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DRAFT REPORT OF THE HUMAN RIGHTS COUNCIL ON ITS TENTH SESSION¹

Vice-President and Rapporteur: Mr. Elchin Amirbayov (Azerbaijan)

¹ The present document contains a record of proceedings up to and including the 43rd meeting, on 26 March 2009. The proceedings on 27 March 2009 will be added after the adoption and referendum of the present document. The text of resolutions adopted appears in A/HRC/10/L.11.

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Part One: Resolutions adopted by the Council at its tenth session

[To be added in final report]

Part Two: Summary of proceedings

I. Organizational and procedural matters

A. Opening and duration of the session

1. The Human Rights Council held its tenth session at the United Nations Office at Geneva from 2 to 27 March 2009. The President of the Human Rights Council opened the session.
2. At the opening, the High Commissioner for Human Rights addressed the plenary.
3. At the 12th meeting, on 9 March 2009, the High Commissioner for Human Rights made a statement for the International Women's day.
4. In accordance with rule 8 (b) of the rules of procedure of the Council, as contained in part VII of the annex to Council resolution 5/1 of 18 June 2007, the organizational meeting of the tenth session was held on 16 February 2009.
5. The tenth session consisted of 45 meetings over 20 days (see paragraph 28 below).

B. Attendance

6. The session was attended by representatives of States members of the Council, observer States of the Council, observers for non-member States of the United Nations and other observers, as well as observers for United Nations entities, specialized agencies and related organizations, intergovernmental organizations and other entities, national human rights institutions and non-governmental organizations (See Annex III).

C. High-level segment

7. At the 1st to the 5th meetings of the tenth session, held from 2 to 4 March 2009, the Council held a high-level segment, at which 64 dignitaries addressed the plenary, including: 2 vice-president, 3 vice-prime ministers, 39 ministers, 19 vice-ministers, and the President of the United Nations General Assembly.
8. The following is a list of the dignitaries who addressed the Council during the high-level segment, in the order that they spoke:

(a) At the 1st meeting, on 2 March 2009: Mr. Francisco Santos Calderón, Vice-President of Colombia; Mr. Mohamed Waheed, Vice-President of Maldives; Mr. Paulo Vannuchi, Minister of Human Rights of Brazil; Mr. Abdelwahad Radi, Minister of Justice of Morocco; Mr. Sven Alkalaj, Minister of Foreign Affairs of Bosnia and Herzegovina; Mr. Mahinda Samarasinghe, Minister of Disaster Management and Human Rights of Sri Lanka;

(b) At the 2nd meeting on the same day: Mr. Paul Mba Abessole, Vice-Prime Minister of Gabon; Mr. Manouchehr Mottaki, Minister of Foreign Affairs of Islamic Republic of Iran; Mr. Miroslav Lajčák, Minister of Foreign Affairs of Slovakia; Mr. Hoda Abdullatif Alban, Minister of Human Rights of Yemen; Mr. Bandar bin Mohammed Al-Aban, Chairperson of the Human

Rights Commission of Saudi Arabia; Mr. Mufid Shehab, Minister of Legal and Parliamentary Councils of Egypt; Mr. Ould Dadde, Commissioner for Human Rights, Humanitarian Action and for Relations with Civil Society of Mauritania; Mr. Alberto van Klaveren, Vice-Minister of Foreign Affairs of Chile; Mr. Hussein Al-Zuheiri, Under-Secretary of the Ministry of Human Rights of Iraq; Ms. Rama Yade, State Secretary of Foreign Affairs and Human Rights of France; Mr. Raymond Johansen, Deputy Minister of Foreign Affairs of Norway;

(c) At the 3rd meeting, on 3 March: Mr. Karel Schwarzenberg, Minister of Foreign Affairs of Czech Republic (on behalf of the European Union, Albania, Armenia, Bosnia and Herzegovina, Croatia, Montenegro, Republic of Moldova, the former Yugoslav Republic of Macedonia, Turkey and Ukraine); Mr. Jean Asselborn, Vice-Prime Minister and Minister of Foreign Affairs and Immigration of Luxembourg; Ms. Maria Esther Reus González, Minister of Justice of Cuba; Mr. Karel de Gucht, Vice-Prime Minister and Minister of Foreign Affairs of Belgium; Mr. Hassan Wirajuda, Minister of Foreign Affairs of Indonesia; Mr. Maxime Verhagen, Minister of Foreign Affairs of the Netherlands; Mr. D. N. Seretse, Minister of Justice, Defence and Security of Botswana; Mr. Per Stig Møller, Minister of Foreign Affairs of Denmark; Ms. Hala Latouf, Minister of Social Development of Jordan; Mr. Günter Nooke, Federal Commissioner for Human Rights and Humanitarian Aid of Germany; Mr. Nurlan Danenov, Vice-Minister of Foreign Affairs of Kazakhstan; Mr. Vincenzo Scotti, Vice-Minister of Foreign Affairs of Italy; Mr. Salomon Nguema Owono, Vice-Minister of Human Rights and Social Affairs of Equatorial Guinea; Mrs. Teresa Ribeiro, Deputy Minister of Foreign Affairs of Portugal; Mr. Abdel Daiem Zumrawi, Deputy Minister of Justice of Sudan; Mr. Marko Karadzic, State Secretary of the Ministry for Human and Minority Rights of Serbia;

(d) At the 4th meeting on the same day: Mr. Bob McMullan, Minister of Overseas Aid and Development of Australia; Mr. Nezar Sadeq Al Baharna, Minister of State for Foreign Affairs of Bahrain; Mr. Upio Kakura Wapo, Minister of Human Rights of the Democratic Republic of the Congo; Ms. Kinga Göncz, Minister of Foreign Affairs of Hungary; Mr. Béchir Tekari, Minister of Justice and Human Rights of Tunisia; Mr. Ahmad Soboh, Deputy Minister of Foreign Affairs of Palestine; Mr. Shin, Kak-Soo, Vice-Minister of Foreign Affairs and Trade of the Republic of Korea; Mr. Bogdan Aurescu, Secretary of State of Romania; Mr. Nicholas Emiliou, Vice-Minister of Foreign Affairs of Cyprus; Mr. Milorad Scepanovic, Deputy Minister of Foreign Affairs of Montenegro; Mr. Todd Stewart Chilembo, Deputy Minister of Justice of Zambia; Mr. Eduardo José Bacião Koloma, Vice-Minister of Foreign Affairs and Cooperation of Mozambique;

(e) At the 5th meeting, on 4 March: Mr. Mark Malloch Brown, Minister of Africa, Asia and the United Nations of the United Kingdom of Great Britain and Northern Ireland; Mr. Upendra Yadav, Minister of Foreign Affairs of Nepal; Mr. Mathias Meinrad Chikawe, Minister of Justice and Constitutional Affairs of Tanzania; Ms. Martha W. Karua, Minister of Justice, National Cohesion and Constitutional Affairs of Kenya; Mr. Alexander V. Yakovenko, Deputy Minister of Foreign Affairs of the Russian Federation; Mr. Akmal Saidov, Chairman of the National Centre for Human Rights of Uzbekistan; Mr. Frank Belfrage, Permanent Undersecretary of Sweden; Mr. Lars Pira, Deputy Minister of Foreign Affairs of Guatemala; Ms. Micheline Calmy-Rey, Head of the Federal Department of Foreign Affairs of Switzerland; Mr. Henri Eyebe Ayissi, Minister of Foreign Affairs of Cameroon; Mr. Patrick Antony Chinamasa, Minister of Justice and Legal Affairs of Zimbabwe; Mr. Jan Borkowski, Secretary of State of the Ministry of Foreign Affairs of Poland; Mr. Felipe Michelini, Vice-Minister of Education of

Uruguay; Mr. Vu Dung, Vice-Minister of Foreign Affairs of Viet Nam; Mr. Angel Lossada, Vice-Minister of Foreign Affairs of Spain; Mr. Wilfredo Chávez, Vice-Minister of Justice and Human Rights of Bolivia; Mr. Paul Herbert Oquist Kelley, Minister and Private Secretary of National Policy of Nicaragua; Ms. Nkosazana Dlamini Zuma, Minister of Foreign Affairs of South Africa; Mr. Miguel d'Escoto Brockmann, the President of the United Nations General Assembly.

9. At the 4th meeting, on 3 March 2009, a statement in exercise of the right of reply was made by the representative of the Democratic People's Republic of Korea to the statement of Mr. Karel Schwarzenberg, Minister of Foreign Affairs of Czech Republic (on behalf of the European Union, Albania, Armenia, Bosnia and Herzegovina, Croatia, Montenegro, Republic of Moldova, the former Yugoslav Republic of Macedonia, Turkey and Ukraine), and the statement of Mr. Shin, Kak-Soo, Vice-Minister of Foreign Affairs and Trade of the Republic of Korea.

10. At the 6th meeting, on 4 March 2009, statements in exercise of the right of reply were made by the representative of Sri Lanka to the statement of Mr. Mark Malloch Brown, Minister of Africa, Asia and the United Nations of the United Kingdom of Great Britain and Northern Ireland, and the statement of Ms. Rama Yade, State Secretary of Foreign Affairs and Human Rights of France; the representative of the Islamic Republic of Iran, in relation to the statement of Mr. Mark Malloch Brown, Minister of Africa, Asia and the United Nations of the United Kingdom of Great Britain and Northern Ireland.

D. General segment

11. At the 6th meeting, on 6 March 2009, a general segment was held, during which the following delegations, and invited members of civil society, addressed the Council:

(a) Representatives of States members of the Council: Azerbaijan, Bangladesh, China, India, Japan, Malaysia, Mauritius, Mexico, Pakistan (also on behalf of the Organization of the Islamic Conference), Philippines, Qatar, Senegal, Slovenia;

(b) Representatives of the following observer States: Croatia, Iceland, Israel, Oman, Republic of Moldova, Thailand, the former Yugoslav Republic of Macedonia, Turkey, United Arab Emirates, United States of America, Venezuela (Bolivarian Republic of);

(c) Other observer: Sovereign Military Order of Malta;

(d) Observers for intergovernmental organizations: African Union; European Commission, International Organization of la Francophonie, Organization of the Islamic Conference;

(e) Observers for the United Nations entities, specialized agencies and related organizations: United Nations High Commissioner for Refugees, Joint United Nations Programme on HIV/AIDS;

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

(g) Invited members of the civil society: Mr. Mugiyanto, Mr. Dismas Kitenge Senga, Ms. Nassera Detour and Ms. Fatima Doubakil.

12. At the 7th meeting, on 5 March 2009, statements in exercise of the right of reply were made by the representative of India, in relation to the statement of the representative of Pakistan; the representative of the Democratic People's Republic of Korea, in relation to the statement of the representative of Japan; the representative of Iran (Islamic Republic of), in relation to the statement of the representative of Israel; the representative of Pakistan, in relation to the statement of the representative of India; the representative of Israel, in relation to the statement of the representative of Iran (Islamic Republic of); and the representative of Japan, in relation to the statement of the representative of the Democratic People's Republic of Korea.

13. At the same meeting, statements in exercise of a second right of reply were made by the representative of Iran (Islamic Republic of), in relation to the statement of the representative of Israel; the representative of the Democratic People's Republic of Korea, in relation to the statement of the representative of Japan; and the representative of Japan, in relation to the statement made by the representative of the Democratic People's Republic of Korea.

E. Agenda and programme of work of the session

14. The agenda and programme of work of the tenth session were adopted at its organizational meeting of 16 February 2009.

F. Organization of work

15. At the 6th meeting, on 4 March 2009, the President outlined the modalities for the general segment, which would be as follows: 5 minutes for statements by States members of the Council and 3 minutes for statements by observers for non-member States of the Council and other observers, including a representative of the International Coordinating Committee of National Human Rights Institutions and four senior representatives of civil society who had been invited to address the Council under the general segment.

16. At the 7th meeting, on 5 March 2009, the President outlined the modalities for the interactive dialogue for the annual report of the High Commissioner for Human Rights, which would be 5 minutes for members of the Council and 3 minutes for observer States and other observers.

17. At the 9th meeting, on 6 March 2009, the President outlined the modalities for the general debate for reports of the Office of the High Commissioner for Human Rights and the Secretary-General, which would be as follows: 5 minutes for members of the Council and 3 minutes for observer States and other observers.

18. At the same meeting, the President outlined the modalities for the interactive debate of panel discussions, which would be as follows: 7 minutes for panellists, 3 minutes for members of the Council and 2 minutes for observer States and other observers.

19. At the 11th meeting, on 6 March 2009, the President outlined the modalities for the interactive dialogue with mandate-holders of special procedures under item 3, which would be as follows: 10 minutes for the presentation by the mandate-holder of the main report, with a further

2 minutes to present each additional report, 5 minutes for concerned countries, if any, and States members of the Council, 3 minutes for statements by observers for non-member States of the Council and other observers, including United Nations entities, specialized agencies and related organizations, intergovernmental organizations and other entities, national human rights institutions and non-governmental organizations, and 5 minutes for concluding remarks by the mandate-holder. Members and observer States wishing to take the floor could signal their intention by raising their nameplates. Other observers were requested to register their names on the list of speakers.

20. At the 21st meeting, on 13 March 2009, the President revised the modalities for the interactive dialogue with mandate-holders of special procedures, which would be as follows: 3 minutes for members of the Council and 2 minutes for observer States followed by other observers.

21. At the 23rd meeting, on 16 March 2009, the President outlined the modalities for the general debate on item 3, which would be 3 minutes for members of the Council and 2 minutes for observer States and other observers.

22. At the 24th meeting, on 16 March 2009, the President outlined the modalities for the interactive dialogue with mandate holders of special procedures under item 4, which would be 10 minutes for the presentation by the mandate holder of the report, 5 minutes for concerned countries, 3 minutes for members of the Council and 2 minutes for observer States and other observers.

23. At the 25th meeting, on 17 March 2009, the President outlined the modalities for the discussion of the remaining meetings of the session, which would be 3 minutes for members of the Council and 2 minutes for observer States and other observers.

24. At the 27th meeting, on 18 March 2009, the President outlined the modalities for the consideration of the outcomes of Universal Periodic Review under item 6, which would be the State concerned would have up to 20 minutes to present its views; member States, observer States and United Nations agencies would have up to 20 minutes to express their views on the outcome of the review, during which 3 minutes would be allocated for members of the Council and 2 minutes for observers; stakeholders would have up to 20 minutes to make general comments on the outcome of the review, during which 2 minutes would be allocated for each speaker.

25. At the 28th meeting, on 18 March 2009, the President revised the modalities for the consideration of the outcome of Universal Periodic Review for Israel and the United Arab Emirates to 2 minutes for members of the Council and 2 minutes for other observers to express their views on the outcome of the review.

26. At the 31st meeting, on 20 March 2009, the President outlined the modalities for the consideration of the outcome of Universal Periodic Review for Colombia and Uzbekistan to 2 minutes for members of the Council and 2 minutes for other observers to express their views on the outcome of the review.

