droits de l'homme.

1075. Also at the same meeting, the Independent Expert answered questions and made his concluding remarks.

### **Independent Expert on the situation of human rights in the Sudan**

1076. At the 36th meeting, on 27 September 2017, the Independent Expert on the situation of human rights in the Sudan, Aristide Nononsi, presented his report (A/HRC/36/63).

1077. At the same meeting, the representative of Sudan made a statement as the State concerned.

1078. 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 Human Rights Council: China, Cuba, Egypt (also on behalf of the Group of Arab States), Ethiopia (also on behalf of Djibouti, Kenya, Somalia, South Sudan, the Sudan and Uganda), Germany, Iraq, Qatar, Slovenia, Switzerland, Tunisia (also on behalf of the Group of African States), United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela (Bolivarian Republic of);

(b) Representatives of observer States: Algeria, Bahrain, Democratic People's Republic of Korea, Eritrea, France, Libya, Nicaragua, Somalia, South Sudan;

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

(d) Observers for non-governmental organizations: Christian Solidarity Worldwide, East and Horn of Africa Human Rights Defenders Project, Eastern Sudan Women Development Organization, Human Rights Watch, International Federation for

Human Rights Leagues, Ma'arij Foundation for Peace and Development, Rencontre africaine pour la défense des droits de l'homme, Society Studies Centre.

1079. Also at the same meeting, the Independent Expert answered questions and made his concluding remarks.

#### **Independent Expert on the situation of human rights in the Central African Republic**

1080. At the 36th meeting, on 27 September 2017, the Independent Expert on the situation of human rights in the Central African Republic, Marie-Thérèse Keita Bocoum, presented her report (A/HRC/36/64).

1081. At the same meeting, the representative of the Central African Republic made a statement as the State concerned.

1082. During the ensuing interactive dialogue, at the 36th meeting, on 27 September 2017, and at the 37th meeting, on 28 September, the following made statements and asked the Independent Expert questions:

- (a) Representatives of States members of the Human Rights Council: Belgium, China, Egypt, Germany, Netherlands, Portugal, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America;
- (b) Representatives of observer States: Algeria, Angola, France, Gabon, Luxembourg, Morocco, Mozambique, Spain, Ukraine;
- (c) Observer for United Nations entities, specialized agencies and related organizations: United Nations Children's Fund;
- (d) Observers for intergovernmental organizations: European Union, International Organization of la Francophonie;
- (e) Observers for non-governmental organizations: Amnesty International, Defence for Children International, Human Rights Watch, International Federation for Human Rights Leagues, International Organization for the Elimination of All Forms of Racial Discrimination, World Evangelical Alliance (also on behalf of Caritas Internationalis).

1083. At the 37th meeting, on 28 September 2017, the Independent Expert answered questions and made her concluding remarks.

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

1084. At the 37th meeting, on 28 September 2017, the United Nations Deputy High Commissioner for Human Rights presented country-specific reports of the United Nations High Commissioner for Human Rights and the Secretary-General submitted under agenda items 2 and 10 (A/HRC/36/32, A/HRC/36/33 and A/HRC/36/65).

1085. Also at the same meeting, the representatives of Cambodia, Georgia and Yemen made statements as the States concerned.

1086. At its 37th and 38th meetings, on 28 September 2017, the Human Rights Council held a general debate on agenda item 10, during which the following made statements:

- (a) Representatives of States members of the Human Rights Council: Bolivia (Plurinational State of), Brazil, China, Croatia, Cuba (also on behalf of Algeria, Angola, Antigua and Barbuda, Bahrain, Belarus, Bolivia (Plurinational State of), Burundi, Chad, China, Comoros, the Congo, the Democratic Republic of the Congo, the Democratic People's Republic of Korea, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Guinea-Bissau, Haiti, India, Iran (Islamic Republic of), Iraq, Jordan, Kenya, Kuwait, the Lao People's Democratic Republic, Lebanon, Libya, Mauritania, Mozambique, Myanmar, Namibia, Nicaragua, Nigeria, Oman, Pakistan, the Philippines, Qatar, the Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Somalia, South Africa, South Sudan, Sudan, Suriname, the Syrian Arab Republic, Tajikistan, Timor-Leste, Tunisia, the United Arab Emirates, the United Republic of Tanzania, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zimbabwe and the State of Palestine), Egypt, Estonia (on behalf of the European Union), Germany, Ghana, Hungary,



Iceland (also on behalf of Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Montenegro, the Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America), India, Indonesia, Japan, Latvia, Morocco (on behalf of the International Organization of la Francophonie), Nicaragua (also on behalf of Bolivia (Plurinational State of), Cuba, Ecuador and Venezuela (Bolivarian Republic of)), Paraguay, Saudi Arabia, Tunisia (on behalf of the Group of African States), Ukraine (also on behalf of Albania, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Iceland, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Montenegro, the Netherlands, Norway, Poland, Portugal, the Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Switzerland, Turkey, the United Kingdom of Great Britain and Northern Ireland and the United States of America), United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela (Bolivarian Republic of);

(b) Representatives of observer States: Algeria, Azerbaijan, Bahrain, Belarus, Belize (also on behalf of Angola, Guinea-Bissau, Malawi, Mali, the Marshall Islands, Mauritania and Samoa), Bulgaria, Cambodia, the Democratic People's Republic of Korea, Denmark, Estonia, Fiji, Finland, France, Honduras, Lithuania, Malaysia, Maldives, Marshall Islands, Norway, Pakistan, Poland, Republic of Moldova, Romania, Samoa, Senegal, Sierra Leone, Sweden, Syrian Arab Republic, Thailand, Turkey, Ukraine;

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

(d) Observer for an intergovernmental organization: Cooperation Council for the Arab States of the Gulf;

(e) Observers for non-governmental organizations: ABC Tamil Oli, Alsalam Foundation, Al Zubair Charity Foundation, Americans for Democracy and Human Rights in Bahrain, Amnesty International, Association Bharathi centre culturel franco-tamoul, Association culturelle des Tamouls en France, Association des étudiants tamouls de France, Association of World Citizens, Association pour l'Intégration et le développement durable au Burundi, Association solidarité internationale pour l'Afrique, Baha'i International Community, Cairo Institute for Human Rights Studies, Center for Organisation Research and Education, Centre for Human Rights and Peace Advocacy, Conseil de jeunesse pluriculturelle, Conseil international pour le soutien à des procès équitables et aux droits de l'homme, Eastern Sudan Women Development Organization, Egyptian Organization for Human Rights, Human Rights Now, Human Rights Watch, Indian Council of South America, Indian Movement "Tupaj Amaru", International Buddhist Relief Organisation, International Federation for Human Rights Leagues, International Lesbian and Gay Association, International Organization for the Elimination of All Forms of Racial Discrimination, Iraqi Development Organization, Lawyers' Rights Watch Canada (also on behalf of Lawyers for Lawyers), Le pont, Liberation, Ma'arij Foundation for Peace and Development, Mbororo Social and Cultural Development Association, Minority Rights Group, Next Century Foundation, Organisation pour la communication en Afrique et de promotion de la coopération économique internationale, Prahar, Rencontre africaine pour la défense des droits de l'homme, Save the Children International (also on behalf of Action contre la faim, CARE International and Relief International), Society Studies Centre, Tamil Uzhagam, Tournier la page, United Nations Watch, Verein Südwind Entwicklungspolitik.

1087. At the 38th meeting, on 28 September 2017, the representatives of Bahrain, Philippines and the Russian Federation made statements in exercise of the right of reply.

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

### **Technical assistance and capacity-building in the field of human rights in the Central African Republic**

1088. At the 42nd meeting, on 29 September 2017, the representative of Tunisia (on behalf of the Group of African States) introduced draft resolution A/HRC/36/L.18/Rev.1, sponsored by Tunisia (on behalf of the Group of African States) and co-sponsored by

Belgium, France, Germany, Hungary, Ireland, Italy, Monaco and Spain. Subsequently, Argentina, Austria, Brazil, Canada, Croatia, Czechia, Denmark, Estonia, Finland, Greece, Indonesia, Japan, Latvia, Luxembourg, Malta, Montenegro, the Netherlands, Norway, Poland, Portugal, the Republic of Korea, Romania, Slovakia, Sweden, Switzerland, Thailand, Turkey, the United Kingdom of Great Britain and Northern Ireland and the United States of America joined the sponsors.

1089. At the same meeting, the representative of Tunisia (on behalf of the Group of African States) orally revised the draft resolution.

1090. Also at the same meeting, the representatives of Latvia (on behalf of States members of the European Union that are members of the Human Rights Council) and the United States of America made general comments on the draft resolution as orally revised.

1091. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated administrative and programme budget implications of the draft resolution as orally revised.

1092. At the same meeting, the Human Rights Council adopted the draft resolution as orally revised without a vote (resolution 36/25).

#### **Technical assistance and capacity-building to improve human rights in the Sudan**

1093. At the 42nd meeting, on 29 September 2017, the representative of Tunisia (on behalf of the Group of African States) introduced draft resolution A/HRC/36/L.19, sponsored by Tunisia (on behalf of the Group of African States) and co-sponsored by Egypt (on behalf of the Group of Arab States), Qatar, the Sudan and the United States of America. Subsequently, Japan, Norway and the United Kingdom of Great Britain and Northern Ireland joined the sponsors.

1094. At the same meeting, the representatives of Egypt (on behalf of the Group of Arab States) and the United States of America made general comments on the draft resolution.

1095. Also at the same meeting, the representative of the Sudan made a statement as the State concerned.

1096. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated administrative and programme budget implications of the draft resolution.

1097. At the same meeting, the Human Rights Council adopted the draft resolution without a vote (resolution 36/26).

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

1098. At the 42nd meeting, on 29 September 2017, the representatives of Somalia and the United Kingdom of Great Britain and Northern Ireland introduced draft resolution A/HRC/36/L.23, sponsored by Somalia and the United Kingdom of Great Britain and Northern Ireland and co-sponsored by Australia, Austria, Belgium, Cyprus, Denmark, Ethiopia, France, Germany, Hungary, Iceland, Italy, Kenya, Luxembourg, Malta, Montenegro, the Netherlands, Poland, Romania, Spain, the Sudan, Sweden, Tunisia (on behalf of the Group of African States), Turkey, Ukraine and the United States of America. Subsequently, Bosnia and Herzegovina, Canada, Croatia, Czechia, Estonia, Finland, Georgia, Greece, Indonesia, Japan, Latvia, Lithuania, Maldives, New Zealand, Norway, Portugal, Qatar, the Republic of Korea, Slovakia, Switzerland and Thailand joined the sponsors.

1099. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated administrative and programme budget implications of the draft resolution.