27. At the 32nd meeting, the President outlined the modalities for the general debate under item 6, which would be 3 minutes for members of the Council and 2 minutes for observer States and other observers.

28. At the 41st meeting, the President outlined the modalities for the action on draft proposals, which would be 3 minutes each for introducing the draft proposal, making general comments, making comments as the concerned country, explaining the vote before the vote and explaining the vote after the vote.

G. Meetings and documentation

29. The Council held 45 fully serviced meetings during its tenth session.

30. The texts of the resolutions adopted by the Council are contained in part one of the present report.

31. Annex I contains the agenda of the Council as included in part V of the annex to Council resolution 5/1 of 18 June 2007.

32. Annex II contains the estimated administrative and programme budget implications of Council resolutions.

33. Annex III contains the list of attendance.

34. Annex IV contains the list of documents issued for the tenth session of the Council.

35. Annex V contains the name of one special procedures mandate-holder appointed at the tenth session.

36. Annex VI contains the list of Advisory Committee members and duration of their terms of membership.

H. Visits

37. At the 23rd meeting, on 16 March 2009, the Minister of Foreign Affairs of Algeria, Mr. Mourad Medelci, delivered a statement to the Council.

38. At the 25th meeting, on 17 March 2009, the Deputy Minister of Justice of Libyan Arab Jamahiriya, Mr. Abdussalam Eltumi, delivered a statement to the Council.

I. Selection and appointment of one special procedure mandate-holder

39. At the 41st meeting, on 25 March 2009, the Council appointed Mr. Surya Prasad Subedi as the Special Representative of the Secretary-General for human rights in Cambodia in accordance with Council resolution 5/1.

40. At the same meeting, the representative of Cambodia made a statement as the concerned country.

41. Also at the same meeting, the representatives of Japan made a statement as the main sponsor of resolution 9/16.

J. Election of members of the Human Rights Council Advisory Committee

42. At its 41st meeting, on 25 March 2009, the Council elected, pursuant to its resolution 5/1, 4 experts to the Human Rights Council Advisory Committee. The Council had before it a note by the Secretary-General (A/HRC/10/50 and Add.1) containing nominations of candidates for election, in accordance with decision 6/102, and the biographical data of the candidates.

The candidates are as follows:

African States

Nominating Member State *Expert nominated*

Morocco Halima Embarek Warzazi

Asian States

Nominating Member State *Expert nominated*

China Shiqiu Chen

Latin American and Caribbean States

Nominating Member State *Expert nominated*

Cuba Miguel Alfonso Martínez

Western European and other States

Nominating Member State *Expert nominated*

Switzerland Jean Ziegler

43. The number of candidates per concerned regional grouping corresponds to the number of seats to be filled. The practice of holding a secret ballot pursuant to Paragraph 70 of Council resolution 5/1 was dispensed with and Halima Embarek Warzazi, Shiqiu Chen, Miguel Alfonso Martínez and Jean Ziegler were elected as members of the Advisory Committee by consensus.

K. Adoption of the report of the session

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

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

44. At the 7th meeting, on 5 March 2009, the United Nations High Commissioner for Human Rights made a statement in connection with her annual report (A/HRC/10/31).

45. During the ensuing interactive dialogue, at the 7th and 8th meetings, on 5 March 2009, the following made statements and asked the High Commissioner questions:

(a) Representatives of States members of the Council: Angola, Argentina, Azerbaijan, Bangladesh, Brazil, Canada, Chile (on behalf of the Group of Latin American and Caribbean States), China, Cuba (on behalf of the Non-Aligned Movement), Czech Republic² (on behalf of the European Union and Albania, Armenia, Bosnia and Herzegovina, Croatia, Republic of Moldova, Montenegro, the former Yugoslav Republic of Macedonia, Turkey and Ukraine), Egypt (on behalf of the Group of African States), France, Germany, Indonesia, Italy, Japan, Malaysia, Mexico, Nigeria, Pakistan (on behalf of the Organization of the Islamic Conference), Philippines, Qatar, Republic of Korea, Russian Federation, Switzerland, United Kingdom of Great Britain and Northern Ireland, Yemen³ (on behalf of the Group of Arab States);

(b) Representatives of the following observer States: Algeria, Austria, Belgium, Colombia, Ecuador, Guatemala, Haiti, Iran (Islamic Republic of), Ireland, Kuwait, Morocco, Nepal, New Zealand, Norway, Spain, Sri Lanka, Sudan, Thailand, Tunisia, United States of America, Venezuela (Bolivarian Republic of);

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

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

(e) Observers for the following non-governmental organizations: Amnesty International, Asian Forum for Human Rights and Development, Cairo Institute for Human Rights Studies, General Arab Women Federation, Human Rights Watch, Indian Council of South America, International Commission of Jurists, Mouvement Contre le Racisme et pour l'Amitié Entre les Peuples, United Nations Watch.

46. At the 7th and 8th meetings, on 5 March 2009, the High Commissioner answered questions.

² Observer of the Council speaking on behalf of States members and observer States.

³ Observer of the Council speaking on behalf of States members and observer States.

47. At the 8th meeting, on the same day, the High Commissioner made her concluding remarks.

48. At the 9th meeting, on 6 March 2009, statements in exercise of the right of reply were made by the representatives of Sri Lanka and Iraq.

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

49. At the 9th meeting, on 6 March 2009, the United Nations Deputy High Commissioner for Human Rights presented thematic reports prepared by the Office of the High Commissioner for Human Rights and the Secretary-General.

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

(a) Representatives of States members of the Council: Azerbaijan, Brazil, Philippines, Russian Federation;

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

(c) Observer for the United Nations entities, specialized agencies and related organizations: United Nations Development Programme (also on behalf of the Joint United Nations Programme on HIV/AIDS);

(d) Observer for a non-governmental organization: Nord-Sud XXI.

51. At the 35th meeting, on 23 March 2009, the Deputy High Commissioner presented the reports prepared by the Office of the High Commissioner for Human Rights and the Secretary-General under item 7, which were discussed under the relevant item (see chapter VII).

52. At the 39th meeting, on 25 March 2009, the Deputy High Commissioner presented country-specific reports prepared by the Office of the High Commissioner for Human Rights.

53. At the same meeting, the representatives of Afghanistan, Bolivia, Colombia, Cyprus, Guatemala and Nepal made statements as concerned countries.

54. Also at the same meeting, the Council held a general debate on country-specific reports, during which the following made statements:

(a) Representatives of States members of the Council: Canada, Czech Republic⁴ (on behalf of the European Union), Switzerland, United Kingdom of Great Britain and Northern Ireland;

⁴ Observer of the Council speaking on behalf of States members and observer States.

(b) Representatives of the following observer States: Algeria, Denmark, Finland, Greece, Ireland, Spain, Turkey;

(c) Observers for the following non-governmental organizations: Amnesty International, Colombian Commission of Jurists, Indian Council of South America (also on behalf of International Human Rights Association of American Minorities).

55. At the same meeting, statements in exercise of the right of reply were made by the representatives of Cyprus, Greece, Nepal, and Turkey.

56. Also at the same meeting, statements in exercise of a second right of reply were made by the representatives of Cyprus and Turkey.

C. Consideration and action on draft proposals

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

57. At the 42nd meeting, on 26 March 2009, the representative of Cuba introduced draft resolution A/HRC/10/L.21/Rev.1, sponsored by Cuba and co-sponsored by Algeria, Belarus, Bhutan, Bolivia, China, Cuba, Democratic People's Republic of Korea, Ecuador, Egypt (on behalf of the Group of African States), Iran (Islamic Republic of), Nicaragua, Russian Federation, Sri Lanka, Syrian Arab Republic, Togo, Uruguay, Venezuela (Bolivarian Republic of), Viet Name and Zimbabwe. Subsequently, Angola joined the sponsors.

58. Statements in explanation of vote before the vote were made by the representatives of Canada, Germany (on behalf of States members of the European Union that are members of the Council) and Switzerland.

59. At the request of the representative of Germany (on behalf of States members of the European Union that are members of the Council), a recorded vote was taken on the draft resolution. The draft resolution was adopted, by 33 votes to 12, with 2 abstentions. The voting was as follows:

In favour: Angola, Argentina, Azerbaijan, Bahrain, Bangladesh, Bolivia, Brazil, Burkina Faso, Cameroon, China, Cuba, Djibouti, Egypt, Gabon, Ghana, India, Indonesia, Jordan, Madagascar, Malaysia, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Uruguay, Zambia;

Against: Bosnia and Herzegovina, Canada, France, Germany, Italy, Japan, Netherlands, Slovakia, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland;

Abstaining: Chile, Republic of Korea.

60. For the text as adopted, see A/HRC/10/L.11, resolution 10/5.

Enhancement of international cooperation in the field of human rights

61. At the 42nd meeting, on 26 March 2009, the representative of Cuba (on behalf of the Non-Aligned Movement) introduced draft resolution A/HRC/10/L.23, sponsored by Cuba (on behalf of the Non-Aligned Movement) and co-sponsored by Bolivia, Panama and Sri Lanka.

62. At the same meeting, the draft resolution was adopted without a vote (for text as adopted, see A/HRC/10/L.11, resolution 10/6).

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

A. Panels

Panel on the rights of persons with disabilities and interactive debate

63. At the 9th and 10th meetings, on 6 March 2009, pursuant to Council resolution 7/9, the Council held a panel discussion on the rights of persons with disabilities. The High Commissioner for Human Rights made introductory remarks for the panel. The following panellists made statements at the 9th meeting: Amita Dhanda, György Könczei, Edah Wangechi Maina and Barbara Murray.

64. During the ensuing panel discussion at the 9th and 10th meetings, the following made statements and asked the panellists questions:

(a) Sponsor member States of resolution 7/9: Mexico and New Zealand;

(b) Representatives of States members of the Council: Brazil, Burkina Faso, Canada, Chile (on behalf of the Group of Latin American and Caribbean States), China, Cuba (on behalf of the Non-Aligned Movement), Czech Republic⁵ (on behalf of the European Union), Indonesia, Italy, Malaysia, Nigeria, Pakistan (on behalf of the Organization of the Islamic Conference), Philippines, the Russian Federation, Saudi Arabia, Slovenia, South Africa, Ukraine, Yemen⁶ (on behalf of the Group of Arab States);

(c) Representatives of the following observer States: Algeria, Australia, Costa Rica, Iran (Islamic Republic of), Kenya, Morocco, Thailand, Tunisia, Turkey, United States of America, Yemen;

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

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

(f) Observer for national human rights institutions: Advisory Council on Human Rights of Morocco (also on behalf of the Irish Human Rights Commission), Asia Pacific Forum of National Human Rights Institutions;

(g) Observer for a non-governmental organization: European Disability Forum.

65. At the 10th meeting, on 6 March 2009, Ms. Edah Wangechi Maina, Ms. Amita Dhanda, Mr. György Könczei and Ms. Barbara Murray answered questions.

⁵ Observer of the Council speaking on behalf of States members and observer States.

⁶ Observer of the Council speaking on behalf of States members and observer States.

66. At the same meeting, Ms. Edah Wangechi Maina, Mr. György Köncyei, Ms. Barbara Murray and Ms. Amita Dhanda made their concluding remarks.

Panel on the right to food

67. At the 12th and 13th meetings, on 9 March 2009, the Council held a panel discussion on the right to food. The High Commissioner for Human Rights made introductory remarks for the panel. At the 12th meeting the following panellists made statements: Paul Nicholson, Andrea Carmen, David Nabarro, Jean Ziegler and Olivier De Schutter.

68. During the ensuing panel discussion at the 12th and 13th meetings, the following made statements and asked the panellists questions:

(a) Representatives of States members of the Council: Bangladesh, Brazil, Chile (on behalf of the Group of Latin American and Caribbean States), China, Cuba (on behalf of the Non-Aligned Movement), Czech Republic⁷ (on behalf of the European Union), Indonesia, Pakistan (on behalf of the Organization of the Islamic Conference), Philippines, Republic of Korea, Senegal, South Africa, Switzerland, Yemen⁸ (on behalf of the Group of Arab States);

(b) Representatives of the following observer States: Algeria, Ethiopia, Iran (Islamic Republic of), Luxembourg, Morocco, Nepal, Norway, Tunisia, Turkey, Yemen;

(c) Observer for the World Trade Organization;

(d) Observers for non-governmental organizations: Amnesty International, Conference of non-governmental organizations in consultative relationship with the United Nations, Europe Third World Centre (also on behalf of 7 NGOs), Indian Council of South America.

69. At the 12th meeting, the following panellists answered questions and made comments: Mr. Paul Nicholson, Ms. Andrea Carmen, Mr. David Nabarro, Mr. Jean Ziegler and Mr. Olivier De Schutter.

70. At the 13th meeting, the following panellists answered questions and made their concluding remarks: Mr. Paul Nicholson, Ms. Andrea Carmen, Mr. David Nabarro, Mr. Jean Ziegler and Mr. Olivier De Schutter.

71. At the 13th meeting, a statement in exercise of the right of reply was made by the representative of Sudan.

Full-day meeting on the rights of the child

72. A full-day meeting on the rights of the child was scheduled on 11 March 2009 according to Human Rights Council 7/29. This meeting was divided into two panel discussions. The first

⁷ Observer of the Council speaking on behalf of States members and observer States.

⁸ Observer of the Council speaking on behalf of States members and observer States.

panel discussion was held at the 16th and 17th meetings, on 11 March 2009, and the second panel discussion was held at the 17th meeting, on 11 March 2009, and at the 18th meeting, on 12 March 2009.

73. At the 16th meeting, the High Commissioner for Human Rights made introductory remarks at the first panel. At the same meeting the following panellists of the first panel made statements: Dainius Puras, Philip O'Brien, Asma Jahangir, Alan Kikuchi-White and Maud de Boer-Buquicchio.

74. During the ensuing panel discussion for the first panel at the 16th and 17th meetings, on 11 March 2009, the following made statements and asked the panellists questions:

(a) Representatives of States members of the Council: Azerbaijan, Bangladesh, Burkina Faso, Chile (on behalf of the Group of Latin American and Caribbean States), China, Cuba (on behalf of the Non-Aligned Movement), Czech Republic⁹ (on behalf of the European Union), Indonesia, Italy, Japan, Jordan, Malaysia, Netherlands, Pakistan (on behalf of the Organization of the Islamic Conference), Philippines, Republic of Korea, Russian Federation, Slovakia, Slovenia, Switzerland, Thailand¹⁰ (on behalf of the Association of Southeast Asian Nations), Yemen¹¹ (on behalf of the Group of Arab States);

(b) Representatives of the following observer States: Algeria, Australia, Belgium, Haiti, Iceland, Iran (Islamic Republic of), Iraq, Kazakhstan, Lithuania, Monaco, New Zealand, Norway, Singapore, Spain, Sudan, Tunisia, Turkey;

(c) Observer for Palestine;

(d) Observers for intergovernmental organizations: European Commission, International Organization of la Francophonie;

(e) Observers for national human rights institutions: Commission on Human Rights of the Philippines, National Human Rights Commission of Korea, Office of the Ombudsman on Children's Rights of Poland;

(f) Observers for the following non-governmental organizations: International Humanist and Ethical Union (also on behalf of Association for World Education, World Population Foundation and World Union for Progressive Judaism), International Save the Children Alliance, Plan International (also on behalf of International Save the Children Alliance, SOS Kinder-dorf International, Terre des Hommes International Federation, World Organization against Torture and World Vision International), World Organization Against Torture (also on behalf of World Alliance of YMCAs, Women's World Summit Foundation and International Catholic Child Bureau);

⁹ Observer of the Council speaking on behalf of States members and observer States.