1100. At the same meeting, the Human Rights Council adopted the draft resolution without a vote (resolution 36/27).

### **Enhancement of technical cooperation and capacity-building in the field of human rights**

1101. At the 42nd meeting, on 29 September 2017, the representative of Thailand introduced draft resolution A/HRC/36/L.28, sponsored by Brazil, Honduras, Indonesia, Morocco, Norway, Qatar, Singapore, Thailand and Turkey and co-sponsored by Albania, Angola, Australia, Canada, Chile, Cyprus, Finland, France, Germany, Haiti, Hungary, Iceland, Israel, Italy, Kenya, Luxembourg, Malaysia, Maldives, Mexico, the Netherlands, Panama, Paraguay, Peru, the Philippines, Poland, Portugal, Romania, Rwanda, Sweden, the former Yugoslav Republic of Macedonia, Timor-Leste and Ukraine. Subsequently, Argentina, Austria, Azerbaijan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brunei Darussalam, Bulgaria, Costa Rica, Croatia, Denmark, the Dominican Republic, Egypt (on behalf of the Group of Arab States), El Salvador, Fiji, Georgia, Greece, Ireland, Japan, Lithuania, Malawi, Mali, Malta, Mauritius, Montenegro, the Republic of Korea, Sri Lanka, Switzerland, the United Kingdom of Great Britain and Northern Ireland and Viet Nam joined the sponsors.

1102. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated administrative and programme budget implications of the draft resolution.

1103. At the same meeting, the representatives of Latvia (on behalf of States members of the European Union that are members of the Human Rights Council) and the United States of America made statements in explanation of vote before the vote in relation to the draft resolution. In his statement, the representative of the United States of America disassociated the delegation from the consensus on preambular paragraph 4 of the draft resolution.

1104. Also at the same meeting, the Human Rights Council adopted the draft resolution without a vote (resolution 36/28).

### **Promoting international cooperation to support national human rights follow-up systems, processes and related mechanisms, and their contribution to the implementation of the 2030 Agenda for Sustainable Development**

1105. At the 42nd meeting, on 29 September 2017, the representative of Paraguay introduced draft resolution A/HRC/36/L.30, sponsored by Brazil and Paraguay and co-sponsored by Australia, Belgium, Bolivia (Plurinational State of), Bulgaria, Chile, Colombia, Cyprus, Denmark, Ecuador, France, Georgia, Germany, Haiti, Honduras, Italy, Luxembourg, Mexico, Panama, Peru, Portugal, the Republic of Korea, Romania, Slovenia, Spain, Thailand, the former Yugoslav Republic of Macedonia, Turkey, the United States of America and Uruguay. Subsequently, Angola, Argentina, Armenia, Austria, Bosnia and Herzegovina, Botswana, Canada, Costa Rica, Croatia, the Dominican Republic, El Salvador, Fiji, Greece, Guatemala, India, Ireland, Malawi, Maldives, Mongolia, Montenegro, the Netherlands, Sri Lanka and Switzerland joined the sponsors.

1106. At the same meeting, the Human Rights Council adopted the draft resolution without a vote (resolution 36/29).

### **Technical assistance and capacity-building in the field of human rights in the Democratic Republic of the Congo**

1107. At the 42nd meeting, on 29 September 2017, the representative of Tunisia (on behalf of the Group of African States) introduced draft resolution A/HRC/36/L.34/Rev.1, sponsored by Tunisia (on behalf of the Group of African States). Subsequently, Indonesia, Japan and Turkey joined the sponsors.

1108. At the same meeting, the representative of Tunisia (on behalf of the Group of African States) orally revised the draft resolution.

1109. Also at the same meeting, the representative of the Democratic Republic of the Congo made a statement as the State concerned.

1110. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated administrative and programme budget implications of the draft resolution as orally revised.

1111. At the same meeting, the representative of the United States of America made a statement in explanation of vote before the vote in relation to the draft resolution as orally revised.

1112. Also at the same meeting, at the request of the representative of the United States of America, a recorded vote was taken on the draft resolution as orally revised. The voting was as follows:

*In favour:*

Albania, Bangladesh, Belgium, Bolivia (Plurinational State of), Botswana, Brazil, Burundi, China, Congo, Côte d'Ivoire, Croatia, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Georgia, Germany, Ghana, Hungary, India, Indonesia, Iraq, Japan, Kenya, Kyrgyzstan, Latvia, Mongolia, Netherlands, Nigeria, Panama, Paraguay, Philippines, Portugal, Qatar, Rwanda, Saudi Arabia, Slovenia, South Africa, Switzerland, Togo, Tunisia, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of)

*Against:*

United States of America

*Abstaining:*

Republic of Korea

1113. The Human Rights Council adopted the draft resolution as orally revised by 45 votes to 1, with 1 abstention (resolution 36/30).

#### **Human rights, technical assistance and capacity-building in Yemen**

1114. At the 42nd meeting, on 29 September 2017, the representative of Egypt (on behalf of the Group of Arab States) introduced draft resolution A/HRC/36/L.8, sponsored by Egypt (on behalf of the Group of Arab States). Subsequently, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czechia, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Japan, Latvia, Luxembourg, Maldives, Malta, Monaco, Montenegro, the Netherlands, New Zealand, Norway, Poland, Romania, Slovakia, Slovenia, Spain, Sweden and Switzerland joined the sponsors.

1115. At the same meeting, the representative of Egypt orally revised the draft resolution.

1116. Also at the same meeting, the representatives of the Netherlands, Saudi Arabia, the United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland and the United States of America made general comments on the draft resolution as orally revised.

1117. At the same meeting, the representative of Yemen made a statement as the State concerned.

1118. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated administrative and programme budget implications of the draft resolution as orally revised. The Chief of Programme Support and Management Services of OHCHR made a statement on the budgetary implications of the draft resolution as orally revised.

1119. Also at the same meeting, the Human Rights Council adopted the draft resolution as orally revised without a vote (resolution 36/31).

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

1120. At the 42nd meeting, on 29 September 2017, the representative of Japan introduced draft resolution A/HRC/36/L.21, sponsored by Japan.

1121. At the same meeting, the representative of Japan orally revised the draft resolution.

1122. Also at the same meeting, the representative of the United States of America introduced an oral amendment to the draft resolution as orally revised.

1123. At the same meeting, the representatives of Japan and Latvia (on behalf of States members of the European Union that are members of the Human Rights Council) made general comments on the draft resolution as orally revised and the proposed oral amendment.

1124. Also at the same meeting, the representative of Cambodia made a statement as the State concerned.

1125. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated administrative and programme budget implications of the draft resolution as orally revised. The Chief of Programme Support and Management Services of OHCHR made a statement on the budgetary implications of the draft resolution as orally revised.

1126. At the same meeting, the Human Rights Council took action on the oral amendment.

1127. Also at the same meeting, the representatives of Latvia (on behalf of States members of the European Union that are members of the Human Rights Council) and Switzerland made statements in explanation of vote before the vote in relation to the oral amendment.

1128. At the same meeting, at the request of the representative of Japan, a recorded vote was taken on the oral amendment. The voting was as follows:

*In favour:*

Albania, Belgium, Croatia, Germany, Hungary, Latvia, Netherlands, Portugal, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America

*Against:*

Bangladesh, Bolivia (Plurinational State of), Burundi, China, Congo, Cuba, Ecuador, Egypt, El Salvador, India, Indonesia, Japan, Kenya, Kyrgyzstan, Mongolia, Panama, Paraguay, Philippines, South Africa, Venezuela (Bolivarian Republic of)

*Abstaining:*

Botswana, Brazil, Côte d'Ivoire, Ethiopia, Georgia, Ghana, Iraq, Nigeria, Qatar, Republic of Korea, Rwanda, Saudi Arabia, Togo, Tunisia, United Arab Emirates

1129. The Human Rights Council rejected the oral amendment by 12 votes to 20, with 15 abstentions.

1130. Also at the same meeting, the representative of the United States of America made a statement in explanation of vote before the vote in relation to the draft resolution as orally revised.

1131. At the same meeting, the Human Rights Council adopted the draft resolution as orally revised without a vote (resolution 36/32).

1132. Also at the same meeting, the representative of Latvia (on behalf of States members of the European Union that are members of the Human Rights Council) made a statement in explanation of vote after the vote and general comments on all of the draft proposals adopted under agenda item 10.

## Annex I

### Attendance

#### Members

Albania	Georgia	Qatar
Bangladesh	Germany	Republic of Korea
Belgium	Ghana	Rwanda
Bolivia	Hungary	Saudi Arabia
(Plurinational State of)	India	Slovenia
Botswana	Indonesia	South Africa
Brazil	Iraq	Switzerland
Burundi	Japan	Togo
Congo	Kenya	Tunisia
Côte d'Ivoire	Kyrgyzstan	United Arab Emirates
Croatia	Latvia	United Kingdom of Great Britain and Northern Ireland
Cuba	Mongolia	United States of America
China	Netherlands	Venezuela (Bolivarian Republic of)
Ecuador	Nigeria	
Egypt	Panama	
El Salvador	Paraguay	
Ethiopia	Philippines	
	Portugal	

#### States Members of the United Nations represented by observers

Algeria	Czechia	Kuwait
Andorra	Democratic People's Republic of Korea	Lao People's Democratic Republic
Angola	Democratic Republic of the Congo	Lebanon
Antigua and Barbuda	Denmark	Lesotho
Argentina	Djibouti	Liberia
Armenia	Dominica	Libya
Australia	Dominican Republic	Liechtenstein
Austria	Equatorial Guinea	Lithuania
Azerbaijan	Eritrea	Luxembourg
Bahamas	Estonia	Madagascar
Bahrain	Fiji	Malawi
Belarus	Finland	Malaysia
Belize	France	Maldives
Benin	Gabon	Mali
Bosnia and Herzegovina	Gambia	Malta
Brunei Darussalam	Greece	Marshall Islands
Bulgaria	Guatemala	Mauritania
Burkina Faso	Guinea	Mauritius
Cambodia	Guinea-Bissau	Mexico
Cameroon	Haiti	Monaco
Canada	Honduras	Montenegro
Cabo Verde	Iceland	Morocco
Central African Republic	Iran (Islamic Republic of)	Mozambique
Chad	Ireland	Myanmar
Chile	Israel	Namibia
Colombia	Italy	Nepal
Comoros	Jamaica	New Zealand
Costa Rica	Jordan	Nicaragua
Cyprus	Kazakhstan	Niger
		Norway

Pakistan	Singapore	The former Yugoslav Republic of Macedonia
Peru	Slovakia	Timor-Leste
Poland	Solomon Islands	Turkey
Republic of Moldova	Somalia	Turkmenistan
Romania	South Sudan	Uganda
Russian Federation	Spain	Ukraine
Saint Vincent and the Grenadines	Sri Lanka	United Republic of Tanzania
Samoa	Sudan	Uruguay
San Marino	Suriname	Uzbekistan
Senegal	Swaziland	Viet Nam
Serbia	Sweden	Yemen
Seychelles	Syrian Arab Republic	Zambia
Sierra Leone	Tajikistan	Zimbabwe
	Thailand	

### **Non-member States represented by observers**

Holy See  
State of Palestine

### **United Nations**

United Nations Children's Fund	United Nations Population Fund
United Nations Development Programme	
United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women)	

### **Specialized agencies and related organizations**

Food and Agriculture Organization of the United Nations	International Organization for Migration
International Fund for Agricultural Development	

### **Intergovernmental organizations**

African Union	International Development Law Organization
Commonwealth	International Organization of la Francophonie
Cooperation Council for the Arab States of the Gulf	Organization of Islamic Cooperation
European Union	

### **Other entities**

International Committee of the Red Cross  
Sovereign Military Hospitaller Order of St. John of Jerusalem, of Rhodes and of Malta

### **National human rights institutions, international coordinating committees and regional groups of national institutions**

Arab Network for National Human Rights Institutions	Commission on Human Rights in South Sudan
Australian Human Rights Commission	Commission on Human Rights of the Philippines

Danish Institute for Human Rights  
 Equality and Human Rights Commission of  
 the United Kingdom of Great Britain and  
 Northern Ireland  
 Finnish Human Rights Centre  
 Global Alliance of National Human Rights  
 Institutions  
 Independent National Commission on  
 Human Rights of Burundi  
 National Commission on Human Rights of  
 Indonesia  
 National Human Rights Commission of  
 India

### **Non-governmental organizations**

ABC Tamil Oli  
 ACT Alliance – Action by Churches Together  
 Action Canada for Population and  
 Development  
 Action internationale pour la paix et le  
 développement dans la région des Grands Lacs  
 Action pour la protection des droits de  
 l’homme en Mauritanie  
 Africa culture internationale  
 African Development Association  
 African Regional Agricultural Credit Association  
 African-American Society for  
 Humanitarian Aid and Development  
 Agence internationale pour le développement  
 Al Baraem Association for Charitable Work  
 Al Zubair Charity Foundation  
 Al-Hakim Foundation  
 Al-Haq  
 Al-Khoei Foundation  
 Alliance Defending Freedom  
 Alliance globale contre les mutilations génitales  
 féminines  
 Alliance pour la solidarité et le partage en Afrique –  
 Jeunesse pour intégration culturelle et sociale  
 Alsalam Foundation  
 American Association of Jurists  
 Americans for Democracy and Human Rights in  
 Bahrain  
 Amnesty International  
 Amuta for NGO Responsibility  
 Anti-Slavery International  
 Arab Organization for Human Rights  
 Article 19: International Centre against  
 Censorship  
 Asia Pacific Forum on Women, Law and  
 Development  
 Asian Forum for Human Rights and  
 Development  
 Asian Legal Resource Centre  
 Asian-Eurasian Human Rights Forum  
 Asociación Cubana de las Naciones Unidas  
 Association apprentissage sans frontières  
 Association Bharathi centre culturel  
 franco-tamoul

National Human Rights Commission of Mexico  
 National Human Rights Commission of Mauritania  
 National Human Rights Commission of Nigeria  
 National Human Rights Commission of the Republic  
 of Korea  
 National Human Rights Committee of Qatar  
 National Human Rights Council of Morocco  
 Northern Ireland Human Rights Commission  
 Ombudsman Office of Ecuador  
 Ombudsman of Portugal  
 South African Human Rights Commission

Association démocratique des femmes du  
 Maroc  
 Association des étudiants tamouls de France  
 Association du développement et de la  
 promotion de droits de l’homme  
 Association Dunenyo  
 Association for Defending Victims of Terrorism  
 Association for Progressive Communications  
 Association for the Prevention of Torture  
 Association for the Protection of Women and  
 Children’s Rights  
 Association internationale pour l’égalité des femmes  
 Association mauritanienne pour la promotion des droits  
 de l’homme  
 Association mauritanienne pour la promotion du droit  
 Association of World Citizens  
 Association “Paix” pour la lutte contre la  
 contrainte et l’injustice  
 Association pour les victimes du monde  
 Association pour l’intégration et le  
 développement durable au Burundi  
 Association solidarité internationale pour l’Afrique  
 Association Thendral  
 Association tunisienne de la santé de la reproduction  
 Associazione Comunità Papa Giovanni XXIII  
 Auspice Stella  
 Badil Resource Center for Palestinian  
 Residency and Refugee Rights  
 Baha’i International Community  
 B’nai B’rith  
 Beijing NGO Association for International  
 Exchanges  
 British Humanist Association  
 Business and Professional Women  
 Voluntary Organization – Sudan  
 Cairo Institute for Human Rights Studies  
 Cameroon Youths and Students Forum for Peace  
 Canners International Permanent Committee  
 Caritas Internationalis  
 Center for Environmental and Management Studies  
 Center for Inquiry  
 Center for Organisation Research and Education  
 Center for Reproductive Rights  
 Centre catholique international de Genève



Centre de documentation, de recherche et d'information des peuples autochtones	European Union of Public Relations
Centre Europe-tiers monde	Federatie van Nederlandse Verenigingen tot Integratie van Homoseksualiteit – COC Nederland
Centre for Human Rights and Peace Advocacy	Femmes solidaires
Centre indépendant de recherches et d'initiatives pour le dialogue	FIAN International
Centre pour les droits civils et politiques centre	Forest Peoples Programme
Centro de Estudios Legales y Sociales	Foundation for GAIA
Centro Regional de Derechos Humanos y Justicia de Género	France Libertés: Fondation Danielle Mitterrand
Chant du guépard dans le désert	Franciscans International
Charitable Institute for Protecting Social Victims	Friends World Committee for Consultation
Child Development Foundation	Fundación Latinoamericana por los Derechos Humanos y el Desarrollo Social
Child Rights Connect	Fundación Vida – Grupo Ecológico Verde
China Society for Human Rights Studies	Geneva Institute for Human Rights
Chinese Association for International Understanding	Genève pour les droits de l'homme: formation internationale
Christian Solidarity Worldwide	Global Action on Aging
CIVICUS: World Alliance for Citizen Participation	Global Institute for Water, Environment and Health
Colombian Commission of Jurists	Global Migration Policy Associates
Comisión Mexicana de Defensa y Promoción de los Derechos Humanos	Hawa Society for Women
Comité international pour le respect et l'application de la charte africaine des droits de l'homme et des peuples	Helsinki Foundation for Human Rights
Commission africaine des promoteurs de la santé et des droits de l'homme	Henry Dunant Centre for Humanitarian Dialogue
Commission of the Churches on International Affairs of the World Council of Churches	Himalayan Research and Cultural Foundation
Commission to Study the Organization of Peace	Human Rights House Foundation
Commonwealth Human Rights Initiative	Human Rights Information and Training Center
Conectas Direitos Humanos	Human Rights Now
Conseil de jeunesse pluriculturelle	Human Rights Watch
Conseil international pour le soutien à des procès équitables et aux droits de l'homme	Humanist Institute for Cooperation with Developing Countries
Conselho Indigenista Missionário	Indian Council of Education
Consortium for Street Children	Indian Council of South America
Coordinating Board of Jewish Organizations	Indian Movement “Tupaj Amaru”
“Coup de pousse” Chaîne de l'espoir Nord-Sud	Indigenous People of Africa Coordinating Committee
Cultural Survival	Institute for Planetary Synthesis
Defence for Children International	International Association for Democracy in Africa
Disability Organisations Joint Front	International Association for Religious Freedom
Dominicans for Justice and Peace: Order of Preachers	International Association of Democratic Lawyers
Earthjustice	International Bar Association
East and Horn of Africa Human Rights Defenders Project	International Bridges to Justice
Eastern Sudan Women Development Organization	International Buddhist Relief Organisation
Ecumenical Alliance for Human Rights and Development	International Career Support Association
Edmund Rice International	International Catholic Child Bureau
Egyptian Organization for Human Rights	International Catholic Migration Commission
Elizka Relief Foundation	International Commission of Jurists
Ensemble contre la peine de mort	International Educational Development
Espace Afrique internationale	International Federation for Human Rights Leagues
European Centre for Law and Justice	International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities
European Law Students' Association	International Federation of ACAT
European Region of the International Lesbian and Gay Foundation	International Federation of Journalists
European Solidarity towards Equal Participation of People	International Fellowship of Reconciliation
European Union of Jewish Students	International Humanist and Ethical Union
	International Human Rights Association of American Minorities
	International Institute for Non-Aligned Studies
	International Lesbian and Gay Association
	International Movement against All Forms of Discrimination and Racism
	International Movement for Fraternal Union among Races and Peoples
	International Muslim Women's Union

International Organization for the Elimination of All Forms of Racial Discrimination	Prajachaitanya Yuvajana Sangam
International Organization for the Right to Education and Freedom of Education	Presse emblème campagne
International Peace and Development Organization	Prevention Association of Social Harms
International Planned Parenthood Federation	Rainforest Foundation International
International Service for Human Rights	Redress Trust
International Volunteerism Organization for Women, Education and Development	Rencontre Africaine pour la défense des droits de l'homme
International Work Group for Indigenous Affairs	Réseau international des droits humains
International Youth and Student Movement for the United Nations	Réseau unité pour le développement de Mauritanie
International-Lawyers.org	Russian Peace Foundation
Iranian Elite Research Center	Sanad Charity Foundation
Iraqi Development Organization	Save the Children International
Istituto Internazionale Maria Ausiliatrice delle Salesiane di Don Bosco	Schweizerische Arbeitsgemeinschaft der Jugendverbände
Iuventum	Servas International
Jammu and Kashmir Council for Human Rights	Sikh Human Rights Group
Jssor Youth Organization	Society for Development and Community Empowerment
Khiam Rehabilitation Centre for Victims of Torture	Society for Threatened Peoples
Kiyana Karaj Group	Society of Iranian Women Advocating Sustainable Development of the Environment
Lawyers' Rights Watch Canada	Society Studies Centre
Le pont	Solidarité pour un monde meilleur
Liberal International	Solidarité Suisse-Guinée
Liberation	Stichting International Center for Ethnobotanical Education, Research and Service
Lutheran World Federation	Sudan Council of Voluntary Agencies
Ma'arij Foundation for Peace and Development	Sudanese Women General Union
Maat Foundation for Peace, Development and Human Rights	Sudanese Women Parliamentarians Caucus
Make Mothers Matter	Swedish Association for Sexuality Education
Mbororo Social and Cultural Development Association	Swedish NGO Foundation for Human Rights
Meezaan Center for Human Rights	Swiss Catholic Lenten Fund
Minnesota Citizens Concerned for Life Education Fund	Syrian Center for Media and Freedom of Expression
Minority Rights Group	Tamil Uzhagam
National Union of Jurists of Cuba	Terre des hommes fédération internationale
Next Century Foundation	Tourner la page
Nonviolent Radical Party, Transnational and Transparty	TRIAL: Track Impunity Always
Norwegian Refugee Council	Union internationale des avocats
Observatoire mauritanien des droits de l'homme et de la démocratie	United Nations Watch
Oidhaco, Bureau international des droits humains – action Colombie	Union of Arab Jurists
Organisation internationale pour le développement intégral de la femme	United Schools International
Organisation internationale pour les pays les moins avancés	United Towns Agency for North-South Cooperation
Organisation marocaine des droits humains	UPR Info
Organisation pour la communication en Afrique et de Promotion de la Coopération économique Internationale	Vaagdhara
Organization for Defending Victims of Violence	Verein Südwind Entwicklungspolitik
Pakistan Rural Workers Social Welfare Organization	Victorious Youths Movement
Palestinian Center for Development and Media Freedoms "MADA"	Village Suisse ONG
Palestinian Return Centre	Villages unis
Pan African Union for Science and Technology	VIVAT International
Pasumai Thaayagam Foundation	Women Research Center
Plan International	Women's Centre for Legal Aid and Counselling
Prahar	Women's Federation for World Peace International
	Women's Human Rights International Association
	Women's International League for Peace and Freedom
	World Association for the School as an Instrument of Peace
	World Barua Organization
	World Environment and Resources Council
	World Evangelical Alliance
	World Federation of the Deaf