¹⁰ Observer of the Council speaking on behalf of States members and observer States.

¹¹ Observer of the Council speaking on behalf of States members and observer States.

75. At the 16th meeting, the following panellists of the first panel answered questions and made comments: Mr. Dainius Puras, Mr. Philip O'Brien, Ms. Asma Jahangir, Mr. Alan Kikuchi-White and Ms. Maud de Boer-Buquicchio.

76. At the 17th meeting, the following panellists of the first panel answered questions and made comments: Mr. Dainius Puras, Mr. Philip O'Brien, Mr. Alan Kikuchi-White.

77. At the same meeting, the representative of the Office of the High Commissioner for Human Rights, Ms. Jane Connors, made a statement.

78. At the 17th meeting, the Deputy High Commissioner for Human Rights made introductory remarks for the second panel. The following panellists of the second panel made statements: Anders B. Johnsson, Jorge Freyre and Trond Waage.

79. During the ensuing panel discussion for the second panel at the 17th meeting, on 11 March 2009, and at the 18th meetings, on 12 March 2009, the following made statements and asked the panellists questions:

(a) Representatives of States members of the Council: Bosnia and Herzegovina, Brazil, Canada, Chile, Czech Republic¹² (on behalf of the European Union), France, Germany, India, Indonesia, Japan, Nigeria, Republic of Korea, Qatar, Russian Federation, Slovakia, Slovenia, South Africa, United Kingdom of Great Britain and Northern Ireland, Uruguay, Zambia;

(b) Representatives of the following observer States: Australia, Austria, Colombia, Costa Rica, Lithuania, Morocco, Myanmar, Norway, Peru, Poland, Romania, Singapore, Tanzania, Thailand, Viet Nam;

(c) Observer for a national human rights institution: Office of the Ombudsman on Children's Rights of Poland;

(d) Observers for non-governmental organizations: Defence for Children International (also on behalf of OMCT), International Movement ATD Fourth World (also on behalf of Bahai International Community, Dominicans for Justice and Peace, Franciscans International, IIMA, International Catholic Child Bureau, Pax Romana and VIDES International), World Alliance of Young Men's Christian Associations, World Vision International (also on behalf of Asian Legal Resource Centre, Human Rights Advocates and SOS Kinder-dorf International).

80. At the 17th meeting, the following panellists of the second panel answered questions and made comments: Mr. Anders B. Johnsson, Mr. Jorge Freyre and Mr. Trond Waage.

81. At the 18th meeting, Mr. Jorge Freyre answered questions and made comments.

82. At the same meeting, the representative of the United Nations Children's Fund, Ms. Kimberly A. Gamble-Payne, and the representative of the Office of the High Commissioner for Human Rights, Ms. Jane Connors, made statements.

¹² Observer of the Council speaking on behalf of States members and observer States.

83. Also at the same meeting, the President of the Human Rights Council made concluding remarks on the panel discussions on the rights of the child.

B. Interactive dialogue with special procedures

Working Group on Arbitrary Detention

84. At the 11th meeting, on 6 March 2009, the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, Manuela Carmena Castrillo, presented her report (A/HRC/10/21 and Add.1-5).

85. At the same meeting, the representatives of Colombia, Italy, Mauritania and Ukraine made statements as concerned countries.

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

(a) Representatives of States members of the Council: Brazil, Canada, Cuba, Czech Republic¹³ (on behalf of the European Union), France, Indonesia, Malaysia, Mexico, Nigeria, Pakistan (on behalf of the Organization of the Islamic Conference), Russian Federation, Saudi Arabia, Switzerland;

(b) Representatives of the following observer States: Algeria, Iraq, Morocco, Norway, Peru;

(c) Observers for the following non-governmental organizations: Centre for Human Rights and Peace Advocacy, Colombian Commission of Jurists, Friends World Committee for Consultation (also on behalf of Amnesty International), Human Rights Advocates, Nord-Sud XXI, Society for Threatened Peoples.

87. At the same meeting, the Chairperson-Rapporteur answered questions and made her concluding remarks.

88. Also at the same meeting, a statement in exercise of the right of reply was made by the representative of Iraq.

Working Group on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination

89. At the 11th meeting, on 6 March 2009, the Chairperson-Rapporteur of the Working Group on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination, Alexander Nikitin, presented his report (A/HRC/10/14 and Add.1-3).

90. At the same meeting, the representative of United Kingdom of Great Britain and Northern Ireland made a statement as a concerned country.

¹³ Observer of the Council speaking on behalf of States members and observer States.

91. During the ensuing interactive dialogue, at the same meeting, the following made statements and asked the Chairperson-Rapporteur questions:

(a) Representatives of States members of the Council: Brazil, Cuba, Egypt (also on behalf of the Group of African States), Mexico, Nigeria, Pakistan (on behalf of the Organization of the Islamic Conference), Russian Federation, South Africa, Switzerland;

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

(c) Observer for the International Committee of Red Cross;

(d) Observer for the following non-governmental organizations: Centre for Human Rights and Peace Advocacy, Human Rights Advocates;

92. At the same meeting, the Chairperson-Rapporteur answered questions and made his concluding remarks.

Special Rapporteur on the right to food

93. At the 13th meeting, on 9 March 2009, the Special Rapporteur on the right to food, Olivier De Schutter, presented his report (A/HRC/10/5 and Add.1 and 2).

94. At the same meeting, the representative of the World Trade Organization made a statement as a concerned party.

95. During the ensuing interactive dialogue at the 13th and 14th meetings, on 9 and 10 March 2009, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States members of the Council: Bangladesh, Brazil, Cuba, Czech Republic¹⁴ (on behalf of the European Union), Djibouti, Egypt (also on behalf of the Group of African States), India, Indonesia, Italy, Mauritius, Nigeria, Pakistan (on behalf of the Organization of the Islamic Conference), Philippines, Russian Federation, Saudi Arabia, Slovenia, Switzerland, Uruguay, Yemen¹⁵ (on behalf of the Group of Arab States);

(b) Representatives of the following observer States: Algeria, Australia, Colombia, Iran (Islamic Republic of), Luxembourg, New Zealand, Venezuela (Bolivarian Republic of);

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

(d) Observers for the following non-governmental organizations: Asian Legal Resource Centre, Foodfirst Information and Action Network (also on behalf of Europe Third World Centre), General Federation of Iraqi Women, Human Rights Advocates, Interfaith International,

¹⁴ Observer of the Council speaking on behalf of States members and observer States.

¹⁵ Observer of the Council speaking on behalf of States members and observer States.

International Federation of Rural Adult Catholic Movements, Mouvement Contre le Racisme et pour l'Amitié entre les Peuples, World Vision International.

96. At the 14th meeting, on 10 March 2009, the Special Rapporteur answered questions and made his concluding remarks.

97. At the 15th meeting, on the same day, a statement in exercise of the right of reply was made by the representative of Algeria.

Independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation

98. At the 13th meeting, on 9 March 2009, the Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation, Catarina de Albuquerque, presented her report (A/HRC/10/6).

99. During the ensuing interactive dialogue, at the 13th and 14th meetings, on 9 and 10 March 2009, the following made statements and asked the Independent Expert questions:

(a) Representatives of States members of the Council: Bangladesh, China, Czech Republic¹⁶ (on behalf of the European Union), Egypt, Germany, Indonesia, Switzerland, Uruguay, Yemen¹⁷ (on behalf of the Group of Arab States);

(b) Representative of the following observer States: Algeria, Iran (Islamic Republic of), Luxembourg, Morocco, Portugal, Spain, Turkey;

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

(d) Observers for non-governmental organizations: General Federation of Iraqi Women, Human Rights Advocates.

100. At the 14th meeting, on 10 March 2009, the Independent Expert answered questions and made her concluding remarks.

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

101. At the 13th meeting, on 9 March 2009, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Raquel Rolnik, presented her report (A/HRC/10/7 and Add.1-4).

¹⁶ Observer of the Council speaking on behalf of States members and observer States.

¹⁷ Observer of the Council speaking on behalf of States members and observer States.

102. At the same meeting, the representatives of Canada and Maldives made statements as concerned countries.

103. During the ensuing interactive dialogue, at the 13th and 14th meetings, on 9 and 10 March 2009, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States members of the Council: Bangladesh, Brazil, Cameroon, Chile, China, Czech Republic¹⁸ (on behalf of the European Union), Djibouti, Indonesia, Mexico, Pakistan (on behalf of the Organization of the Islamic Conference), Philippines, Qatar, Russian Federation, Switzerland, Yemen¹⁹ (on behalf of the Group of Arab States);

(b) Representatives of the following observer State: Algeria, Cambodia, Iran (Islamic Republic of), Morocco, Romania, Turkey;

(c) Observers for non-governmental organizations: Amnesty International, Asian Legal Resource Centre, General Federation of Iraqi Women, MINBYUN - Lawyers for a Democratic Society.

104. At the 13th meeting, on 9 March 2009, the Special Rapporteur answered questions and made her concluding remarks.

105. At the 15th meeting, on 10 March 2009, statements in exercise of the right of reply were made by the representative of the Republic of Korea and Angola.

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

106. At the 14th meeting, on 10 March 2009, the Special Rapporteur on the promotion and protection of human rights while countering terrorism, Martin Scheinin, presented his report (A/HRC/10/3 and Add.1 and 2).

107. At the same meeting, the representative of Spain made a statement as a concerned country.

108. During the interactive dialogue, at the 15th meeting on the same day, and at the 18th meeting, on 12 March 2009, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States members of the Council: Brazil, China, Cuba, Czech Republic²⁰ (on behalf of the European Union), Indonesia, Mexico, Pakistan (on behalf of the Organization of the Islamic Conference), Russian Federation, Saudi Arabia, Slovenia, South

¹⁸ Observer of the Council speaking on behalf of States members and observer States.

¹⁹ Observer of the Council speaking on behalf of States members and observer States.

²⁰ Observer of the Council speaking on behalf of States members and observer States.

Africa, Switzerland, United Kingdom of Great Britain and Northern Ireland, Yemen²¹ (on behalf of the Group of Arab States);

(b) Representatives of the following observer States: Algeria, Austria, Denmark, Finland, Iceland, New Zealand, Norway, Peru, Sri Lanka, Tanzania, Thailand, Tunisia, United States of America, Venezuela (Bolivarian Republic of), Yemen;

(c) Observers for national human rights institutions: Commission on Human Rights of the Philippines, German Institute for Human Rights (also on behalf of the national human rights institutions of Afghanistan, Canada, Denmark, France, Greece, Mexico and Norway), Spanish Office of the Ombudsman;

(d) Observers for the following non-governmental organizations: China NGO Network for International Exchanges, Fundacion Para la Libertad, Human Rights Watch, International Commission of Jurists, International Federation of Human Rights Leagues, International Federation of Journalists, Marangopoulos Foundation for Human Rights.

109. At the 15th meeting, on 10 March 2009, the Special Rapporteur answered questions and made his concluding remarks.

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

110. At the 14th meeting, on 10 March 2009, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, presented his report (A/HRC/10/44, Corr. 1 and Add.1-5).

111. At the 15th meeting, on the same day, the representatives of Equatorial Guinea and Republic of Moldova made statements as concerned countries.

112. During the ensuing interactive dialogue, at the 15th meeting, on the same day, and at the 18th meeting, on 12 March 2009, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States members of the Council: Bangladesh, Brazil, China, Cuba, Czech Republic²² (on behalf of the European Union), Egypt, Indonesia, Malaysia, Mexico, Nigeria, Pakistan (on behalf of the Organization of the Islamic Conference), Russian Federation, Saudi Arabia, Switzerland, Uruguay, Yemen²³ (on behalf of the Group of Arab States);

(b) Representatives of the following observer States: Algeria, Austria, Botswana, Denmark, Iran (Islamic Republic of), Jamaica, Luxembourg, Nepal, New Zealand, Norway,

²¹ Observer of the Council speaking on behalf of States members and observer States.

²² Observer of the Council speaking on behalf of States members and observer States.

²³ Observer of the Council speaking on behalf of States members and observer States.

Singapore, Spain, Sudan, Thailand, United States of America, Venezuela (Bolivarian Republic of);

(c) Observers for national human rights institutions: Commission on Human Rights of the Philippines, Georgian Office of the Ombudsman;

(d) Observers for the following non-governmental organizations: Asian Legal Resource Centre, Colombian Commission of Jurists, General Federation of Iraqi Women, International Harm Reduction Association (also on behalf of Human Rights Watch), Union of Arab Jurists, World Organization against Torture (also on behalf of International Federation of Action by Christians for the Abolition of Torture).

113. At the 18th meeting, on 12 March 2009, the Special Rapporteur answered questions and made his concluding remarks.

114. At the 20th meeting, on the same day, a statement in exercise of the right of reply was made by the representative of Iraq.

Working group on enforced or involuntary disappearances

115. At the 14th meeting, on 10 March 2009, the Chairperson-Rapporteur of the working group on enforced or involuntary disappearances, Santiago Corcuera, presented his report (A/HRC/10/9, and Add.1).

116. At the 15th meeting, on the same day, the representative of Argentina made a statement as a concerned country.

117. During the ensuing interactive dialogue, at the 15th meeting, on the same day, and at the 18th meeting, on 12 March 2009, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States members of the Council: Bolivia, Brazil, Canada, China, Czech Republic²⁴ (on behalf of the European Union), France, Japan, Mexico, Uruguay;

(b) Representatives of the following observer States: Algeria, Iraq, Morocco, Nepal, Sri Lanka, Sudan, Thailand;

(c) Observers for national human rights institutions: Commission on Human Rights of the Philippines, Georgian Office of the Ombudsman;

(d) Observers for the following non-governmental organizations: Asian Legal Resource Centre, Colombian Commission of Jurists, International Commission of Jurists, Permanent Assembly for Human Rights.

²⁴ Observer of the Council speaking on behalf of States members and observer States.

118. At the 18th meeting, on 12 March 2009, the Chairperson-Rapporteur answered questions and made his concluding remarks.

119. At the 20th meeting, on the same day, statements in exercise of the right of reply were made by the representatives of the Democratic People's Republic of Korea, Japan and Sri Lanka.

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

Special Rapporteur on the freedom of religion or belief

121. At the 19th meeting, on 12 March 2009, the Special Rapporteur on the freedom of religion or belief, Asma Jahangir, presented her report (A/HRC/10/8 and Add.1-4) and the note by the Secretariat (A/HRC/7/10 and Add.1-4).

122. At the same meeting, the representatives of Angola, India, Israel, Tajikistan, Turkmenistan and United Kingdom of Great Britain and Northern Ireland made statements as concerned countries; the representative of Palestine made a statement as a concerned party.

123. During the ensuing interactive dialogue at the 19th and 20th meetings, on the same day, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States members of the Council: Azerbaijan, Brazil, Canada, Chile, China, Czech Republic²⁵ (on behalf of the European Union), Egypt, Indonesia, Italy, Malaysia, Pakistan (on behalf of the Organization of the Islamic Conference), Qatar, Republic of Korea, Russian Federation, Saudi Arabia, Switzerland, Yemen²⁶ (on behalf of the Group of Arab States);

(b) Representatives of the following observer States: Algeria, Australia, Denmark, Iran (Islamic Republic of), Kazakhstan, Kuwait, Luxembourg, New Zealand, Sri Lanka, United States of America, Venezuela (Bolivarian Republic of);

(c) Observers for the following non-governmental organizations: Amnesty International, Bahai International Community, Cairo Institute for Human Rights Studies, European Centre for Law and Justice.

124. At the 20th meeting, on the same day, the Special Rapporteur answered questions and made her concluding remarks.

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

²⁵ Observer of the Council speaking on behalf of States members and observer States.

²⁶ Observer of the Council speaking on behalf of States members and observer States.

Special Rapporteur on human rights defenders

126. At the 19th meeting, on 12 March 2009, the Special Rapporteur on human rights defenders, Margaret Sekaggya, presented her report (A/HRC/10/12 and Add.1-3).

127. At the same meeting, the representatives of Togo and Guatemala made statements as concerned countries.

128. During the ensuing interactive dialogue at the 19th and 20th meetings, on the same day, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States members of the Council: Argentina, Bangladesh, Brazil, Canada, Chile, China, Czech Republic²⁷ (on behalf of the European Union), Djibouti, Germany, Malaysia, Pakistan (on behalf of the Organization of the Islamic Conference), Republic of Korea, Russian Federation, United Kingdom of Great Britain and Northern Ireland, Zambia;

(b) Representatives of the following observer States: Algeria, Armenia, Australia, Colombia, Iran (Islamic Republic of), Ireland, New Zealand, Norway, Serbia, Sri Lanka, Sweden, Thailand, Tunisia, Uganda, United States of America, Uzbekistan, Venezuela (Bolivarian Republic of);

(c) Observer for a national human rights institution: Commission Nationale des Droits de l'Homme du Togo;

(d) Observers for non-governmental organizations: Amnesty International, Asian Forum for Human Rights and Development, Colombia Commission of Jurists, France Libertes, International Service for Human Rights, World Organization against Torture (also on behalf of International Federation of Human Rights Leagues).

129. At the 20th meeting, on the same day, the Special Rapporteur answered questions and made her concluding remarks.

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

Representative of the Secretary-General on internally displaced persons

131. At the 20th meeting, on 12 March 2009, the Representative of the Secretary-General on internally displaced persons, Walter Kälin, presented his report (A/HRC/10/13 and Add.1-4).

132. At the 21st meeting, on 13 March 2009, the representatives of Georgia and Chad made statements as concerned countries.

133. During the ensuing interactive dialogue at the 21st and 22nd meetings, on the same day, the following made statements and asked the Representative of the Secretary-General questions:

²⁷ Observer of the Council speaking on behalf of States members and observer States.

(a) Representatives of States members of the Council: Azerbaijan, Bosnia and Herzegovina, Canada, Chile, Czech Republic²⁸ (on behalf of the European Union), Indonesia, Pakistan (on behalf of the Organization of the Islamic Conference), Philippines, Republic of Korea, Russian Federation, Switzerland, United Kingdom of Great Britain and Northern Ireland, Yemen²⁹ (on behalf of the Group of Arab States);

(b) Representatives of the following observer States: Armenia, Austria, Colombia, Sri Lanka, Sudan, Sweden, Timor Leste;

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

(d) Observers for national human rights institutions: Commission on Human Rights of the Philippines, Georgian Office of the Ombudsman;

(e) Observers for the following non-governmental organizations: Amnesty International, Asian Forum for Human Rights and Development, Cairo Institute for Human Rights Studies, Colombian Commission of Jurists, Human Rights Watch, International Movement against All Forms of Discrimination and Racism, Norwegian Refugee Council.

134. At the 22nd meeting, on the same day, the Representative of the Secretary-General answered questions and made his concluding remarks.

Special Rapporteur on trafficking in persons, especially women and children

135. At the 20th meeting, on 12 March 2009, the Special Rapporteur on trafficking in persons, especially women and children, Joy Ngozi Ezeilo, presented her report (A/HRC/10/16 and Corr.1).

136. During the ensuing interactive dialogue at the 21st and 22nd meetings, on the same day, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States members of the Council: Azerbaijan, Bangladesh, China, Egypt, Indonesia, Japan, Nigeria, Pakistan (on behalf of the Organization of the Islamic Conference), Philippines, Qatar, Russian Federation, Switzerland, Yemen³⁰ (on behalf of the Group of Arab States);

(b) Representatives of the following observer States: Australia, Belarus, Costa Rica, Iceland, Israel, Liechtenstein, Norway, Spain, Tanzania, Thailand, United Arab Emirates;

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

²⁸ Observer of the Council speaking on behalf of States members and observer States.

²⁹ Observer of the Council speaking on behalf of States members and observer States.

³⁰ Observer of the Council speaking on behalf of States members and observer States.

(d) Observers for the following non-governmental organizations: Centre for Human Rights and Peace Advocacy, Franciscans International (also on behalf of the Global Alliance against Traffic in Women), World Vision International (also on behalf of International Catholic Child Bureau, ECPAT International and Plan International).

137. At the 22nd meeting, on the same day, the Special Rapporteur answered questions and made her concluding remarks.

Independent Expert on minority issues

138. At the 21st meeting, on 13 March 2009, the Independent Expert on minority issues, Gay McDougall, presented her report (A/HRC/10/11 and Add.1-3).

139. At the same meeting, the representatives of Greece and Guyana made statements as concerned countries.

140. During the ensuing interactive dialogue, at the 21st and 22nd meetings, on the same day, the following made statements and asked the Independent Expert questions:

(a) Representatives of States members of the Council: China, Czech Republic³¹ (on behalf of the European Union), Pakistan (on behalf of the Organization of the Islamic Conference), Russian Federation;

(b) Representatives of the following observer States: Austria, Iraq, Latvia, the former Yugoslav Republic of Macedonia, Turkey;

(c) Observers for the following non-governmental organizations: China Association for Protection and Development of Tibetan Culture, China Society for Human Rights Studies,

141. At the 22nd meeting, on the same day, the Independent Expert answered questions and made her concluding remarks.

C. Special Adviser of the Secretary-General on the Prevention of Genocide

142. At the 20th meeting, on 12 March 2009, the Special Adviser of the Secretary-General on the Prevention of Genocide, Francis Deng, made a statement and presented his report (A/HRC/10/30), pursuant to Council resolution 7/25 of 28 March 2008.

143. At the 21st meeting, on 13 March 2009, the representatives of the Democratic Republic of the Congo, Kenya and Sudan made statements as concerned countries.

144. During the ensuing interactive dialogue at the 21st and 22nd meetings, on the same day, the following made statements and asked the Special Adviser questions:

³¹ Observer of the Council speaking on behalf of States members and observer States.

(a) Representatives of States members of the Council: Argentina, Azerbaijan, Canada, Czech Republic³² (on behalf of the European Union), Switzerland;

(b) Representatives of the following observer States: Armenia, Rwanda, Sri Lanka, Turkey, United States of America;

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

(d) Observer for the following non-governmental organization: Arab Commission for Human Rights, Centre for Human Rights and Peace Advocacy.

145. At the 22nd meeting, on the same day, the Special Adviser answered questions and made his concluding remarks.

D. General debate on agenda item 3

146. At the 23rd and 24th meetings, on 16 March 2009, the Council held a general debate on item 3, during which the following made statements:

(a) Representatives of States members of the Council: Brazil, Burkina Faso, Canada, Chile (on behalf of the Group of Latin American and Caribbean States), China, Cuba, Czech Republic³³ (on behalf of the European Union, Albania, Armenia, Bosnia and Herzegovina, Croatia, Montenegro, Republic of Moldova, Serbia, the former Yugoslav Republic of Macedonia and Ukraine), France, Italy, New Zealand³⁴ (on behalf of 82 delegations), Nigeria, Pakistan, Philippines, Russian Federation, Slovenia, Switzerland;

(b) Representatives for the following observer States: Algeria, Bhutan, Botswana, Costa Rica, Denmark, Iceland, Iran (Islamic Republic of), Iraq, Israel, Maldives, Morocco, Singapore, the former Yugoslav Republic of Macedonia, Turkey, United States of America;

(c) Observer for the Holy See;

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

(e) Observers for the United Nations entities, specialized agencies and related organizations: United Nations Population Fund, World Bank Group, World Food Programme;

(f) Observers for non-governmental organizations: Al-Hakim Foundation, Arab Commission for Human Rights, Asian Forum for Human Rights and Development, Asia Pacific Forum on Women, Law and Development (also on behalf of Asian Forum for Human Rights and

³² Observer of the Council speaking on behalf of States members and observer States.

³³ Observer of the Council speaking on behalf of States members and observer States.

³⁴ Observer of the Council speaking on behalf of States members and observer States.

Development and International Service for Human Rights), Association for World Education (also on behalf of International Humanist and Ethical Union), Association of World Citizens, Becket Fund for Religious Liberty, Cairo Institute for Human Rights Studies, Centrist Democratic International, Cercle de Recherche sur les Droits et les Devoirs de la Personne Humaine (also on behalf of ACAPROCE International), China NGO Network for International Exchanges, Civicus-World Alliance for Citizen Participation, Commission to Study the Organization of Peace, European Bureau for Lesser Used Languages, European Union of Public Relations, Federation of Associations of Promotion and Protection Human Rights, Fraternité Notre Dame, Friends World Committee for Consultation (also on behalf of Conscience and Peace Tax International), General Arab Women Federation, General Federation of Iraqi Women, Helsinki Foundation for Human Rights, Human Rights Advocates, Indian Council of South America, Institute for Women Study and Research, Interfaith International, International Association against Torture, International Club for Peace Research (also on behalf of European Union of Public Relations), International Educational Development, International Federation of Action by Christians for the Abolition of Torture, International Fellowship of Reconciliation, International Humanist and Ethical Union (also on behalf of World Union for Progressive Judaism), International Human Rights Association of American Minorities, International Institute for Non-Aligned Studies, International Islamic Federation of Student Organizations, International Work Group for Indigenous Affairs (also on behalf of Russian Association of Indigenous Peoples of the Nord and Tebtebba Foundation), Iranian Elite Research Center, Mbororo Social and Cultural Development Association, Nord-Sud XXI, Organization for Defending Victims of Violence, Permanent Assembly for Human Rights, Rencontre Africaine pour la Defense des Droits de l'Homme, Reporters Without Borders, Society for Threatened Peoples, Union de l'Action Feminine, Union of Arab Jurists, United Nations Watch, World Alliance of Young Men's Christian Associations, World for the World Organization, World Population Foundation (also on behalf of Association for World Education, International Humanist and Ethical Union and World Union for Progressive Judaism), World Union for Progressive Judaism (also on behalf of Association for World Education and International Humanist and Ethical Union).

147. At the 24th meeting, statements in exercise of the right of reply were made by the representatives of Algeria, Georgia, Greece, Iraq, Kazakhstan, Morocco, Republic of Korea, Russian Federation, Sri Lanka, the former Yugoslav Republic of Macedonia and Uzbekistan.

148. At the same meeting, statements in exercise of a second right of reply were made by the representatives of Algeria, Georgia, Greece, Morocco, Russian Federation and the former Yugoslav Republic of Macedonia.

E. Consideration and action on draft proposals

Question of the realization in all countries of economic, social and cultural rights: follow-up to Human Rights Council resolution 4/1

149. At the 41st meeting, on 25 March 2009, the representative of Portugal introduced draft resolution A/HRC/10/L.14, sponsored by Portugal and co-sponsored by Austria, Belgium, Bolivia, Bosnia and Herzegovina, Bulgaria, Cameroon, Chile, Croatia, Cuba, Cyprus, Djibouti, Ecuador, Estonia, Finland, France, Germany, Greece, Guatemala, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Mexico, Montenegro, Netherlands, Panama, Peru, Romania,

Russian Federation, Serbia, Slovakia, Slovenia, Spain, Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela (Bolivarian Republic of) and Zambia. Subsequently, Angola, Armenia, Azerbaijan, Burkina Faso, Poland, Republic of Moldova, Senegal, Switzerland and the former Yugoslav Republic of Macedonia joined the sponsors.

150. At the same meeting, the representative of Portugal orally revised the draft resolution by modifying the operative paragraph 3, and explained that the report requirement in operative paragraph 10 of the draft resolution replaces the report requirement in Council resolution 4/1.

151. The draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see A/HRC/10/L.11, resolution 10/1).

Human rights in the administration of justice, in particular juvenile justice

152. At the 41st meeting, on 25 March 2009, the representative of Austria introduced draft resolution A/HRC/10/L.15, sponsored by Austria and co-sponsored by Argentina, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Guatemala, Hungary, Ireland, Italy, Japan, Kenya, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Netherlands, New Zealand, Norway, Panama, Peru, Poland, Portugal, Romania, Russian Federation, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Ukraine and United Kingdom and Great Britain and Northern Ireland. Subsequently, Albania, Andorra, Australia, Azerbaijan, Ecuador, Iceland, Israel, Maldives, Republic of Moldova, Thailand and the former Yugoslav Republic of Macedonia joined the sponsors.

153. The draft resolution was adopted without a vote (for the text as adopted, see A/HRC/10/L.11, resolution 10/2).

World Programme for Human Rights Education

154. At the 41st meeting, on 25 March 2009, the representative of Costa Rica introduced draft resolution A/HRC/10/L.17, sponsored by Costa Rica, Italy, Morocco and Switzerland and co-sponsored by Argentina, Austria, Bolivia, Cuba, Cyprus, Chile, Democratic Republic of the Congo, Dominican Republic, Ecuador, Guatemala, Nicaragua, Panama, Republic of the Congo, Slovenia, Spain, Turkey, Uruguay and Venezuela (Bolivarian Republic of). Subsequently, Angola, Armenia, Bahrain, Brazil, Burkina Faso, Cameroon, Colombia, Côte d'Ivoire, Croatia, Djibouti, El Salvador, Honduras, Japan, Mauritania, Mexico, Nigeria, Peru, Portugal, Republic of Korea, Republic of Moldova, Saudi Arabia, Senegal, Slovakia, Sri Lanka, Syrian Arab Republic, Thailand, Ukraine, Yemen, Zambia and Zimbabwe joined the sponsors.