World Federation of Ukrainian Women's  
Organizations  
World Jewish Congress  
World Muslim Congress  
World Organization against Torture  
World Vision International  
World Young Women's Christian Association

## Annex II

### 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 III

### Documents issued for the thirty-sixth session

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*Documents issued in the general series*

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<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/36/1	1	Agenda and annotations
A/HRC/36/1/Corr.1	1	Corrigendum
A/HRC/36/2	1	Report of the Human Rights Council on its thirty-sixth session
A/HRC/36/3	6	Report of the Working Group on the Universal Periodic Review on Bahrain
A/HRC/36/3/Add.1	6	Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review
A/HRC/36/4	6	Report of the Working Group on the Universal Periodic Review on Ecuador
A/HRC/36/4/Add.1	6	Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review
A/HRC/36/5	6	Report of the Working Group on the Universal Periodic Review on Tunisia
A/HRC/36/5/Add.1	6	Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review
A/HRC/36/6	6	Report of the Working Group on the Universal Periodic Review on Morocco
A/HRC/36/6/Add.1	6	Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review
A/HRC/36/7	6	Report of the Working Group on the Universal Periodic Review on Indonesia
A/HRC/36/7/Add.1	6	Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review
A/HRC/36/8	6	Report of the Working Group on the Universal Periodic Review on Finland
A/HRC/36/8/Add.1	6	Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review
A/HRC/36/9	6	Report of the Working Group on the Universal Periodic Review on United Kingdom of Great Britain and Northern Ireland
A/HRC/36/9/Add.1	6	Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review
A/HRC/36/10	6	Report of the Working Group on the Universal

*Documents issued in the general series*

<i>Symbol</i>		<i>Agenda item</i>
		Periodic Review on India
A/HRC/36/10/Add.1	6	Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review
A/HRC/36/11	3	Report of the Working Group on the Universal Periodic Review on Brazil
A/HRC/36/11/Add.1	6	Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review
A/HRC/36/12	6	Report of the Working Group on the Universal Periodic Review on Philippines
A/HRC/36/12/Add.1	6	Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review
A/HRC/36/13	6	Report of the Working Group on the Universal Periodic Review on Algeria
A/HRC/36/13/Add.1	6	Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review
A/HRC/36/14	6	Report of the Working Group on the Universal Periodic Review on Poland
A/HRC/36/14/Add.1	6	Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review
A/HRC/36/15	6	Report of the Working Group on the Universal Periodic Review on Netherlands
A/HRC/36/15/Add.1	6	Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review
A/HRC/36/16	6	Report of the Working Group on the Universal Periodic Review on South Africa
A/HRC/36/16/Add.1	6	Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review
A/HRC/36/17	1	Election of members of the Human Rights Council Advisory Committee: note by the Secretary-General
A/HRC/36/17/Add.1	1	Election of members of the Human Rights Council Advisory Committee – Addendum
A/HRC/36/18	2	Composition of the staff of the Office of the United Nations High Commissioner for Human Rights: report of the United Nations High Commissioner for Human Rights
A/HRC/36/19	2, 3	Summary of the Human Rights Council panel discussion on access to medicines: report of the United Nations High Commissioner for Human Rights

*Documents issued in the general series*

<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/36/20	2, 3	Summary of the panel discussion on realizing the right to health by enhancing capacity-building in public health: report of the United Nations High Commissioner for Human Rights
A/HRC/36/21	2, 3	Panel discussion on unaccompanied migrant children and adolescents and human rights: report of the United Nations High Commissioner for Human Rights
A/HRC/36/22	2, 3	Report of the United Nations High Commissioner for Human Rights on the rights of indigenous peoples
A/HRC/36/23	2, 3	Right to development: report of the Secretary-General and the United Nations High Commissioner for Human Rights
A/HRC/36/24	2, 3	Midterm progress report on the implementation of the third phase of the World Programme for Human Rights Education: report of the Office of the United Nations High Commissioner for Human Rights
A/HRC/36/25	3, 4, 7, 9, 10	Communications report of special procedures
A/HRC/36/26	2, 3	Capital punishment and the implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty: yearly supplement of the Secretary-General to his quinquennial report on capital punishment
A/HRC/36/27	2, 3	High-level panel discussion on the question of the death penalty: report of the United Nations High Commissioner for Human Rights
A/HRC/36/28	2, 3	Non-discrimination and the protection of persons with increased vulnerability in the administration of justice, in particular in situations of deprivation of liberty and with regard to the causes and effects of overincarceration and overcrowding: report of the United Nations High Commissioner for Human Rights
A/HRC/36/29	2, 3	Protecting human rights and fundamental freedoms while countering terrorism: report of the Secretary-General: note by the secretariat
A/HRC/36/30	2, 3	Expert workshop on best practices to promote women's equal nationality rights in law and in practice: summary report of the United Nations High Commissioner for Human Rights
A/HRC/36/31	2, 5	Cooperation with the United Nations, its representatives and mechanisms in the field of human rights: report of the Secretary General
A/HRC/36/32	2, 10	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: report of the Secretary-General

*Documents issued in the general series*

<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/36/33	2, 10	Situation of human rights in Yemen, including violations and abuses since September 2014: report of the United Nations High Commissioner for Human Rights
A/HRC/36/34	2, 10	The human rights situation and the activities of the United Nations Joint Human Rights Office in the Democratic Republic of the Congo: report of the United Nations High Commissioner for Human Rights
A/HRC/36/35	3	Report of the Working Group on the Right to Development on its eighteenth session (Geneva, 3–7 April 2017)
A/HRC/36/36	3	Report of the 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 on its sixth session
A/HRC/36/37	3	Report of the Working Group on Arbitrary Detention
A/HRC/36/37/Add.1	3	Mission to Azerbaijan
A/HRC/36/37/Add.2	3	Mission to the United States of America
A/HRC/36/37/Add.3	3	Mission to Azerbaijan: comments by the State
A/HRC/36/38	3	Methods of work of the Working Group on Arbitrary Detention
A/HRC/36/39	3	Report of the Working Group on Enforced or Involuntary Disappearances
A/HRC/36/39/Add.1	3	Mission to Albania
A/HRC/36/39/Add.2	3	Report of the Working Group on Enforced or Involuntary Disappearances on enforced disappearances in the context of migration
A/HRC/36/39/Add.3	3	Missions to Chile and to Spain
A/HRC/36/39/Add.4	3	Mission to Albania: comments by the State
A/HRC/36/40	3	Report of the Independent Expert on the promotion of a democratic and equitable international order
A/HRC/36/40/Corr.1	3	Corrigendum
A/HRC/36/41	3	Report of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes
A/HRC/36/41/Add.1	3	Mission to the United Kingdom of Great Britain and Northern Ireland
A/HRC/36/41/Add.2	3	Mission to the United Kingdom of Great Britain and Northern Ireland: comments by the State
A/HRC/36/42	2, 3	Report on the compendium of principles, good practices and policies on safe, orderly and regular



*Documents issued in the general series*

<i>Symbol</i>	<i>Agenda item</i>	
		migration in line with international human rights law
A/HRC/36/43	3	Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences
A/HRC/36/44	3	Report of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights
A/HRC/36/44/Add.1	3	Mission to the Russian Federation
A/HRC/36/45	3	Report of the Special Rapporteur on the human rights to safe drinking water and sanitation
A/HRC/36/45/Add.1	3	Mission to Portugal
A/HRC/36/45/Add.2	3	Mission to Mexico
A/HRC/36/46	3	Report of the Special Rapporteur on the rights of indigenous peoples
A/HRC/36/46/Add.1	3	Mission to the United States of America
A/HRC/36/46/Add.2	3	Mission to Australia
A/HRC/36/47	3	Report 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
A/HRC/36/47/Add.1	3	Mission to the Central African Republic
A/HRC/36/48	3	Report of the Independent Expert on the enjoyment of all human rights by older persons
A/HRC/36/48/Add.1	3	Mission to Singapore
A/HRC/36/48/Add.2	3	Mission to Namibia
A/HRC/36/48/Add.3	3	Mission to Singapore: comments by the State
A/HRC/36/49	3	Report of the Special Rapporteur on the right to development
A/HRC/36/50	3	Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence
A/HRC/36/50/Add.1	3	Global study on transitional justice
A/HRC/36/51	3, 5	Global issue of unaccompanied migrant children and human rights: final report of the Human Rights Council Advisory Committee
A/HRC/36/52	3, 5	Research-based study on the impact of flow of funds of illicit origin and the non-repatriation thereof to the countries of origin on the enjoyment of human rights, including economic, social and cultural rights: progress report of the Advisory Committee of the Human Rights Council
A/HRC/36/53	3, 5	Good practices and challenges, including discrimination, in business and in access to financial services by indigenous peoples, in

*Documents issued in the general series*

<i>Symbol</i>	<i>Agenda item</i>	
		particular indigenous women and indigenous persons with disabilities: study of the Expert Mechanism on the Rights of Indigenous Peoples
A/HRC/36/54	4	Report of the Commission of Inquiry on Burundi
A/HRC/36/54/Corr.1	4	Corrigendum
A/HRC/36/55	4	Report of the Independent International Commission of Inquiry on the Syrian Arab Republic
A/HRC/36/56	5	Ten years of the implementation of the United Nations Declaration on the Rights of Indigenous Peoples: good practices and lessons learned — 2007–2017: report of the Expert Mechanism on the Rights of Indigenous Peoples
A/HRC/36/57	5	Annual report of the Expert Mechanism on the Rights of Indigenous Peoples
A/HRC/36/58	5	Report of the open-ended intergovernmental working group on a United Nations declaration on the rights of peasants and other people working in rural areas
A/HRC/36/59	5	Reports of the Human Rights Council Advisory Committee on its eighteenth and nineteenth sessions: note by the Secretariat
A/HRC/36/60	9	Report of the Working Group of Experts on People of African Descent on its nineteenth and twentieth sessions
A/HRC/36/60/Add.1	9	Mission to Canada
A/HRC/36/60/Add.2	9	Mission to Germany
A/HRC/36/60/Add.4	9	Mission to Germany: comments by the State
A/HRC/36/61	10	Report of the Special Rapporteur on the situation of human rights in Cambodia
A/HRC/36/62	10	Report of the Independent Expert on the situation of human rights in Somalia
A/HRC/36/63	10	Report of the Independent Expert on the situation of human rights in the Sudan
A/HRC/36/63/Add.1	10	Situation of human rights in the Sudan: comments by the State
A/HRC/36/64	10	Report of the Independent Expert on the situation of human rights in the Central African Republic
A/HRC/36/65	2, 10	Report of the United Nations High Commissioner for Human Rights on cooperation with Georgia

*Documents issued in the conference room papers series*

<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/36/CRP.1/Rev.1	4	Rapport final détaillé de la Commission d'enquête sur le Burundi

*Documents issued in the conference room papers series*

<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/36/CRP.2	10	Report of the Office of the United Nations High Commissioner for Human Rights on the human rights situation in Ukraine: (16 May to 15 August 2017)
A/HRC/36/CRP.3	10	Situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol (Ukraine)

*Documents issued in the limited series*

<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/36/L.1	2	Composition of staff of the Office of the United Nations High Commissioner for Human Rights
A/HRC/36/L.2	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/36/L.3	3	Mandate of the Independent Expert on the promotion of a democratic and equitable international order
A/HRC/36/L.4	2	Situation of human rights in Yemen
A/HRC/36/L.5	3	Human rights in the administration of justice, including juvenile justice
A/HRC/36/L.6	3	The question of the death penalty
A/HRC/36/L.7	3	Unaccompanied migrant children and adolescents and human rights
A/HRC/36/L.8	10	Technical assistance and capacity-building for Yemen in the field of human rights
A/HRC/36/L.9/Rev.1	4	Situation of human rights in Burundi
A/HRC/36/L.10	3	Enforced or involuntary disappearances
A/HRC/36/L.11	3	Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence
A/HRC/36/L.12	3	The full enjoyment of human rights by all women and girls and the systematic mainstreaming of a gender perspective into the implementation of the 2030 Agenda for Sustainable Development
A/HRC/36/L.13/Rev.1	3	The right to development
A/HRC/36/L.14	3	Human rights and unilateral coercive measures
A/HRC/36/L.15	3	Mandate of the open-ended intergovernmental working group to elaborate the content of an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies
A/HRC/36/L.16	9	Mandate of the Working Group of Experts on People of African Descent

*Documents issued in the limited series*

<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/36/L.17/Rev.1	9	From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance
A/HRC/36/L.18/Rev.1	10	Technical assistance and capacity-building in the field of human rights in the Central African Republic
A/HRC/36/L.19	10	Technical assistance and capacity-building to improve human rights in the Sudan
A/HRC/36/L.20	3	Conscientious objection to military service
A/HRC/36/L.21	10	Advisory services and technical assistance for Cambodia
A/HRC/36/L.22	4	The human rights situation in the Syrian Arab Republic
A/HRC/36/L.23	10	Assistance to Somalia in the field of human rights
A/HRC/36/L.24	3	World Programme for Human Rights Education
A/HRC/36/L.25	3	Mental health and human rights
A/HRC/36/L.26/Rev.1	5	Cooperation with the United Nations, its representatives and mechanisms in the field of human rights
A/HRC/36/L.27	3	Human rights and indigenous peoples
A/HRC/36/L.28	10	Enhancement of technical cooperation and capacity-building in the field of human rights
A/HRC/36/L.29	5	Promotion and protection of the human rights of peasants and other people working in rural areas
A/HRC/36/L.30	10	Promoting international cooperation to support national human rights follow-up systems, processes and related mechanisms, and their contribution to the implementation of the 2030 Agenda for Sustainable Development
A/HRC/36/L.32	3	Mandate of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes
A/HRC/36/L.33	2	Technical assistance and capacity-building to improve the situation of human rights in Burundi
A/HRC/36/L.34/Rev.1	10	Technical assistance and capacity-building in the field of human rights in the Democratic Republic of the Congo
<i>L.35 (text not issued)</i>	2	Technical assistance and capacity-building for human rights in the Democratic Republic of the Congo

*Documents issued in the Government series*

<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/36/G/1	6	Letter dated 26 April 2017 from the Permanent Representative of Mauritius to the United Nations

*Documents issued in the Government series*

<i>Symbol</i>	<i>Agenda item</i>	
		Office at Geneva addressed to the President of the Human Rights Council
A/HRC/36/G/2	6	Letter dated 5 May 2017 from the Permanent Representative of Argentina to the United Nations Office and other international organizations in Geneva addressed to the President of the Human Rights Council
A/HRC/36/G/3	6	Letter dated 23 May 2017 from the Permanent Representative of Mauritius to the United Nations Office at Geneva addressed to the President of the Human Rights Council
A/HRC/36/G/4	6	Letter dated 21 June 2017 from the Permanent Representative the United Kingdom of Great Britain and Northern Ireland to the United Nations Office at Geneva addressed to the President of the Human Rights Council
A/HRC/36/G/5	4	Letter dated 5 July 2017 from the Permanent Representative of Azerbaijan to the United Nations Office at Geneva addressed to the President of the Human Rights Council
A/HRC/36/G/6	6	Letter dated 12 July 2017 from the Permanent Representative of Mauritius to the United Nations Office at Geneva addressed to the President of the Human Rights Council
A/HRC/36/G/7	4	Letter dated 11 August 2017 from the Chargé d'affaires of Azerbaijan to the United Nations Office at Geneva addressed to the President of the Human Rights Council
A/HRC/36/G/8	3	Note verbale dated 22 August 2017 from the Permanent Mission of the United States of America to the United Nations and other international organizations in Geneva addressed to the Secretariat of the United Nations Office of the High Commissioner for Human Rights
A/HRC/36/G/9	4	Note verbale dated 31 August 2017 from the Permanent Mission of Armenia to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights
A/HRC/36/G/10	4	Note verbale dated 8 September 2017 from the Permanent Mission of the Syrian Arab Republic to the United Nations Office and other international organizations in Geneva addressed to the secretariat of the Human Rights Council
A/HRC/36/G/11	10	Note verbale dated 5 September 2017 from the Permanent Mission of Somalia to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights
A/HRC/36/G/12	6	Carta de fecha 2 de octubre de 2017 del Representante Permanente de la Argentina ante la Oficina de las Naciones Unidas y otras organizaciones internacionales en Ginebra dirigida

*Documents issued in the Government series*

<i>Symbol</i>	<i>Agenda item</i>	
		al Presidente del Consejo de Derechos Humanos
A/HRC/36/G/13	3	Note verbale dated 28 September 2017 from the Permanent Mission of Greece to the United Nations Office at Geneva and other international organizations in Switzerland addressed to the Office of the United Nations High Commissioner for Human Rights
A/HRC/36/G/14	4	Letter dated 23 October 2017 from the Permanent Representative of Georgia to the United Nations Office and other international organizations in Geneva 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/36/NGO/1	3	Written statement submitted by the Khiam Rehabilitation Center for Victims of Torture, a non-governmental organization in special consultative status - Saudi Arabia: The campaign of Al-Awamiyya and the rising rate of executions
A/HRC/36/NGO/2	4	Written statement submitted by the World Muslim Congress, a non-governmental organization in general consultative status: Human rights situation of Indian-administered Kashmir requires Council's urgent attention
A/HRC/36/NGO/3	4	Written statement submitted by the Nazra for Feminist Studies, a non-governmental organization in special consultative status: WHRDs and civil society in Egypt are on the brink of total annihilation
A/HRC/36/NGO/4	4	Written statement submitted by the Ecumenical Alliance for Human Rights and Development (EAHRD), a non-governmental organization in special consultative status – Qatar 2022: world cup or world shame
A/HRC/36/NGO/5	4	Written statement submitted by the World Muslim Congress, a non-governmental organization in general consultative status: Human rights situation of Indian-administered Kashmir requires council's special attention
A/HRC/36/NGO/7	7	Written statement submitted by the Organization for Defending Victims of Violence, a non-governmental organization in special consultative status: Human rights situation in Occupied Palestinian Territories
A/HRC/36/NGO/8	9	Written statement submitted by the Organization for Defending Victims of Violence, a non-governmental organization in special consultative status: The rising trend of Islamophobia demands a focused attention
A/HRC/36/NGO/9	6	Written statement submitted by the American

*Documents issued in the non-governmental organization series*

<i>Symbol</i>	<i>Agenda item</i>	
		Association of Jurists, a non-governmental organization in special consultative status - Kingdom of Morocco: denial of the right to freedom of opinion and expression when addressing self-determination and independence of Western Sahara
A/HRC/36/NGO/10	4	Exposición escrita presentada por la American Association of Jurists, organización no gubernamental reconocida como entidad consultiva especial: el deterioro del medio ambiente en Puerto Rico
A/HRC/36/NGO/11	3	Written statement submitted by the Prahar, a non-governmental organization in special consultative status: Indigenous issues of Northeastern States of India special reference to Assam
A/HRC/36/NGO/12	3	Written statement submitted by the Organization for Defending Victims of Violence, a non-governmental organization in special consultative status: Unilateral coercive measures and human rights
A/HRC/36/NGO/13	4	Written statement submitted by the Organization for Defending Victims of Violence, a non-governmental organization in special consultative status: the United States of America and the United Kingdom invested billions of dollars in violation of human rights through arm deals with Saudi Arabia
A/HRC/36/NGO/14	3	Written statement submitted by the Sovereign Military Order of the Temple of Jerusalem, a non-governmental organization in special consultative status: Establishing a trusted roadmap for peace in Jerusalem
A/HRC/36/NGO/15	3	Written statement submitted by the Europe-Third World Centre (CETIM), a non-governmental organization in general consultative status: For the respect of the right of the Cuban People to decide its future and for the lifting of the United States embargo against Cuba
A/HRC/36/NGO/16	4	Written statement submitted by the Europe-Third World Centre (CETIM), a non-governmental organization in general consultative status: For the respect of human rights, in particular the right of self-determination, in the Bolivarian Republic of Venezuela
A/HRC/36/NGO/17	3	Joint written statement submitted by the Association Bharathi Centre Culturel Franco-Tamoul, Alliance Creative Community Project, ANAJA (L'Eternel a répondu), Association Burkinabé pour la Survie de l'Enfance, Association des étudiants tamouls de France, Association Mauritanienne pour la promotion du droit, Association pour les Victimes Du Monde, Association Solidarité Internationale pour l'Afrique (SIA), Association Thendral, Le Pont, L'Observatoire Mauritanien des Droits de

*Documents issued in the non-governmental organization series*

<i>Symbol</i>	<i>Agenda item</i>
	l'Homme et de la Démocratie, Society for Development and Community Empowerment, Tamil Uzhagam, Tourner la page, non-governmental organizations in special consultative status: Criminalisation and detention of asylum seekers in Australia
A/HRC/36/NGO/19 3	Joint written statement submitted by the Association Bharathi Centre Culturel Franco-Tamoul, Association des étudiants tamouls de France, Le Pont, Tamil Uzhagam, Tourner la page, non-governmental organizations in special consultative status: Call for protection of Sri Lankan labour migrant workers in Qatar
A/HRC/36/NGO/20 3	Joint written statement submitted by Association Bharathi Centre Culturel Franco-Tamoul, Alliance Creative Community Project, ANAJA (L'Eternel a répondu), Association Burkinabé pour la Survie de l'Enfance, Association des étudiants tamouls de France, Association Mauritanienne pour la promotion du droit, Association pour les Victimes Du Monde, Association Thendral, Le Pont, L'Observatoire Mauritanien des Droits de l'Homme et de la Démocratie, Society for Development and Community Empowerment, Tamil Uzhagam, Tourner la page, non-governmental organizations in special consultative status: Australia – urgent measures needed to save lives
A/HRC/36/NGO/21 3	Written statement submitted by the Khiam Rehabilitation Center for Victims of Torture, a non-governmental organization in special consultative status: Violations in the education field
A/HRC/36/NGO/22 3	Written statement submitted by the Khiam Rehabilitation Center for Victims of Torture, a non-governmental organization in special consultative status: Bahrain and the death penalty
A/HRC/36/NGO/23 3	Joint written statement submitted by the Association Bharathi Centre Culturel Franco-Tamoul, ABC Tamil Oli, Alliance Creative Community Project, ANAJA (L'Eternel a répondu), Association Burkinabé pour la Survie de l'Enfance, Association Culturelle des Tamouls en France, Association des étudiants tamouls de France, Association Mauritanienne pour la promotion du droit, Association pour les Victimes Du Monde, Association Solidarité Internationale pour l'Afrique (SIA), Association Thendral, L'Observatoire Mauritanien des Droits de l'Homme et de la Démocratie, Society for Development and Community Empowerment, Tamil Uzhagam, Tourner la page, non-governmental organizations in special consultative status: The military occupation effects on women in Sri Lanka
A/HRC/36/NGO/24 3	Written statement submitted by the Association for