155. The draft resolution was adopted without a vote (for the text as adopted, see A/HRC/10/L.11, resolution 10/3).

Human rights and climate change

156. At the 41st meeting, on 25 March 2009, the representative of Maldives introduced draft resolution A/HRC/10/L.30, sponsored by Maldives and co-sponsored by Austria, Belgium, Bhutan, Bolivia, Comoros, Costa Rica, Côte d'Ivoire, Cyprus, Denmark, El Salvador, Finland, Germany, Greece, Guatemala, Indonesia, Ireland, Italy, Kenya, Malta, Mauritius, Monaco, New

Zealand, Norway, Panama, Peru, Philippines, Portugal, Republic Seychelles, Singapore, Slovenia, Solomon Islands, Sri Lanka, Switzerland, the Independent State of Samoa, Tuvalu, United Kingdom and Great Britain and Northern Ireland, Uruguay and Zambia. Subsequently, Albania, Australia, Azerbaijan, Bangladesh, Bulgaria, Burkina Faso, Cameroon, Chile, Djibouti, Egypt, Estonia, France, Ghana, Haiti, Honduras, India, Israel, Latvia, Luxembourg, Madagascar, Mauritania, Montenegro, Mozambique, Nauru, Nepal, Netherlands, Nicaragua, Nigeria, Pakistan, Palestine, Republic of Cape Verde, Republic of the Fiji Islands, Republic of Palau, Republic of the Gambia, Republic of the Marshall Islands, Papua New Guinea, Poland, Slovakia, Somalia, Spain, Syrian Arab Republic, Thailand, the Federated States of Micronesia, the former Yugoslav Republic of Macedonia, the Union of the Comoros, Timor Leste, Uganda and Ukraine joined the sponsors.

157. The draft resolution was adopted without a vote (for the text as adopted, see A/HRC/10/L.11, resolution 10/4).

Human rights of persons with disabilities: national frameworks for the promotion and protection of the human rights of persons with disabilities

158. At the 42nd meeting, on 26 March 2009, the representative of New Zealand (also on behalf of Mexico) introduced draft resolution A/HRC/10/L.13, sponsored by Mexico and New Zealand and co-sponsored by Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Canada, Chile, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, El Salvador, Finland, France, Germany, Guatemala, Ireland, Latvia, Lithuania, Netherlands, Nicaragua, Norway, Panama, Peru, Portugal, Romania, Serbia, Slovenia, Spain, Sweden, Turkey, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland and Uruguay. Subsequently, Albania, Andorra, Angola, Armenia, Azerbaijan, Brazil, Bulgaria, Burkina Faso, Côte d'Ivoire, Estonia, Greece, Hungary, Iceland, Israel, Italy, Jordan, Luxembourg, Maldives, Morocco, Nigeria, Philippines, Republic of Korea, Senegal, Slovakia, South Africa, Thailand, the former Yugoslav Republic of Macedonia, Tunisia and Venezuela (Bolivarian Republic of) joined the sponsors.

159. At the same meeting, the representative of New Zealand orally revised the draft resolution by modifying operative paragraph 3.

160. The draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see A/HRC/10/L.11, resolution 10/7).

Draft United Nations guidelines for the appropriate use and conditions of alternative care for children

161. At the 42nd meeting, on 26 March 2009, the representative of Brazil introduced draft resolution A/HRC/10/L.18, sponsored by Brazil and co-sponsored by Angola, Austria, Bolivia, Burkina Faso, Cameroon, Chile, Colombia, Costa Rica, Cuba, Ecuador, Egypt, Finland, Guatemala, Italy, Morocco, Netherlands, Nicaragua, Palestine, Panama, Peru, Philippines, Portugal, Republic of the Congo, Slovakia, South Africa, Spain, Tunisia, Ukraine, Uruguay and Venezuela (Bolivarian Republic of). Subsequently, Algeria, Argentina, Iceland, Israel, Senegal, Slovenia and Switzerland joined the sponsors.

162. The draft resolution was adopted without a vote (for the text as adopted, see A/HRC/10/L.11, resolution 10/8).

Arbitrary detention

163. At the 42nd meeting, on 26 March 2009, the representative of France introduced draft resolution A/HRC/10/L.19, sponsored by France and co-sponsored by Austria, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, Estonia, Finland, Germany, Greece, Guatemala, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Mexico, Monaco, Netherlands, Norway, Peru, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland and Uruguay. Subsequently, Albania, Andorra, Argentina, Armenia, Australia, Colombia, Iceland, Israel, Liechtenstein, Maldives, New Zealand, Republic of Korea, the former Yugoslav Republic of Macedonia and United States of America joined the sponsors.

164. The draft resolution was adopted without a vote (for the text as adopted, see A/HRC/10/L.11, resolution 10/9).

Enforced or involuntary disappearances

165. At the 42nd meeting, on 26 March 2009, the representative of the France introduced draft resolution A/HRC/10/L.20, sponsored by France and co-sponsored by Argentina, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, Estonia, Finland, France, Germany, Greece, Guatemala, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Mexico, Monaco, Netherlands, Norway, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland and Uruguay. Subsequently, Albania, Andorra, Armenia, Colombia, Hungary, Iceland, Ireland, Israel, Liechtenstein, Maldives, Morocco, Peru, Poland, Thailand and the former Yugoslav Republic of Macedonia joined the sponsors.

166. At the same meeting, the representative of France orally revised the draft resolution by modifying its preambular paragraph 7 and operative paragraph 11 and deleting operative paragraph 12.

167. The draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see A/HRC/10/L.11, resolution 10/10).

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

168. At the 42nd meeting, on 26 March 2009, the representative of Cuba introduced draft resolution A/HRC/10/L.24, sponsored by Cuba and co-sponsored by Belarus, Bolivia, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Ecuador, Ethiopia, Nicaragua, Russian Federation, Syrian Arab Republic, Uruguay and Zimbabwe. Subsequently, Algeria and Angola joined the sponsors.

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

170. A statement in explanation of vote before the vote was made by the representative of Germany (on behalf of States members of the European Union that are members of the Council).

171. At the request of the representative of Germany (on behalf of States members of the European Union that are members of the Council), a recorded vote was taken on the draft resolution. The draft resolution was adopted, by 32 to 12, with 3 abstentions. The voting was as follows:

In favour: Angola, Argentina, Azerbaijan, Bahrain, Bangladesh, Bolivia, Brazil, Burkina Faso, Cameroon, China, Cuba, Djibouti, Egypt, Gabon, Ghana, India, Indonesia, Jordan, Madagascar, Malaysia, Mauritius, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Uruguay, Zambia;

Against: Bosnia and Herzegovina, Canada, France, Germany, Italy, Japan, Netherlands, Republic of Korea, Slovakia, Slovenia, Ukraine, United Kingdom of Great Britain and Northern Ireland;

Abstaining: Chile, Mexico, Switzerland.

172. For the text as adopted, see A/HRC/10/L.11, resolution 10/11.

The right to food

173. At the 42nd meeting, on 26 March 2009, the representative of Cuba introduced draft resolution A/HRC/10/L.25, sponsored by Cuba and co-sponsored by Angola, Austria, Azerbaijan, Bangladesh, Belarus, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Côte d'Ivoire, Croatia, Cyprus, China, Democratic People's Republic of Korea, Djibouti, Dominican Republic, Ecuador, Ethiopia, Guatemala, Haiti, Indonesia, Ireland, Iran (Islamic Republic of), Malaysia, Nicaragua, Norway, Palestine, Panama, Pakistan, Peru, Philippines, Portugal, Serbia, Slovenia, Spain, Sri Lanka, Switzerland, Syrian Arab Republic, Togo, Venezuela (Bolivarian Republic of), Viet Nam, Zambia and Zimbabwe. Subsequently, Algeria, Burkina Faso, El Salvador, Honduras, Japan, Kenya, Luxembourg, Mauritius, Mexico, Mozambique, Nigeria, Senegal, the former Yugoslav Republic of Macedonia, Turkey and Ukraine joined the sponsors.

174. At the same meeting, the representative of Cuba orally revised the draft resolution by modifying operative paragraph 23.

175. The draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see A/HRC/10/L.11, resolution 10/12).

Human rights and arbitrary deprivation of nationality

176. At the 42nd meeting, on 26 March 2009, the representative of Russian Federation introduced draft resolution A/HRC/10/L.35, sponsored by Russian Federation and co-sponsored by Belarus, Cuba, Serbia and Uzbekistan. Subsequently, Sri Lanka joined the sponsors.

177. At the same meeting, the representative of Russian Federation orally revised the draft resolution by modifying preambular paragraph 12 and moving operative paragraph 9 to the end of preambular paragraph 13.

178. The draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see A/HRC/10/L.11, resolution 10/13).

Implementation of the Convention on the Rights of the Child and its Optional Protocols

179. At the 43rd meeting, on 26 March 2009, the representative of Czech Republic (on behalf of the European Union, the Group of Latin American Countries and co-sponsors) introduced draft resolution A/HRC/10/L.29, sponsored by Czech Republic and co-sponsored by Andorra, Argentina, Armenia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Chile, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Mexico, Montenegro, Netherlands, New Zealand, Nicaragua, Panama, Peru, Philippines, Poland, Portugal, Republic of Moldova, Romania, Serbia, Slovakia, Slovenia, Spain, Sri Lanka, Sweden, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela (Bolivarian Republic of). Subsequently, Albania, Azerbaijan, Canada, Israel, Japan, Lichtenstein, Maldives, Morocco, Senegal, Thailand and the former Yugoslav Republic of Macedonia joined the sponsors.

180. At the same meeting, the representative of Czech Republic orally revised the draft resolution by modifying operative paragraphs 2, 5, 7, 9, 10, 12, 13, and adding new operative paragraphs 17 and 18.

181. Also at the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see A/HRC/10/L.11, resolution 10/14).

Protection of human rights and fundamental freedoms while countering terrorism

182. At the 43rd meeting, on 26 March 2009, the representative of Mexico introduced draft resolution A/HRC/10/L.31, sponsored by Mexico and co-sponsored by Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Brazil, Canada, Costa Rica, Croatia, Cyprus, Czech Republic, Chile, Denmark, Finland, France, Guatemala, Iceland, Japan, Liechtenstein, Mexico, Netherlands, Norway, Panama, Peru, Poland, Portugal, Slovenia, Spain, Sweden, Switzerland, Ukraine and United Kingdom of Great Britain and Northern Ireland. Subsequently, Armenia, Australia, Colombia, Estonia, Germany, Ireland, Israel, Latvia, Lithuania, Luxembourg, New Zealand, Republic of Moldova, Romania, Russian Federation, Serbia, Slovakia, the former Yugoslav Republic of Macedonia, United States of America and Uruguay joined the sponsors.

183. At the same meeting, the representative of Mexico orally revised the draft resolution.

184. Also at the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see A/HRC/10/L.11, resolution 10/15).

Independent Expert in the field of cultural rights

185. At the 43rd meeting, on 26 March 2009, the representative of Cuba introduced draft resolution A/HRC/10/L.26, sponsored by Cuba and co-sponsored by Belarus, Bolivia, China, Democratic People's Republic of Korea, Ecuador, Iran (Islamic Republic of), Mexico, Syrian Arab Republic, Togo, Venezuela (Bolivarian Republic of) and Viet Nam. Subsequently, El Salvador joined the sponsors.

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

187. Also at the same meeting, the representative of Germany (on behalf of States members of the European Union that are members of the Council) made a general comment in relation to the draft resolution.

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

189. The draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see A/HRC/10/L.11, resolution 10/23).

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

A. Situation of human rights in the Democratic People's Republic of Korea

190. At the 24th meeting, on 16 March 2009, the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, Vitit Muntarbhorn, presented his report (A/HRC/10/18).

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

192. During the ensuing interactive dialogue at the same meeting, the following made statements:

(a) Representatives of States members of the Council: Canada, Chile, China, Cuba, Czech Republic³⁵ (on behalf of the European Union), Japan, Republic of Korea, Russian Federation, Switzerland, United Kingdom of Great Britain and Northern Ireland;

(b) Representatives of the following observer States: Australia, Lao People's Democratic Republic, New Zealand, Sri Lanka, Sudan, Sweden, Syrian Arab Republic, Thailand, United States of America;

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

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

B. Situation of human rights in Myanmar

194. At the 25th meeting, on 17 March 2009, the Special Rapporteur on the situation of human rights in Myanmar, Thomás Ojea Quintana, presented his report (A/HRC/10/19).

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

196. During the ensuing interactive dialogue at the same meeting, the following made statements:

(a) Representatives of States members of the Council: Argentina, Canada, China, Czech Republic³⁶ (on behalf of the European Union), India, Indonesia, Italy, Japan, Malaysia, Philippines, Republic of Korea, Russian Federation, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland;

³⁵ Observer of the Council speaking on behalf of States members and observer States.

³⁶ Observer of the Council speaking on behalf of States members and observer States.

(b) Representatives of the following observer States: Australia, Lao People's Democratic Republic, New Zealand, Norway, Singapore, Sweden, Thailand, United States of America;

(c) Observers for the following non-governmental organizations: Asian Forum for Human Rights and Development, Asian Legal Resource Centre, Worldview International Foundation.

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

C. Follow-up to Human Rights Council resolutions 7/20 and S-8/1

198. At the 25th meeting, on 17 March 2009, the Deputy United Nations High Commissioner for Human Rights, Kyung-wha Kang, introduced the report of the High Commissioner on the situation of human rights and the activities of the Office of the High Commissioner for Human Rights in the Democratic Republic of the Congo (A/HRC/10/58) submitted in accordance with resolution 7/20 of 27 March 2008 and resolution S-8/1 of 1 December 2008.

199. At the same meeting, the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin, presented the combined report of the Special Rapporteur on violence against women, the Representative of the Secretary-General on internally displaced persons, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on the right to health, the Special Representative of the Secretary-General on the situation of human rights defenders, the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, and the Special Representative of Secretary-General for children and armed conflict, on technical cooperation and advisory services in the Democratic Republic of the Congo (A/HRC/10/59) submitted in accordance with resolution 7/20 of 27 March 2008 and resolution S-8/1 of 1 December 2008.

200. At the same meeting, the representative of the Democratic Republic of the Congo made a statement as the concerned country.

201. During the ensuing interactive dialogue, at the 25th and 26th meetings, on the same day, the following made statements and asked the Representative of the Secretary-General questions:

(a) Representatives of States members of the Council: Angola, Canada, Chile, Czech Republic³⁷ (on behalf of the European Union), Djibouti, Egypt (on behalf of the Group of African States), Japan, Netherlands, Russian Federation, Switzerland, United Kingdom of Great Britain and Northern Ireland;

(b) Representatives of the following observer States: Algeria, Luxembourg, New Zealand, Norway, Republic of the Congo, Tunisia, Uganda, United States of America;

³⁷ Observer of the Council speaking on behalf of States members and observer States.