*Documents issued in the non-governmental organization series*

<i>Symbol</i>		<i>Agenda item</i>
		Defending Victims of Terrorism, a non-governmental organization in special consultative status: Lawsuit for child victims of terrorism
A/HRC/36/NGO/25	4	Written statement submitted by the Association for Defending Victims of Terrorism, a non-governmental organization in special consultative status: Mechanisms of countering terrorism in the international system
A/HRC/36/NGO/26	3	Written statement submitted by the Ecumenical Federation of Constantinopolitans, a non-governmental organization in special consultative status: The vital difficulties faced by the Greek-Orthodox Minority of Istanbul and the necessity of urgent measures
A/HRC/36/NGO/27	4	Written statement submitted by the International Buddhist Relief Organisation, a non-governmental organization in special consultative status: Continuing violation of human rights of people with complicity of UNHRC by postponing local government elections
A/HRC/36/NGO/29	2	Written statement submitted by the World Peace Council, a non-governmental organization on the roster - Kingdom of Morocco: violations of the Rights of the Child in the Non Self-Governing Territory of Western Sahara
A/HRC/36/NGO/30	3	Written statement submitted by the Khiam Rehabilitation Center for Victims of Torture, a non-governmental organization in special consultative status - Bahrain: prisoner of conscience: former MP Sheikh Hassan Issa. More than 590 days in solitary confinement
A/HRC/36/NGO/31	3	Written statement submitted by the Khiam Rehabilitation Center for Victims of Torture, a non-governmental organization in special consultative status - Bahrain: torture and ill-treatment
A/HRC/36/NGO/32	3	Written statement submitted by the Khiam Rehabilitation Center for Victims of Torture, a non-governmental organization in special consultative status - Bahrain: the Military judiciary in comparison with the standards and guarantees of fair trials
A/HRC/36/NGO/33	3	Written statement submitted by the Khiam Rehabilitation Center for Victims of Torture, a non-governmental organization in special consultative status - Bahrain: the house arrest imposed on the leader of the Shiite community, Ayatollah Sheikh Isa Qassim, and the prosecution of the Duraz protesters continue
A/HRC/36/NGO/34	3	Written statement submitted by the Khiam Rehabilitation Center for Victims of Torture, a non-governmental organization in special consultative status - Bahrain: targeting civil

*Documents issued in the non-governmental organization series*

<i>Symbol</i>		<i>Agenda item</i>
		society institutions
A/HRC/36/NGO/35	3	Written statement submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status - Indonesia: arbitrary detention occurs widely and repeatedly without serious consequences
A/HRC/36/NGO/36	3	Written statement submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status - Indonesia: no justice for victims of enforced disappearances
A/HRC/36/NGO/37	4	Written statement submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status: South Sudan's civil war and its toll on the civilian population
A/HRC/36/NGO/38	4	Written statement submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status - Pakistan: the world's largest death row prisoners awaiting for their fate
A/HRC/36/NGO/39	3	Written statement submitted by the Conseil International pour le soutien à des procès équitables et aux Droits de l'Homme, a non-governmental organization in special consultative status: WHRD Ebtisam Alsaegh and the role of the National Security Agency NSA
A/HRC/36/NGO/40	3	Written statement submitted by the Conseil International pour le soutien à des procès équitables et aux Droits de l'Homme, a non-governmental organization in special consultative status: Freedom of expression in Bahrain
A/HRC/36/NGO/41	4	Written statement submitted by the Khiam Rehabilitation Center for Victims of Torture, a non-governmental organization in special consultative status: End the war in Yemen
A/HRC/36/NGO/42	4	Joint written statement submitted by France Libertés: fondation Danielle Mitterrand, Women's Human Rights International Association, non-governmental organizations in special consultative status, Mouvement contre le racisme et pour l'amitié entre les peuples, a non-governmental organization on the roster – The 1988 massacre of political prisoners in Iran: time for the truth, justice, reparation and guarantees of non-recurrence
A/HRC/36/NGO/43	4	Written statement submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status: Precarious human rights situation in Russian-annexed Crimea
A/HRC/36/NGO/44	4	Joint written statement submitted by the Al-Khoei Foundation, a non-governmental organization in general consultative status: Shi'aphobia

*Documents issued in the non-governmental organization series*

<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/36/NGO/45	4	Written statement submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status: Better protection for people with albinism – action plan must be implemented
A/HRC/36/NGO/46	4	Written statement submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status: Turkey must be kept from attacking Afrin
A/HRC/36/NGO/47	3	Written statement submitted by the Sudanese Women General Union, a non-governmental organization in special consultative status: Sudanese women rights to development
A/HRC/36/NGO/48	3	Written statement submitted by the Society Studies Centre (MADA ssc), a non-governmental organization in special consultative status: The negative impact of unilateral coercive measures on child rights in Sudan
A/HRC/36/NGO/49	6	Written statement submitted by France Libertés: fondation Danielle Mitterrand, a non-governmental organization in special consultative status – Western Sahara: the open wound of enforced disappearances
A/HRC/36/NGO/50	4	Joint written statement submitted by the International-Lawyers.Org, Arab Lawyers Union, Arab Organization for Human Rights, International Organization for the Elimination of All Forms of Racial Discrimination, IUS PRIMI VIRI International Association, Union of Arab Jurists, non-governmental organizations in special consultative status, International Educational Development, World Peace Council, non-governmental organizations on the roster: Continued impunity for Bush-Era officials' crime of aggression against Iraq
A/HRC/36/NGO/51	4	Written statement submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status: Attacks on the Shiite Hazara in Afghanistan
A/HRC/36/NGO/52	3	Written statement submitted by the Jammu and Kashmir Council for Human Rights (JKCHR), a non-governmental organization in special consultative status: Indian-administered Jammu and Kashmir: plight of prisoners
A/HRC/36/NGO/53	4	Written statement submitted by the Jammu and Kashmir Council for Human Rights (JKCHR), a non-governmental organization in special consultative status: Indian Administered Jammu and Kashmir: protection of State subject law
A/HRC/36/NGO/55	7	Written statement submitted by the BADIL Resource Center for Palestinian Residency and Refugee Rights, a non-governmental organization in special consultative status: Israeli colonialism through annexation and denial of the right to self-

*Documents issued in the non-governmental organization series*

<i>Symbol</i>		<i>Agenda item</i>
		determination
A/HRC/36/NGO/56	3	Written statement submitted by the Al Zubair Charitable Foundation, a non-governmental organization in special consultative status: Economic sanctions against Sudan
A/HRC/36/NGO/57	10	Written statement submitted by the Eastern Sudan Women Development Organization, a non-governmental organization in special consultative status: Arrival of humanitarian aid to war and conflict areas in Sudan
A/HRC/36/NGO/58	3	Written statement submitted by the Associazione Comunita Papa Giovanni XXIII, a non-governmental organization in special consultative status: The implementation of the right to development is urgent!
A/HRC/36/NGO/59	7	Written statement submitted by the Norwegian Refugee Council, a non-governmental organization in special consultative status: Occupied Palestinian Territory: education under attack
A/HRC/36/NGO/60	6	Written statement submitted by the Associazione Comunita Papa Giovanni XXIII, a non-governmental organization in special consultative status: UPR Brazil: on the conditions of prisoners in Brazil
A/HRC/36/NGO/61	3	Written statement submitted by the Conseil International pour le soutien à des procès équitables et aux Droits de l'Homme, a non-governmental organization in special consultative status: Bahrain's National Security Agency and its violations
A/HRC/36/NGO/62	3	Written statement submitted by the Human Rights Now, a non-governmental organization in special consultative status: Human Rights Now strongly protests the Chinese Government's continued detention and harassment of human rights defenders and lawyers two years after the July 2015 crackdown
A/HRC/36/NGO/63	10	Written statement submitted by the Human Rights Now, a non-governmental organization in special consultative status: The Cambodian Government must stop harassing opposition and ensure fair and free elections in 2018
A/HRC/36/NGO/64	3	Exposición conjunta escrita presentada por Swiss Catholic Lenten Fund, organizaciones no gubernamentales reconocidas como entidades consultivas especiales: Pueblos indígenas y el derecho al consentimiento libre, previo e informado. La lucha de los pueblos indígenas por el bienestar
A/HRC/36/NGO/65	3	Written statement submitted by Amnesty International, a non-governmental organization in special consultative status: The Human Rights

*Documents issued in the non-governmental organization series*

<i>Symbol</i>	<i>Agenda item</i>	
		Council must act to ensure respect of international obligations and protection of the right to life
A/HRC/36/NGO/66	2	Exposé écrit présenté par l'Union Internationale des Avocats - International Union of Lawyers, organisation non gouvernementale dotée du statut consultatif special: La liberté d'expression de l'avocat
A/HRC/36/NGO/67	4	Written statement submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status - MYANMAR: International intervention required to stop ethnic cleansing against Rohingya people
A/HRC/36/NGO/68	3	Written statement submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status - Bangladesh: unbridled state power and a collapsed justice framework behind enforced disappearances
A/HRC/36/NGO/69	3	Written statement submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status - India: manual scavenging, the curse of a nation
A/HRC/36/NGO/70	7	Written statement submitted by the Al-Haq, Law in the Service of Man, a non-governmental organization in special consultative status: The impact of Israeli impunity
A/HRC/36/NGO/71	4	Written statement submitted by the Fundacion Vida - Grupo Ecologico Verde, a non-governmental organization in special consultative status: Peril in the Russian Federation for freedom of belief, expression and assembly of religious minorities
A/HRC/36/NGO/72	4	Written statement submitted by the Liberal International (World Liberal Union), a non-governmental organization in general consultative status: Call for democracy and rule of law in Zambia
A/HRC/36/NGO/73	4	Joint written statement submitted by the International-Lawyers.Org, Arab Lawyers Union, Arab Organization for Human Rights, International Organization for the Elimination of All Forms of Racial Discrimination, IUS PRIMI VIRI International Association, Union of Arab Jurists, non-governmental organizations in special consultative status, International Educational Development, World Peace Council, non-governmental organizations on the roster - Immunity for and impunity of high ranking government leaders: a threat to the rule of law and human rights
A/HRC/36/NGO/74	3	Written statement submitted by Rencontre Africaine pour la défense des droits de l'homme, a non-governmental organization in special consultative status: Criminalising freedom of