(c) Observers for the following non-governmental organizations: Amnesty International, Human Rights Watch, International Commission of Jurists, International Federation of Human Rights Leagues, World Organization against Torture (also on behalf of International Federation of Action by Christians for the Abolition of Torture and Franciscans International).

202. At the 26th meeting, on the same day, the Representative of the Secretary-General answered questions and made his concluding remarks.

D. General debate on agenda item 4

203. At the 26th meeting, on 17 March 2009, and at the 33 meeting, on 23 March, the Council held a general debate on item 4, during which the following made statements:

(a) Representatives of States members of the Council: Canada, China, Czech Republic³⁸ (on behalf of the European Union, Albania, Bosnia and Herzegovina, Croatia, Iceland, Montenegro and the former Yugoslav Republic of Macedonia), France, Germany, Japan, Netherlands, Switzerland, United Kingdom of Great Britain and Northern Ireland;

(b) Representatives of the following observer States: Algeria, Australia, Democratic People's Republic of Korea, Iran (Islamic Republic of), Ireland, Israel, Morocco, New Zealand, Sweden, United States of America;

(c) Observers for the following non-governmental organizations: Action Internationale pour la Paix et le Developpement dans la Region des Grands Lacs (also on behalf of Comite International pour le Respect et l'application de la Charte Africaine des Droits de l'homme et des Peuples), Agir Ensemble pour les Droits de l'homme, Amnesty International, Asian Forum for Human Rights and Development (also on behalf of the Asian Legal Resource Centre), Asian Indigenous and Tribal Peoples Network, Asian Legal Resource Centre, Bahai International Community, Cairo Institute for Human Rights Studies, Catholic Organisation for Relief and Development, Cercle de Recherche Sur les Droits et les Devoirs de la Personne Humaine, Comite International pour le Respect et l'application de la Charte Africaine des Droits de l'homme et des Peuples, Conectas Direitos Humanos (also on behalf of Asian Forum for Human Rights and Development and Cairo Institute for Human Rights Studies), Europe Third World Centre (also on behalf of International Association of Democratic Lawyers, Mouvement Contre le Racisme et pour l'amitie Entre les Peuples, Women's International League for Peace and Freedom and Foodfirst Information and Action Network), France Libertes, Franciscans International (also on behalf of Pax Romana), Helsinki Foundation for Human Rights, Human Rights Watch, Indian Council of South America, International Commission of Jurists, International Democratique Centre, International Educational Development, International Federation of Action by Christians for the Abolition of Torture, International Federation of Human Rights Leagues, International Fellowship of Reconciliation, International Human Rights Association of American Minorities, International Organization for the Elimination of All Forms of Racial Discrimination, International Peace Bureau, International Youth and Student Movement for United Nations, Liberation, Mbororo Social and Cultural Development

³⁸ Observer of the Council speaking on behalf of States members and observer States.

Association, Reporters Without Borders – International, Society for Threatened Peoples (also on behalf of Mouvement contre le racisme et pour l'amitié entre les peuples), Union de l'Action Feminine, Union of Arab Jurists, United Nations Watch, World Vision International.

204. At the 26th meeting, on 17 March 2009, statements in exercise of the right of reply were made by the representatives of Algeria, Cameroon, China, Cuba, Democratic People's Republic of Korea, France, Iran (Islamic Republic of), Japan, Morocco, Russian Federation, Sri Lanka, Sudan and Thailand.

205. At the 33rd meeting, on 23 March 2009, statements in exercise of the right of reply were made by the representatives of Azerbaijan, China, Japan, and Sri Lanka.

E. Consideration and action on draft proposals

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

206. At the 43rd meeting, on 26 March 2009, the representative of Czech Republic (on behalf of the European Union and Japan) introduced draft resolution A/HRC/10/L.27, sponsored by Czech Republic and Japan and co-sponsored by Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, United Kingdom of Great Britain and Northern Ireland and United States of America. Subsequently, the former Yugoslav Republic of Macedonia joined the sponsors.

207. At the same meeting, the representative of the Democratic People's Republic of Korea made a statement in relation to the draft resolution as the concerned country.

208. Also at the same meeting, statements in explanation of vote before the vote were made by the representatives of Brazil, China, Cuba, Indonesia and Malaysia.

209. At the same meeting, at the request of the representative of Cuba, a recorded vote was taken on the draft resolution. The draft resolution was adopted, by 26 votes to 6, with 15 abstentions. The voting was as follows:

In favour: Argentina, Bahrain, Bosnia and Herzegovina, Burkina Faso, Cameroon, Canada, Chile, France, Germany, Ghana, Italy, Japan, Jordan, Madagascar, Mauritius, Mexico, Netherlands, Republic of Korea, Saudi Arabia, Slovakia, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Zambia;

Against: China, Cuba, Egypt, Indonesia, Nigeria, Russian Federation;

Abstaining: Angola, Azerbaijan, Bangladesh, Bolivia, Brazil, Djibouti, Gabon, India, Malaysia, Nicaragua, Pakistan, Philippines, Qatar, Senegal, South Africa.

210. For the text as adopted, see A/HRC/10/L.11, resolution 10/16.

V. Human rights bodies and mechanisms

A. The report of human rights bodies and mechanisms

Complaint procedure

211. At the 22nd meeting, on 13 March 2009, and at the 33rd meeting, on 23 March 2009, the Council held two closed meetings of the complaint procedure.

212. At the 33rd meeting, on 23 March 2009, the President made a statement on the outcome of the meetings, stating: "The Human Rights Council has in closed meetings examined the human rights situation in Turkmenistan under the Complaint Procedure established pursuant to Human Rights Council resolution 5/1 of 18 June 2007. The Human Rights Council has decided to discontinue considering the situation in Turkmenistan."

Advisory Committee

213. At the 26th meeting, on 17 March 2009, the Chairperson of the Human Rights Council Advisory Committee, Miguel Alfonso Martínez, introduced the reports of the Advisory Committee on its first and second sessions, held on 4-15 August 2008 and 26-30 January 2009 (A/HRC/10/2 and A/HRC/AC/2/2).

Expert mechanism on the rights of indigenous peoples

214. At the 26th meeting, on 17 March 2009, the Chairperson of the expert mechanism on the rights of indigenous peoples, John Bernhard Henriksen, introduced the report on the first session of the mechanism on the rights of indigenous peoples held on 1-3 October 2008 (A/HRC/10/56).

Forum on minority issues

215. At the 26th meeting on 17 March 2009, the Independent Expert on minority issues, Gay McDougall, introduced the recommendations adopted by the Forum on minority issues held on 15 and 16 December 2008 (A/HRC/10/11/Add.1).

B. General debate on agenda item 5

216. At the 34th meeting, on 23 March 2009, the Council held a general debate on item 5, during which the following made statements:

(a) Representatives of States members of the Council: Argentina, Bahrain, Brazil, Canada, Chile (also on behalf of the Group of Latin American and Caribbean States), China, Cuba, Czech Republic³⁹ (on behalf of the European Union, Albania, Armenia, Bosnia and Herzegovina, Croatia, Montenegro, Republic of Moldova, Serbia, the former Yugoslav Republic of Macedonia, Turkey and Ukraine), Egypt (on behalf of the Group of African States), India, Indonesia, Japan, Mexico, Nigeria, Pakistan (on behalf of the Organization of the Islamic

³⁹ Observer of the Council speaking on behalf of States members and observer States.

Conference), Russian Federation, Slovenia, Switzerland (also on behalf Costa Rica, Italy and Morocco);

(b) Representatives of the following observer States: Algeria, Australia, Austria, Finland (also on behalf of Denmark, Iceland, Norway and Sweden), Greece, Hungary, Iran (Islamic Republic of), Kuwait, Morocco, New Zealand, the former Yugoslav Republic of Macedonia, United States of America;

(c) Observer for a national human rights institution: Irish Human Rights Commission;

(d) Observers for the following non-governmental organizations: Action Canada for Population and Development, Amnesty International (also on behalf of Asian Forum for Human Rights and Development, Franciscans International and Lutheran World Federation), Arab Commission for Human Rights, Cercle de la Recherche sur les Droits et les Devoirs de la Personne Humaine (also on behalf of Worldwide Organization for Women), Europe Third World Centre (also on behalf of Association Africaine d'éducation pour le Développement International, Association of Democratic Lawyers, International Federation of Rural Adult Catholic Movements, Mouvement Contre le Racisme et pour l'amitié Entre les Peuples and Women's International League for Peace and Freedom), France Libertés, Indian Council of South America, Indian Movement Tupaj Amaru, International Movement Atd Fourth World, International Organization for the Right to Education and Freedom of Education (also on behalf of Al-Hakim Foundation, CIVICUS - World Alliance for Citizen Participation, International Alliance of Women, International Catholic Child Bureau, International Organization for the Elimination of All Forms of Racial Discrimination, Pax Romana, Soka Gakkai International and World Student Christian Federation), International Work Group for Indigenous Affairs, Liberation, Lutheran World Federation (also on behalf of Asian Forum for Human Rights and Development, Asian Legal Resource Centre, International Movement against All Forms of Discrimination and Racism and Pax Romana), Soka Gakkai International (also on behalf of Al-Hakim Foundation, CIVICUS - World Alliance for Citizen Participation, International Alliance of Women, International Catholic Child Bureau, International Federation of University Women, International Institute for Peace, International Organization for the Elimination of All Forms of Racial Discrimination, International Organization for the Right to Education and Freedom of Education, Pax Romana, World Federation of United Nations Associations, World Student Christian Federation and Worldwide Organization for Women).

VI. UNIVERSAL PERIODIC REVIEW

217. Pursuant to General Assembly resolution 60/251, Council resolution 5/1 and the President's statements on modalities and practices for the universal periodic review process (A/HRC/PRST/8/1 and A/HRC/PRST/9/2), the Council considered the outcome of the reviews conducted during the third session of the Working Group on the Universal Periodic Review held from 1 to 15 December 2008.

A. Consideration of the universal periodic review outcomes

218. According to paragraph 4.3 of the President's statement 8/1, the following section contains a summary of the views expressed on the outcome by States under review, Member and Observer States of the Council, as well as general comments made by other relevant stakeholders before the adoption of the outcome by the plenary.

Botswana

219. The review of Botswana was held on 1 December 2008 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents: the national report submitted by Botswana in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/3/BWA/1); the compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/3/BWA/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/3/BWA/3).

220. At its 27th meeting, on 18 March 2009, the Human Rights Council considered and adopted the outcome of the review on Botswana (see section C below).

221. The outcome of the review on Botswana is constituted of the report of the Working Group on the Universal Periodic Review (A/HRC/10/69), together with the views of Botswana concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/10/69/Add.1).

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

222. Botswana stated that it approached the review process with an open and transparent spirit and that it undertook to consider all the recommendations put to them at a later stage with a view to carefully and constructively reflect on all of them. To this end, Botswana was able to engage all relevant stakeholders. Botswana noted the circulation of the detailed responses during the meeting. It noted that most of the recommendations were currently being implemented by the Government and that the acceptance to some of these recommendations was on this basis.

223. The Delegation informed that consultations for the establishment of an independent national human rights institution in accordance with the Paris Principles have been concluded and that the relevant recommendations will be submitted to Cabinet for consideration. In

addition, Botswana noted that, as previously mentioned, it currently has several institutions that directly address human rights issues, including the Department of Social Services for Children's Welfare; the Department of Women Affairs for Gender issues and the Independent Electoral Commission for Universal Suffrage.

224. Botswana confirmed that the Children's Act is still under review and in its final stages before Parliament. The Delegation noted that corporal punishment is still lawful and that the Customary Courts, the Penal Code and the Education Act and Regulations govern its administration and contains restrictions on its application. It indicated that corporal punishment is not intended to be degrading but is viewed as a legitimate and acceptable form of punishment.

225. The Delegation noted that all indigenous groups in Botswana are accorded opportunities guaranteed to every Motswana.

226. As regards to the recommendations to adopt measures to address all forms of discrimination, including based on sexual orientation, ethnicity, gender, colour, and political opinion, Botswana indicated that the Government maintains that Section 15 (3) of the Constitution of Botswana prohibits discrimination against any person on the grounds of race, tribe, place of origin, political opinions, colour, creed or sex, and as such any person who is of the view that their rights have been violated can at anytime seek redress before the High Court of Botswana. While it acknowledged that Botswana criminalises same sex sexual activity and practices, a reflection of the moral and religious norms of the society, it noted that there is no known case of discrimination based on sexual orientation.

227. Botswana emphasized that since its ratification of CEDAW, it has undertaken various initiatives with a view to promoting and protecting the rights of women. It has continued to undertake progressive legislative reforms to this end, including the enactment of the Domestic Violence Act and the Abolition of Marital Powers Act. The Government continues to educate Botswana through seminars and meetings with stakeholders, including Kgotla meetings, publications and media.

228. Botswana drew the Human Rights Council's attention to the fact that the Marriage Act forbids marriage of persons under the age of 18 years without the consent of the parents or guardians. The Delegation noted that Botswana does not accept the recommendations implying the existence of harmful practices to women, especially alleging the persistence of early contract marriages and the existence of polygamy. It indicated that there are no practices which are harmful to women and that the law in Botswana forbids polygamy.

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

229. Algeria thanked the delegation of Botswana for the comments and complete replies to the recommendations made during the Working Group. Algeria was encouraged by Botswana's determination to comply with its human rights obligations, despite the challenges it faced notably in terms of development. Algeria noted that the number of recommendations accepted by the country was an excellent example. Algeria shared and understood Botswana's concern regarding the need to have necessary resources to meet the obligations under the international instruments. Algeria noted this was a decisive element in the decision by a sovereign

government to accede to an international instrument. Algeria praised Botswana's efforts to extend the benefits of its pilot project to fight against HIV/AIDS to refugees and migrants as well as the efforts aimed at reinforcing actions for women. Algeria welcomed the decision to accept the recommendations made by Algeria in this respect. Algeria stated that the international community had a responsibility to provide support to Botswana through provision of sustainable, appropriate technical and financial assistance on the basis of the needs expressed by Botswana, with a view to enabling Botswana to fulfil its human rights commitments and to improve its performance in seeking to achieve this objective in line with its national priorities.

230. Senegal thanked the Head of the delegation for his clear and detailed presentation on his country's position on the recommendations formulated during the interactive dialogue. Senegal welcomed the fact that Botswana has accepted most of the recommendations and encouraged Botswana to put them into practice in order to make the progress already achieved irreversible. Senegal invited Botswana to pay particular attention to issues relating to the rights of the child and of women as well as to those concerning the eradication of poverty and the promotion of education and health. Senegal wished the authorities of Botswana every success in their efforts to ensure the continuing improvement of the human rights situation in their country.

231. The United States commended Botswana for its commitment to democratic principles and appreciated its leadership in promoting similar progress in the Southern African Development Community region and the continent as a whole. The United States recognized Botswana's investment in improving health care, access to primary education and the increased enrolment rates for children, particularly for girls. It also praised women's role in government and society, and welcomed the implementation of the new domestic violence law, noting that increasing the access of women to development assistance and provision of better legal protections for women, including for rape, would help consolidate the gains for women. It also noted the recent opening of dialogue with the San, expressing hope that further discussions with the San and other minority groups be made in order to better address land, education and development assistance issues. The United States further commended Botswana for its intent to improve the national capacity to promote and monitor human rights, including efforts to address judicial delays. The United States stated that it supported Botswana's efforts to promote professionalization and human rights training for its security forces and the seeking of assistance in this area.

232. Djibouti noted that, like all other countries in the sub-region, Botswana faced enormous difficulties in effectively implementing its policy to eradicate poverty. Noting that Botswana had been severely affected by HIV/AIDS in the past years, Djibouti praised the Government for setting up a policy to monitor HIV/AIDS, and indicated that this should be shared with other countries affected by this pandemic. Djibouti expressed the view that the recommendations emanating from the UPR would help improve the general human rights situation in the country. However, the implementation of these recommendations would require an internal and external symbiosis to meet the challenges faced by Botswana.

3. General comments made by other relevant stakeholders

233. The Canadian HIV/AIDS Legal Network commended the delegation for its acceptance of Recommendation 24 dealing with measures to address HIV/AIDS but expressed its disappointment at the rejection of Recommendations 18 and 23 dealing with non-discrimination based on sexual orientation and the decriminalization of same-sex activity. It urged the

Government to consider repealing the provisions of its Penal Code which criminalise same-sex conduct between consenting adults. It was noted that the United Nations Human Rights Committee had found that such provisions violated established international human rights law, in particular the rights to non-discrimination and privacy. Noting the comments made by the delegation that there was no known case of discrimination on those grounds, he referred to the Human Rights Committee which had found that even when the laws are not actively enforced they stigmatise and marginalise vulnerable groups within society. The struggle against HIV/AIDS was also undermined by such provisions. The United Nations Human Rights Committee and UNAIDS had repeatedly emphasised that they run counter to efforts to address HIV and AIDS by driving marginalized communities underground. Last December sixty-six States from all regional groups, including 6 from the African region called for an end to laws criminalizing homosexuality. This call was supported by the High Commissioner for Human Rights who stated that “No human being, simply because of their perceived sexual orientation or gender identity, may be subject to discrimination, violence, criminal sanctions or abuse”. Appreciation was expressed over the statement of the Government that no people should be subject to discrimination and its expressed willingness to remain open on these grounds.

4. Concluding remarks of the State under Review

234. In conclusion Botswana expressed its appreciation for the constructive dialogue and interaction with all delegations that took the floor, including members of the non-governmental organizations. Botswana indicated that it appreciated the suggestions made in December 2008 and at the present meeting, while noting the short, medium and long-term implications of implementing the recommendations. Noting the challenges Botswana will face in terms of financial and human resources, it expressed its views that with the support of the international community Botswana would succeed.

235. Botswana thanked the President of the Human Rights Council for his professionalism and for the able manner in which the review was conducted, as well as the members of the Troika and the Secretariat. It indicated that it looked forward to the implementation and follow-up phase.

The Bahamas

236. The review of the Bahamas was held on 1 December 2008 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents: the national report submitted by the Bahamas in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/3/BHS/1); the compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/3/BHS/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/3/BHS/3).

237. At its 27th meeting, on 18 March 2009, the Human Rights Council considered and adopted the outcome of the review on the Bahamas (see section C below).

238. The outcome of the universal periodic review on the Bahamas is constituted of the report of the Working Group on the Universal Periodic Review (A/HRC/10/70 and A/HRC/10/70/Corr.1), together with the views of the Bahamas concerning the recommendations

and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/10/70/Add.1).

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

239. H.E. Joshua Sears, Director-General of the Ministry of Foreign Affairs of the Bahamas, stated that the Commonwealth of the Bahamas, when it joined the international community some thirty-five years ago, had given its solemn undertaking to respect sovereignty and territorial integrity, human rights and fundamental freedoms and the rule of law. The delegation noted that the Bahamas has at every important moment of international significance reaffirmed its commitment to these principles; principles and values which have played an indispensable role in the institutionalization and consolidation of democracy, political stability and economic and social progress and development of the Bahamas.

240. The delegation stated that the Bahamas, the second oldest parliamentary democracy in the western hemisphere, has a well-established record of democracy, respect for human rights and fundamental freedoms and the rule of law. The Government fully understands and appreciates that respect for and the promotion and protection of human rights requires eternal vigilance and actions to ensure that these rights are effectively enjoyed by all members of society. The Bahamas also acknowledged the vital role civil society must play in this whole process.

241. During the UPR review of the Bahamas, which took place at the third working session of the Working Group in December 2008, the Bahamas had committed to further review the recommendations contained in the report of the Working Group, in document A/HRC/10/70, and to report on the status of the recommendations at the plenary session of the Human Rights Council. The delegation drew the Council's attention to the document which had been submitted by the Bahamas as a formal follow-up report (A/HRC/10/70/Add.1).

242. The delegation informed that since its review in December 2008, the Bahamas had signed and ratified the International Covenant on Economic, Social and Cultural Rights (4 December 2008) and the International Covenant on Civil and Political Rights (23 December 2008). Both Covenants will enter into force for the Bahamas on 23 March 2009. In addition, the Bahamas had on 16 December 2008 signed the United Nations Convention against Torture and Other Cruel, Inhuman and Degrading Treatment and Punishment. The Bahamas intends to ratify this Convention following the necessary review of the legislative requirements.

243. The Bahamas also highlighted the Police Amendment Act 2009 which permits civilian oversight of the complaints process.

244. With respect to the Carmichael Road Detention Centre, the delegation informed that the Government continued to implement recommendations designed to enhance the environment and management of the facility and continued to maintain close collaboration and cooperation with UNHCR in this regard.

245. The delegation indicated that during the review, the Bahamas expected to submit outstanding reports due under the Convention on the Elimination of All Forms of Racial

Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women by 31 December 2008. It informed that the Bahamas was unfortunately unable to meet this self-imposed deadline, but that the consultative process is almost complete, paving the way for the submission of these reports in due course. The delegation also informed that the preparatory process is also underway for the report due under the Convention on the Rights of the Child.

246. The delegation reaffirmed the commitment of the Bahamas to continue to work with the human rights treaty bodies and the Human Rights Council to ensure that there is constructive dialogue and to enhance the capacity of the Bahamas to carry out its reporting obligations under international human rights instruments. The delegation emphasized the recognition of the Bahamas that the promotion and protection of human rights and fundamental freedoms requires constant action on the part of Government and civil society and that the Bahamas is committed to this task.

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

247. Egypt welcomed the presence of the delegation of the Bahamas, which was a testimony of the Bahamas commitment for the protection and promotion of human rights. On behalf of the African group, Egypt expressed the importance the African Group is always attaching to the relations with the Bahamas and CARICOM at large. Egypt stressed that the fact that the Bahamas came to Geneva twice (first to present its UPR report and then to attend the adoption of the report), show that the Government was seriously committed to the issue of human rights and that something serious has to be done to assist countries that are not represented in Geneva in following the work in the council. Egypt further expressed, on behalf of the African group, its outmost support to the choices that the Bahamas has been making in regard to human rights and regarding the recommendations that the Bahamas has accepted the African group acknowledged the Bahamas sovereign right to follow the path convenient to its own society and its own values.

248. Cuba expressed its appreciation for the presence of the director general of the Ministry of Foreign Affairs of the Bahamas, and endorsed the statement of Egypt. The Bahamas, a small country of the Caribbean and a member of the non aligned group, enjoys friendly relations with Cuba, and is facing a serious economic situation because of, inter alia, lack of resources. Cuba acknowledged the Bahamas' efforts and achievements. Cuba thanked the delegation of the Bahamas for its presence, expressed its support and urged the Bahamas to carry on all necessary measures to protect all human rights of its people.

249. France welcomed the announcement by the Bahamas to bring national legislation in line with major international human rights instruments, the efforts in this regard and the reference to the police and detention centres. France encouraged the government of the Bahamas regarding the action to be taken on the Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women. France congratulated the Government of the Bahamas on its approach and on the fact that it has committed to accept the recommendations made by the UPR Working Group.

250. On behalf of the Latin American and Caribbean states, Chile welcomed the presence of the delegation of the Bahamas and thanked it for the information on the efforts underway to comply

with the recommendations made in the UPR Working Group. Chile also thanked the Bahamas for its presence which was the illustration of the Bahamas' firm commitment to the promotion and protection of human rights.

251. Barbados welcomed the delegation of the Bahamas, which came to Geneva to present its response to the recommendations made in UPR Working Group. Barbados stated that in doing so, the Bahamas demonstrated its firm commitment to the protection of human rights, and towards an acceptance and consideration of a number of recommendations made. Barbados urged the international community to recognize, and ensure full support to small developing states like the Bahamas and to assist them in their efforts towards implementation of their obligations. Finally, Barbados conveyed the Bahamas its full support and wished it every success in its continuing human rights achievements.

252. Algeria warmly welcomed the delegation of the Bahamas and was encouraged by the resolve shown by the Government of the Bahamas to meet its human rights commitments, despite the challenges the country is facing particularly in the field of development. It noted that the international community had the duty to support the Bahamas and to provide financial and technical assistance, sustainable and appropriate to the needs of the country.

253. Pakistan stated that the Bahamas should be encouraged in its efforts to comply with its human rights obligations in a comprehensive manner and was glad that the Bahamas has accepted a number of recommendations made during its review. Pakistan believed that all stakeholders should make their technical expertise and other resources available to deepen cooperation with small developing states on improvement and protection of their human rights. Pakistan stated that it will continue to deepen its bilateral cooperation with the Bahamas to explore possibilities of exchanging technical expertise and knowledge concerning human rights.

254. Botswana congratulated the delegation of the Bahamas for the comprehensive presentation providing additional information on the outcome of the review on the country's human rights situation. Botswana noted with satisfaction and admiration the fact that most of the recommendations to the Bahamas were accepted. The commitment to the continued promotion and protection of human rights was clear from the open and inclusive preparation of the review, and from the interactive dialogue in December. Botswana welcomed the involvement of the civil society in the follow-up.

3. General comments made by other relevant stakeholders

255. Amnesty International (AI) welcomed the Bahamas' prompt ratification of the two Covenants following the announcement in the UPR Working Group of its intention to do so. AI was disappointed that the Bahamas rejected recommendations relating to the death penalty, including the establishment of a moratorium on executions, the ratification of the Second Optional Protocol to the International Covenant on Civil and Political rights. AI reiterated its call to the Bahamas to repeal all provisions allowing for the death penalty and to declare a moratorium on executions. AI welcomed the endorsement by the Bahamas of recommendations to ensure full and effective implementation of the Domestic Violence (Protection Order) Act and to address the problem of rape. AI remained concerned that recommendations to criminalize marital rape were rejected. AI urged the Bahamas to act swiftly and conduct an independent

investigation into recent allegations of ill-treatment as recent reports indicate that abuses continue to take place at the Carmichael Road detention Centre.

4. Concluding remarks of the State under Review

256. The delegation of the Bahamas thanked the delegations for their constructive comments and was pleased by the level of support from the international community. It particularly commended the members of the troika -Djibouti, Malaysia and the Netherlands- for their support during the review process.

257. With the respect to the issue of the Carmichael Road detention Centre, the delegation said that the addendum to the report addressed a number of issues raised by the Amnesty International as well as by other delegations.

258. The delegation reaffirmed its commitment to implement its human rights obligations and to continue to work closely with the Human Rights Council.

Burundi

259. The review of Burundi was held on 2 December 2008 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents: the national report submitted by Burundi in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/3/BDI/1); the compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/3/BDI/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/3/BDI/3).

260. At its 27th meeting, on 18 March 2009, the Human Rights Council considered and adopted the outcome of the review on Burundi (see section C below).

261. The outcome of the review on Burundi is constituted of the report of the Working Group on the Universal Periodic Review (A/HRC/10/71), together with the views of Burundi concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group.

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

262. Ms. Rose Nduwayo, Minister for Human Rights and Gender, provided replies to various issues raised during the review of Burundi. She indicated that Burundi seriously envisaged the ratification of the International Convention for the Protection of all Persons from Enforced Disappearances while, in the meantime, all measures had been taken to prevent and punish related crimes. Regarding the protection of discrimination based on sexual orientation, the amendment proposed by the Lower Chamber of the Parliament on this issue was rejected by the Higher Chamber and a mixed commission will be set up in order to determine the final position to be adopted. With regard to the training of law enforcement officers on sexual violence, she indicated that an ongoing education programme was underway and carried out by the state and civil society. In that regard the new draft penal code criminalises sexual violence. The

transitional justice mechanism composed of a Truth and Reconciliation Commission and a Special Tribunal was agreed upon between the Government and the United Nations. The national consultations, which are a prerequisite to these mechanisms are ongoing and will be soon concluded.

263. The delegation of Burundi further stressed that replies to issues contained in paragraph 81 (1), (3), (6), (8) and (10) of the report of the Working Group were already included in paragraphs 80, 82 and 83 of this report. During the review, in relation to paragraph 81 (1), Burundi had indicated that the new draft penal code, which shall soon be promulgated, abolishes the death penalty as foreseen in the second Optional Protocol to the International Covenant on Civil and Political Rights. Regarding paragraph 81 (3) and discrimination between boys and girls in accessing education, Burundi recalled that such discrimination had been eliminated and that a cultural education programme was underway in order to eliminate any remaining parental reticence. Referring to paragraphs 81 (6) and 81 (8), Burundi indicated that acts of torture, as well as rape, were criminalised in the new draft penal code. Finally, in relation to paragraph 81 (10), it was indicated previously that the Ministerial Order of 6 October 2008 restricting public meetings had been revoked.

264. The delegation also presented new developments in Burundi since December 2008. The new draft penal code, which criminalizes war crimes, crimes against humanity and crime of genocide, torture and cruel, inhuman and degrading treatment, rape and sexual violence and which guarantees various children's rights had been recently adopted by the Parliament. The network of criminals who killed Albino people was being dismantled as seven persons had been arrested and two others sentenced.

265. A national strategy to fight against sexual violence had just been adopted by the Government, which will, among others, provide for a harmonised mechanism to collect data and establish financial resources dedicated to fight this type of violence.

266. Regarding the establishment of a national human rights commission in line with the Paris Principles, there was a growing public opinion in favour of the Government commitment in that respect.

267. The delegation stressed that new civil and political associations had been created, and that the judiciary was protecting civil and political freedoms, as demonstrated by the recent release of some prisoners. A National Independent Electoral Commission was recently set up, with the support of all political partners and civil society, which is a guarantee to free and democratic elections in 2010. One should underline that the President and Vice-President of this commission are representatives of the civil society.