*Documents issued in the non-governmental organization series*

<i>Symbol</i>		<i>Agenda item</i>
		peaceful assembly
A/HRC/36/NGO/75	4	Written statement submitted by Rencontre Africaine pour la défense des droits de l'homme, a non-governmental organization in special consultative status: Human rights and citizenship
A/HRC/36/NGO/76	6	Written statement submitted by Liberation, a non-governmental organization on the roster - Western Sahara: grave and continuous violations of the civil and political rights of the Sahrawi people
A/HRC/36/NGO/77	3	Written statement submitted by the Federation of Western Thrace Turks in Europe, a non-governmental organization in special consultative status: "240 Imams Law" in Greece and State intervention into religious affairs of the Turkish community in Western Thrace
A/HRC/36/NGO/78	4	Written statement submitted by the Sudanese Women Parliamentarians Caucus, a non-governmental organization in special consultative status: The role of Sudanese Women Parliamentarian's Caucus (SWPC) in legal reform and the consolidation of human rights in Sudan
A/HRC/36/NGO/79	7	Joint written statement submitted by the ADALAH - Legal Center for Arab Minority Rights in Israel, the Al-Haq, Law in the Service of Man, non-governmental organizations in special consultative status: Israel's punitive revocation of residency status from Palestinians from East Jerusalem and revocation of citizenship from Palestinian citizens of Israel
A/HRC/36/NGO/80	4	Written statement submitted by the European Centre for Law and Justice, The Centre Européen pour le droit, la Justice et les droits de l'homme, a non-governmental organization in special consultative status: Requesting that the U.N. recognise the ISIS atrocities against Christians and other religious and ethnic minorities as genocide and take immediate appropriate action
A/HRC/36/NGO/81	3	Written statement submitted by the Europe-Third World Centre (CETIM), a non-governmental organization in general consultative status: Rights of the Mapuche people in Chile: violations, non-recognition and denial of otherness
A/HRC/36/NGO/82	3	Written statement submitted by the Working Women Association, a non-governmental organization in special consultative status: The role of Working Women Association in the promotion of working women's rights in Sudan
A/HRC/36/NGO/83	4	Written statement submitted by The Palestinian Return Centre, a non-governmental organization in special consultative status: The human rights violations against Palestinian refugees in Lebanon
A/HRC/36/NGO/84	4	Written statement submitted by The Palestinian Return Centre, a non-governmental organization in

*Documents issued in the non-governmental organization series*

<i>Symbol</i>		<i>Agenda item</i>
		special consultative status: Freedom of movement restrictions on Palestinian Refugees from the Syrian Arab Republic
A/HRC/36/NGO/85	4	Exposición escrita presentada por la American Association of Jurists, organización no gubernamental reconocida como entidad consultiva especial - Argentina: violaciones graves de los derechos del pueblo Mapuche
A/HRC/36/NGO/86	7	Written statement submitted by the American Association of Jurists, a non-governmental organization in special consultative status: Continued violations of international law by Israel's illegal occupation of Palestinian territory, including East Jerusalem
A/HRC/36/NGO/87	7	Written statement submitted by The Palestinian Return Centre, a non-governmental organization in special consultative status: Israel's colonial domination over Jerusalem
A/HRC/36/NGO/88	4	Written statement submitted by the Association for Progressive Communications (APC), a non-governmental organization in general consultative status - Turkey: secure digital communications are essential for human rights
A/HRC/36/NGO/89	4	Written statement submitted by the United Nations Watch, a non-governmental organization in special consultative status: Urgent debate required on the situation of human rights in the Bolivarian Republic of Venezuela
A/HRC/36/NGO/90	4	Written statement submitted by the Pasumai Thaayagam Foundation, a non-governmental organization in special consultative status: Status report on the plight of Tamils in the island of Sri Lanka
A/HRC/36/NGO/91	5	Written statement submitted by the Jssor Youth Organization, a non-governmental organization in special consultative status - Good practices for youth inclusion: encouraging the participation of young people with fewer opportunities
A/HRC/36/NGO/92	3	Joint written statement submitted by the International Humanist and Ethical Union, the Humanist Institute for Co-operation with Developing Countries, non-governmental organizations in special consultative status - Not a "new" right: the right to equal treatment and non-discrimination regardless of an individual's sexual orientation or gender identity implicit and explicit in international human rights law since 1948
A/HRC/36/NGO/93	6	Written statement submitted by the Commonwealth Human Rights Initiative, a non-governmental organization in special consultative status: written statement submitted by Commonwealth Human Rights Initiative, a non-governmental organization in special consultative

*Documents issued in the non-governmental organization series*

<i>Symbol</i>	<i>Agenda item</i>	
		status
A/HRC/36/NGO/94	3	Joint written statement submitted by the Ewiiapaayp Band of Kumeyaay Indians, National Congress of American Indians, Native American Rights Fund, non-governmental organizations in special consultative status, Indian Law Resource Centre, a non-governmental organization on the roster: Measures to combat gaps in the implementation of the UN Declaration on the Rights of Indigenous Peoples
A/HRC/36/NGO/95	3	Joint written statement submitted by the Ewiiapaayp Band of Kumeyaay Indians, National Congress of American Indians, Native American Rights Fund, non-governmental organizations in special consultative status, Indian Law Resource Centre, a non-governmental organization on the roster: Taking action to end violence against indigenous women
A/HRC/36/NGO/96	3	Written statement submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status: Marginalization of indigenous peoples in the Bolivarian Republic of Venezuela
A/HRC/36/NGO/97	6	Written statement submitted by the Association for Progressive Communications (APC), a non-governmental organization in general consultative status: Human rights in digital environments in the Philippines
A/HRC/36/NGO/98	6	Written statement submitted by the Association for Progressive Communications (APC), a non-governmental organization in general consultative status: Criminalisation of online expression in Asia
A/HRC/36/NGO/99	7	Joint written statement submitted by the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), Arab Organization for Human Rights, International-Lawyers.Org, Union of Arab Jurists, non-governmental organizations in special consultative status, International Educational Development, World Peace Council, non-governmental organizations on the roster - Depriving prisoners of human dignity: the Israeli detention system
A/HRC/36/NGO/100	7	Joint written statement submitted by the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), Arab Organization for Human Rights, International-Lawyers.Org, Union of Arab Jurists, non-governmental organizations in special consultative status, International Educational Development, World Peace Council, non-governmental organizations on the roster: Israeli restrictions of freedom of religion and worship



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*Documents issued in the non-governmental organization series*


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<i>Symbol</i>	<i>Agenda item</i>
A/HRC/36/NGO/101 7	Joint written statement submitted by the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), Arab Organization for Human Rights, International-Lawyers.Org, Union of Arab Jurists, non-governmental organizations in special consultative status, International Educational Development, World Peace Council, non-governmental organizations on the roster: Lives in debris and scarcity
A/HRC/36/NGO/102 7	Joint written statement submitted by the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), Arab Organization for Human Rights, International-Lawyers.Org, Union of Arab Jurists, non-governmental organizations in special consultative status, International Educational Development, World Peace Council, non-governmental organizations on the roster: The debilitation of Palestinian socioeconomic development
A/HRC/36/NGO/103 4	Written statement submitted by the Americans for Democracy and Human Rights in Bahrain, a non-governmental organization in special consultative status: The National Security Agency and systematic counter-terror abuses in Bahrain
A/HRC/36/NGO/104 7	Joint written statement submitted by the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), Arab Organization for Human Rights, International-Lawyers.Org, Union of Arab Jurists, non-governmental organizations in special consultative status, International Educational Development, World Peace Council, non-governmental organizations on the roster: Undermining the last remnants of Palestinian sovereignty in Jerusalem
A/HRC/36/NGO/105 4	Written statement submitted by the Americans for Democracy and Human Rights in Bahrain, a non-governmental organization in special consultative: Continued restrictions on fundamental freedoms and persecution of rights defenders in the GCC
A/HRC/36/NGO/106 7	Joint written statement submitted by the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), Arab Organization for Human Rights, International-Lawyers.Org, Union of Arab Jurists, non-governmental organizations in special consultative status, International Educational Development, World Peace Council, non-governmental organizations on the roster: The socioeconomic situation of Palestinian women
A/HRC/36/NGO/107 4	Written statement submitted by the Iraqi Development Organization, a non-governmental organization in special consultative status: 30 months of ongoing systematic rights violations and

*Documents issued in the non-governmental organization series*

<i>Symbol</i>	<i>Agenda item</i>
	crimes caused by unlawful unilateral coercive measures on Yemen demands an independent international commission of inquiry
A/HRC/36/NGO/108 4	Joint written statement submitted by the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), Union of Arab Jurists, non-governmental organizations in special consultative status, International Educational Development, World Peace Council, non-governmental organizations on the roster: Climate change, conflict, and refuge in East Africa
A/HRC/36/NGO/109 10	Joint written statement submitted by the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), a non-governmental organization in special consultative status, International Educational Development, World Peace Council, non-governmental organizations on the roster - Yemen: a case for the International Criminal Court
A/HRC/36/NGO/110 6	Written statement submitted by the Americans for Democracy and Human Rights in Bahrain, a non-governmental organization in special consultative status: Implementation of UPR recommendations in Bahrain
A/HRC/36/NGO/111 4	Joint written statement submitted by the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), a non-governmental organization in special consultative status, International Educational Development, Inc., World Peace Council, non-governmental organizations on the roster
A/HRC/36/NGO/112 3	Joint written statement submitted by the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), American Association of Jurists, Arab Organization for Human Rights, International-Lawyers.Org, Union of Arab Jurists, non-governmental organizations in special consultative status, International Educational Development, World Peace Council, non-governmental organizations on the roster - Iraq: towards accountability and justice
A/HRC/36/NGO/113 3	Joint written statement submitted by the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), Arab Organization for Human Rights, International-Lawyers.Org, non-governmental organizations in special consultative status, International Educational Development, World Peace Council, non-governmental organizations on the roster - Mosul: destruction not liberation
A/HRC/36/NGO/114 9	Joint written statement submitted by the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD),

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*Documents issued in the non-governmental organization series*


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<i>Symbol</i>	<i>Agenda item</i>
	International-Lawyers.Org, non-governmental organizations in special consultative status, International Educational Development, World Peace Council, non-governmental organizations on the roster: The plight of Rohingya in Myanmar is ignored
A/HRC/36/NGO/115 9	Written statement submitted by the International Youth and Student Movement for the United Nations, a non-governmental organization in general consultative status: Recognizing and combating Afrophobia
A/HRC/36/NGO/116 6	Written statement submitted by the Association for Progressive Communications (APC), a non-governmental organization in general consultative status: Joint CSO statement on South Africa UPR recommendations
A/HRC/36/NGO/117 3	Joint written statement submitted by the Nonviolent Radical Party, Transnational and Transparty, a non-governmental organization in general consultative status, Women's Human Rights International Association, Edmund Rice International, non-governmental organizations in special consultative status, International Educational Development, a non-governmental organization on the roster: Request for the formation of a UN Commission of Inquiry into the mass execution of political prisoners in 1988 in Iran
A/HRC/36/NGO/119 3	Joint written statement submitted by the Nonviolent Radical Party, Transnational and Transparty, non-governmental organization in general consultative status, Women's Human Rights International Association, Edmund Rice International, non-governmental organizations in special consultative status, International Educational Development, a non-governmental organization on the roster: Request for the formation of a UN Commission of Inquiry into the mass execution of political prisoners in 1988 in Iran
A/HRC/36/NGO/120 6	Written statement submitted by the International Youth and Student Movement for the United Nations, a non-governmental organization in general consultative status - Western Sahara: the right to self-determination and independence
A/HRC/36/NGO/121 3	Written statement submitted by the International Fellowship of Reconciliation, a non-governmental organization in special consultative status: Western Sahara independence of judges and lawyers
A/HRC/36/NGO/122 7	Written statement submitted by the Al Mezan Centre for Human Rights, a non-governmental organization in special consultative status - Israel intensifies its control and illegal annexation of occupied Jerusalem: the international community

*Documents issued in the non-governmental organization series*

<i>Symbol</i>	<i>Agenda item</i>
	must end illegal policy of annexation
A/HRC/36/NGO/123 3	Written statement submitted by the Organization for Defending Victims of Violence, a non-governmental organization in special consultative status: Situation of Afghanistani refugees in Iran
A/HRC/36/NGO/124 3	Joint written statement submitted by the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), Union of Arab Jurists, non-governmental organizations in special consultative status, International Educational Development, World Peace Council, non-governmental organizations on the roster: The crime of trafficking in persons prevails
A/HRC/36/NGO/125 4	Joint written statement submitted by the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), Union of Arab Jurists, non-governmental organizations in special consultative status, International Educational Development, World Peace Council, non-governmental organizations on the roster - South Sudan: addressing the humanitarian crisis
A/HRC/36/NGO/126 4	Exposé écrit présenté par Association Internationale pour l'égalité des femmes, organisation non gouvernementale dotée du statut consultatif special : Protéger les acquis de l'égalité entre les femmes et les hommes
A/HRC/36/NGO/127 4	Written statement submitted by the Amnesty International, a non-governmental organization in special consultative status: Deteriorating human rights and humanitarian crisis in the Republic of South Sudan
A/HRC/36/NGO/128 3	Written statement submitted by the Amnesty International, a non-governmental organization in special consultative status - United States of America: arbitrary detention remains embedded in immigration, civil and military detention systems
A/HRC/36/NGO/129 4	Written statement submitted by the Amnesty International, a non-governmental organization in special consultative status: Human Rights Council must urge Myanmar to cooperate fully with Fact-Finding Mission
A/HRC/36/NGO/130 3	Written statement submitted by the Amnesty International, a non-governmental organization in special consultative status: The crisis of indigenous youth detained in Australia - Joint written statement by Amnesty International and the National Aboriginal and Torres Strait Islander Legal Services (NATSILS)
A/HRC/36/NGO/132 6	Written statement submitted by The Next Century Foundation, a non-governmental organization in special consultative status: Women's rights in

*Documents issued in the non-governmental organization series*

<i>Symbol</i>	<i>Agenda item</i>
	Bahrain
A/HRC/36/NGO/133 6	Written statement submitted by the Federacion de Asociaciones de Defensa y Promocion de los Derechos Humanos, a non-governmental organization in special consultative status - Western Sahara: grave and continuous violations of the civil and political rights of the Sahrawi people
A/HRC/36/NGO/134 6	Written statement submitted by The Next Century Foundation, a non-governmental organization in special consultative status: Press freedom in Bahrain
A/HRC/36/NGO/135 6	Written statement submitted by The Next Century Foundation, a non-governmental organization in special consultative status: Treatment of migrants in the United Kingdom of Great Britain and Northern Ireland
A/HRC/36/NGO/136 2	Written statement submitted by Amnesty International, a non-governmental organization in special consultative status: Sri Lanka must deliver on its commitments welcomed by Human Rights Council resolution 30/1
A/HRC/36/NGO/137 3	Written statement submitted by the Al-Ayn Social Care Foundation, a non-governmental organization in special consultative status: Activities of Al-Ayn Social Care Foundation under human rights
A/HRC/36/NGO/138 4	Written statement submitted by Amnesty International, a non-governmental organization in special consultative status - Turkey: deterioration of human rights must be addressed by the United Nations Human Rights Council
A/HRC/36/NGO/139 3	Written statement submitted by the Servas International, a non-governmental organization on the roster - Migrants: a challenge for peace?
A/HRC/36/NGO/140 4	Written statement submitted by The Next Century Foundation, a non-governmental organization in special consultative status: Treatment of prisoners of war/political prisoners in the Syrian Arab Republic
A/HRC/36/NGO/141 8	Exposición escrita presentada por Stichting International Center for Ethnobotanical Education, Research and Service, organización no gubernamental reconocida como entidad consultiva especial: Vulnerabilidad social y territorial en la Amazonía Colombiana
A/HRC/36/NGO/142 4	Written statement submitted by the Research Centre on the Rights and the Duties of the Human Person, a non-governmental organization in special consultative status: Coercive measures for the elimination of the State terrorism under the presidency of Paul Biya
A/HRC/36/NGO/143 3	Written statement submitted by the International Humanist and Ethical Union, a non-governmental

*Documents issued in the non-governmental organization series*

<i>Symbol</i>	<i>Agenda item</i>
	organization in special consultative status: Dangerous situation for freethinkers and humanists in Pakistan
A/HRC/36/NGO/144 4	Written statement submitted by the International Career Support Association, a non-governmental organization in special consultative status: Japan's freedom of expression
A/HRC/36/NGO/145 2	Written statement submitted by the International Career Support Association, a non-governmental organization in special consultative status: Human rights violation committed by government of the Republic of Korea (ROK) to Japanese citizens
A/HRC/36/NGO/146 3	Written statement submitted by the International Career Support Association, a non-governmental organization in special consultative status: Request to the United Nations related to Comfort Women issue and special rapporteur
A/HRC/36/NGO/147 3	Written statement submitted by the International Movement Against All Forms of Discrimination and Racism (IMADR), a non-governmental organization in special consultative status: Enforced disappearances in Sri Lanka
A/HRC/36/NGO/149 3	Exposición escrita presentada por Tournier la page, organizaciones no gubernamentales reconocidas como entidades consultivas especial: Discriminación contra minorías étnicas y religiosas en la República Islámica del Iran
A/HRC/36/NGO/150 3	Written statement submitted by the Chinese Association for International Understanding, a non-governmental organization in special consultative status: Protecting the development rights of ethnic minorities, we are looking forward to doing better
A/HRC/36/NGO/151 3	Written statement submitted by the Graduate Women International (GWI), a non-governmental organization in special consultative status: The commemoration of the tenth anniversary of the adoption of the United Nations Declaration on the Rights of Indigenous Peoples, with a specific focus on challenges in achieving the ends of the declaration.
A/HRC/36/NGO/152 4	Exposición escrita presentada por la American Association of Jurists, organización no gubernamental reconocida como entidad consultiva especial: El deterioro del medio ambiente en Puerto Rico
A/HRC/36/NGO/153 3	Written statement submitted by the Amnesty International, a non-governmental organization in special consultative status: Amnesty International written statement – Government of the United Kingdom of Great Britain and Northern Ireland must address Special Rapporteur's concerns on criminal accountability and remedy for business-

*Documents issued in the non-governmental organization series*

<i>Symbol</i>	<i>Agenda item</i>
	related human rights abuse
A/HRC/36/NGO/154 7	Written statement submitted by the Amuta for NGO Responsibility, a non-governmental organization in special consultative status: Guterres' Israel visit – an opportunity to reset relationship with the UN
A/HRC/36/NGO/155 7	Written statement submitted by the Amuta for NGO Responsibility, a non-governmental organization in special consultative status: Lack of transparency in European Government funding to Palestinian NGOs
A/HRC/36/NGO/156 7	Written statement submitted by the Amuta for NGO Responsibility, a non-governmental organization in special consultative status: The European Union's double standard
A/HRC/36/NGO/157 4	Written statement submitted by the Shia Rights Watch, a non-governmental organization in special consultative status: Shia rights violations in Bahrain
A/HRC/36/NGO/158 3	Exposé écrit présenté par Agence pour les droits de l'homme, organisation non gouvernementale dotée du statut consultatif spécial: Nous condamnons fermement l'Arabie Saoudite comme la première responsable de l'épidémie de choléra au Yémen
A/HRC/36/NGO/159 4	Written statement submitted by the Agence pour les droits de l'homme, a non-governmental organization in special consultative status: The continued killing of civilians and targeted civilian objects, population gathering, and many victims of children and women by the airstrikes of the Arab coalition warplanes led by Saudi Arabia on Yemen and the overlook of international community
A/HRC/36/NGO/160 9	Exposé écrit présenté par Agence pour les droits de l'homme, organisation non gouvernementale dotée du statut consultatif spécial : Stop au génocide au Myanmar
A/HRC/36/NGO/161 3	Written statement submitted by The Death Penalty Project, a non-governmental organization in special consultative status: The Human Rights Council must act to ensure Commonwealth countries respect their international obligations in relation to capital punishment
A/HRC/36/NGO/162 4	Joint written statement submitted by the Agence pour les droits de l'homme, the Islamic Human Rights Commission, non-governmental organizations in special consultative status: Announcement of concern from Human Rights Defenders about the lack of consideration of Nigeria religious minority rights
A/HRC/36/NGO/163 6	Written statement submitted by The Endeavour Forum, a non-governmental organization in special consultative status: Abortion - the

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*Documents issued in the non-governmental organization series*


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A/HRC/36/NGO/164	8	Netherlands a victim's perspective universal periodic review UPR outcome of the Netherlands
		Exposición escrita presentada por la American Association of Jurists, organización no gubernamental reconocida como entidad consultiva especial: Venezuela y la injerencia extranjera en los asuntos internos

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*Documents issued in the national institutions series*


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<i>Symbol</i>	<i>Agenda item</i>
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A/HRC/36/NI/1	6	Joint written submission by the Equality and Human Rights Commission of Great Britain, the Northern Ireland Human Rights Commission and the Scottish Human Rights Commission
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## Annex IV

### **Advisory Committee members elected by the Human Rights Council at its thirty-sixth session and the date of expiry of their term of membership**

<i>Member</i>	<i>Term expires on</i>
Dheerujlall Baramlall Seetulsingh (Mauritius)	30 September 2020
Mohamed Bennani (Morocco)	30 September 2020
Ajai Malhotra (India)	30 September 2020
Changrok Soh (Republic of Korea)	30 September 2020
Ion Diaconu (Romania)	30 September 2020
Elizabeth S. Salmón (Peru)	30 September 2020
Ludovic Hennebel (Belgium)	30 September 2020

## Annex V

### **Special procedure mandate holders appointed by the Human Rights Council at its thirty-sixth session**

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

E. Tendayi Achiume (Zambia)

**Working Group of Experts on People of African Descent (member from Western European and other States)**

Marie-Evelyne Petrus (France)

**Working Group on the issue of discrimination against women in law and in practice (member from African States)**

Meskerem Techane (Ethiopia)

**Working Group on the issue of discrimination against women in law and in practice (member from Asia-Pacific States)**

Melissa Upreti (Nepal)

**Working Group on the issue of discrimination against women in law and in practice (member from Eastern European States)**

Ivana Radačić (Croatia)

**Working Group on the issue of discrimination against women in law and in practice (member from Western European and other States)**

Elizabeth Broderick (Australia)

**Special Rapporteur on the elimination of discrimination against persons affected by leprosy and their family members**

Alice Cruz (Portugal)

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