268. Finally, Burundi was recently granted an external debt relief, a measure which will contribute to raise its resources to protect and guarantee human rights, in particular, economic, social and cultural rights.

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

269. Algeria thanked Burundi for the comprehensive comments on recommendations made during the review, as well as for the update on measures taken since then. Algeria once again paid tribute to Burundi's determination to work for peace through national reconciliation among the different components of the society. The number of recommendations accepted by Burundi demonstrates its firm commitment to engage seriously in the UPR. A number of obligations arise from recommendations that Burundi has accepted. Therefore, Algeria reiterated its appeal, together with many other countries, for the international community to increase its support to Burundi so as to enable it to meet its commitment to promote and protect human rights in all circumstances and in accordance with its national priorities.

270. Senegal reiterated that it had welcomed, in December, Burundi's efforts to promote and protect human rights, highlighting in particular measures taken for women and children. Senegal stressed that acceptance by Burundi of recommendations concerning vulnerable groups demonstrates its willingness to improve the situation of these groups and to allow them to fully enjoy their rights. It further encouraged Burundi to effectively implement these recommendations and request technical assistance for this purpose where needed.

271. The United States of America deeply respected the determination of the people of Burundi to escape the devastating remnants of civil war, and build a peaceful, prosperous and inclusive society for future generations. In this regard, it supported the recommendation that Burundi increase its efforts to disarm, demobilise and reintegrate children involved in armed conflict. The Government's commitment to promote education was evident in the 69 percent increase in enrolment in primary education in the country from 2005 to 2008. With respect to recommendations on concerns about recent increases in sexual violence and rape in Burundi, the United States appreciated that some 500 individuals, including government officials, are serving sentences for rape or assault, and hoped that impunity for sexual violence, including spousal rape, will continue to be addressed. Other recommendations expressed concern about freedoms of association, expression, opinion and peaceful assembly. While noting that Burundi has an active civil society, the United States emphasised the important role of independent journalists, political parties and civil society organisations in ensuring free and fair elections in 2010. It looked forward to the establishment of an independent national human rights commission and offered its support to Burundi in efforts to promote human rights and democracy.

272. Nigeria thanked Burundi for its presentation and was glad to note that Burundi has accepted most of the recommendations made, including that of Nigeria to intensify efforts to uphold the respect of the rule of law and reform the judicial system. Nigeria hoped that Burundi would have improved greatly its human rights record, with the support and cooperation of the international community, at the second cycle of the UPR.

273. Djibouti noted that following a deep institutional and political crisis in recent years, Burundi was now in transition and was making efforts to establish and build a viable and sustainable democratic society. Djibouti welcomed the efforts made by Burundi to work with the UPR mechanism and appealed to the Human Rights Council to help Burundi in the peace and reconstruction process.

274. Burkina Faso congratulated Burundi for the acceptance of recommendations made under the UPR. It noted with satisfaction the continuing improvement in the human rights situation in Burundi despite the country's crisis. It noted in particular initiatives taken in the field of primary education and healthcare for children under the age of five as well as progress in promoting and protecting women's rights. It also noted the exemplary cooperation of Burundi with the international community, and particularly with United Nations human rights mechanisms. Burkina Faso reiterated its support for appeals to the international community to support Burundi's efforts in implementing the recommendations arising from the UPR.

3. General comments made by other relevant stakeholders

275. Amnesty International welcomed Burundi's support of recommendations to establish an independent national human rights commission, compliant with the Paris Principles. It was concerned however that the draft bill, drawn up on 27 November 2008 by the Council of Ministers, would create a commission which would fall far short of the Paris Principles by severely restricting its mandate, powers of inquiry, jurisdiction and independence. It urged the government to re-consider the preceding version of the draft bill, which provided a superior level of independence and capacity for the commission. Amnesty International strongly urged the Government to support the recommendations calling on Burundi to ensure that no one is subject to discrimination on the basis of sexual orientation and to reconsider the inclusion of provisions criminalizing same-sex sexual relations in the draft criminal code. It regretted that Burundi did not expressly support recommendations to respect freedoms of expression, association and assembly, and indicated that several prisoners of conscience remained in detention, among them Juvénal Rududura, Vice-President of the trade union of non-magistrate staff at the Department of Justice, and the journalist Jean-Claude Kavumbagu. It called on Burundi to immediately and unconditionally release those arrested solely for exercising their right to freedom of expression.

276. The Canadian HIV/AIDS Legal Network and Action Canada for Population and Development, in a joint statement, welcomed recent steps taken to integrate fundamental human rights norms into the penal code, in particular the abolition of the death penalty. However, they remained concerned that although the Senate rejected the provision that would have criminalized consensual homosexual conduct, the National Assembly has recently voted to restore such provision. They urged legislators to eliminate the new provision or the President to veto it. They added that such provision would place Burundi at odds with the overwhelming movement across the world that has seen progress towards decriminalization and violate the African Charter on Human and Peoples' Rights and the International Covenant on Civil and Political Rights. It would severely hamper Burundi's efforts to combat HIV/AIDS pandemic and force a part of Burundi's population into silence and invisibility.

277. Human Rights Watch welcomed the UPR report on Burundi. It noted with concern the recent National Assembly's decision to advance an amendment to the penal code that would criminalize homosexuality, contrary to the recommendations made by Belgium, Chile and Slovenia. It encouraged the joint committee to eliminate criminalization of homosexuality, and if needed the President to veto such law. Human Rights Watch was deeply concerned about the prevalence of illegal and arbitrary arrests, many of which are politically motivated, and considered that Burundi should accept France's recommendation to ban all secret places of detention. It deeply regretted that Burundi rejected the recommendations of Italy, Switzerland and others to take all measures to guarantee freedoms of expression and association. It added that

the judicial system had been abused for prosecutions of opposition leaders and others who speak out against the government, noting in particular the arbitrary detention of Juvénal Rududura, Pasteur Mpawenayo, Gérard Nkurunziza and Jean-Claude Kavumbagu. This called into question the independence of the judiciary, a subject of concern for Azerbaijan, the Netherlands and the United Kingdom. Human Rights Watch was concerned that in the lead-up to the 2010 elections, members of the opposition have been intimidated. Burundi should act immediately to put an end to such activities, thereby implementing Japan's recommendation supported by Burundi to do its utmost to ensure that political parties are safeguarded in the elections.

278. The International Federation of Human Rights Leagues requested the reintroduction in the Bill relating to the national commission on human rights of provisions to guarantee its independence, in particular provisions associating with the government other actors and institutions in choosing, appointing and replacing members of the commission; to enable the commission to directly approach the judicial system; to make compulsory appearance before the commission and punishable the refusal to cooperate; to grant members of the commission immunity from reprisals and sanctions for action undertaken in the course of their official activities; and to facilitate access to relevant documents. It urged the Government to take firm action against administrative staff whose negligence or complicity guarantee a de facto impunity for authors of sexual violence; and to draft and implement a law guaranteeing women's rights to inheritance. Regarding the establishment of transitional justice mechanisms, it called on the Government to publicly reiterate its commitment to ensure that consultations will not be used to justify decisions or acts contrary to international law; and to accept initiatives by the United Nations, the international community and civil society to ensure an independent monitoring of these consultations. It also called for the adoption of a national policy and specific legislation on the protection of the rights of the child, in particular orphans and other vulnerable children; and to adopt a juvenile justice system.

279. The Cercle de recherche sur les droits et les devoirs de la personne humaine congratulated the delegation of Burundi for the quality of its presentation before the Working Group. It endorsed the appeal made to countries to show solidarity with Burundi and to help it to meet challenges relating to a culture of peace, tolerance and respect for human rights. The organization sought the support of Burundi to its draft universal declaration on the duties of the person. It noted with regret that the report of Burundi as well as recommendations made by States do not refer to violence against men, and sought the cooperation of Burundi to carry out a study on such matter.

4. Concluding remarks of the State under Review

280. Burundi thanked all those who have contributed in the drafting of the national report and civil society for its support. It thanked all delegations who made recommendations and praised the Human Rights Council for establishing the UPR, which has enabled Burundi to assess its progress in protecting and promoting human rights. Burundi undertook to gather all relevant stakeholders in the country to study how to implement recommendations made. Further steps will have been taken for the protection and promotion of human rights in Burundi by the next session of the Human Rights Council. Finally, Burundi reiterated its continued appreciation for the support provided by the international community.

Luxembourg

281. The review of Luxembourg was held on 2 December 2008 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents: the national report submitted by Luxembourg in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/3/LUX/1); the compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/3/LUX/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/3/LUX/3).

282. At its 28th meeting, on 18 March 2009, the Human Rights Council considered and adopted the outcome of the review on Luxembourg (see section C below).

283. The outcome of the review on Luxembourg is constituted of the report of the Working Group on the Universal Periodic Review (A/HRC/10/72), together with the views of Luxembourg concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/10/72/Add.1).

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

284. The Permanent Representative of Luxembourg to the United Nations Office in Geneva stated that it was a privilege for Luxembourg to be one of the first 48 countries to go through the UPR process. Luxembourg supported the idea of this innovative mechanism, during the negotiations that resulted to the creation of the Human Rights Council, because it wanted a greater discipline and efficiency in the United Nations system for protection of human rights.

285. The Permanent Representative gave a summary of Luxembourg's responses to recommendations addressed in the course of the interactive dialogue on 2 December 2008. He informed that a more comprehensive response to the recommendations had been provided in writing and was available as an addendum to the report of the working group (see A/HRC/10/72/Add.1).

286. Turning to Luxembourg international obligations, the country committed itself to take into account recommendations and to complete the various processes of ratification as soon as possible. However, it should be noted that for the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), there were major legal obstacles because of European community competence on migrant worker issues which did not allow the completion of the ratification of this convention, at this stage. Luxembourg expressed its hope that a study could be carried within the European Union in order to determine possible ways and means of finding a solution with the view to the ratification of the convention. Like other European Union partners, Luxembourg will continue to participate actively in the international community reflection on the issue of migrants.

287. The UPR led to a dynamic process of consultation of independent institutions monitoring compliance of human rights in Luxembourg. This consultation process also involved civil

society organisations engaged in the promotion and protection of human rights. It was a beneficial exercise for the country. Luxembourg committed itself to continue this consultation on a regular basis in order to ensure an appropriate follow up to the UPR report and outcome.

288. Luxembourg was aware of the challenges in human rights of persons with mental disabilities. The country was about to undertake a legislative reform in order to strengthen the fundamental rights of persons who were interned for psychiatric treatment without their consent. A law modifying the current regime for persons with mental disabilities had to be adopted very soon. This law would amend and update the current provisions in order to take into account the most recent international recommendations made on this issue and will make the involuntary placement of persons with mental disturbances the subject of a court decision, which can be appealed in any moment of the procedure. The use of involuntary treatment as well as isolation detention measures will be used in very specific circumstances and at a last resort. On child psychiatry, Luxembourg had undertaken to increase the number and quality of its infrastructures for the therapeutic treatment of children with behaviour or mental disturbances. These efforts will be continued in order to guarantee high quality child psychiatry reflecting the latest developments of medical progress.

289. Regarding the recommendation to develop legislation on immigration and international protection in keeping with the principle of non refoulement, Luxembourg believed that its new legislation was in compliance with the principle of non refoulement both in terms of immigration legislation and also on the rights of asylum. Concerning the recommendation to halt the practice of freeing minors at borders, this practice did not exist in Luxembourg. Concerning recommendation on detention measures, Luxembourg will transpose very soon the return directives of the European Union into the national legislation. Concerning the recommendation on the placing and detention of international protection seekers, discussions were ongoing at the European level.

290. Concerning the recommendation related to the elimination of racial discrimination, Luxembourg committed itself to submit the report required by CERD as soon as possible. The country will follow various provisions of the Civil Code and the Criminal Code which criminalised and punished various forms of discrimination in Luxembourg. As part of ongoing training, human rights courses were provided to prisons officials.

291. Regarding the recommendation to develop coherent strategies and plan of action to prevent and eliminate all forms of violence against women, particularly women from the immigrant community, as well as recommendation concerning prostitution and trafficking in human beings, they will be incorporated into the second national action plan for equality between men and women 2009-2013. In order to make the best use of human and financial resources, the Government intended to produce a single plan for the implementation of the CEDAW and the Beijing platform, in order to have a greater coherence of the political action to promote gender equality. The family in its various forms played a vital role in Luxembourg's society.

292. Luxembourg committed itself to respect recommendations related to new measures in order to improve the rights of women and children and to implement the CEDAW recommendation to elaborate strategies and programmes to combat prostitution and to continue the Government's efforts to combat sexual exploitation of children.

293. On the recommendation dealing with trafficking in human beings, Luxembourg recalled the three specific initiatives it referred to in its national report in paragraphs 34 to 40.

294. Canada recommended that the terminology used in French reflected the shared values for gender equality and equality between men, women and children. In this connection, the Permanent Representative stated that Luxembourg was totally in line with the terminology used in all international conventions to which it was a party. Luxembourg indicated that it was aware of the ongoing discussion on this terminology issue and was prepared, when appropriate, to align on the universally recognized terminology in keeping with the principle of non discrimination.

295. Luxembourg committed itself to include the gender dimensions into the UPR follow-up. That could be included as measures under chapter 9 “fundamental rights” of the national plan of action for gender equality 2009-2013 which was to be adopted after the election this year.

296. On freedom of religion or belief, Luxembourg stated that all religious communities or philosophical beliefs were treated equally. All beliefs were recognised ex officio and without discrimination by the Constitution and also in pursuance of the European Convention on human rights. Recognition of a particular religion did not give any additional rights to the congregation concerned.

297. The ban of corporal punishment in the family was effective in Luxembourg and the Addendum to the report gave the legal reference in this regard.

298. The Government had noted recommendations made in the penal sector. Luxembourg did not underestimate the difficulties which it faced, and was undertaking a policy to improve the conditions for the detention of juveniles in compliance with international standards. The placing of juvenile in the security units could only be done by the judicial authorities. Given the particular sensitive nature of infrastructures in the security units, the need to guarantee security and ensure the necessary educational and therapeutic treatment they needed, the number of young people placed in such security units could not exceed 12. In principle, the placement of children in security units should only be temporary and preventive, since extended stays in these units, despite the quality services, may jeopardize their family, social, school, professional and cultural reinsertion.

299. . With regard to the situation of children of prisoners, Luxembourg had not specific legislation and those situations were treated on a case by case basis by the penitential (in the time being only one case) in order to determine and ensure respect of the best interest of the child . Any new legislation would be seen as imposing new constraints and might force all parties to a very strict framework.

300. The recommendations concerning the hosting conditions for foreigners referred to the Welcome and Integration Office in Luxembourg established by a law in December 2008. This office was responsible, in coordination with the inter-ministerial committee on integration, for the elaboration of a draft national plan of action for integration, and for combating discrimination by identifying the main strategic areas for action by the Government and identifying the policy measures that needed to be implemented. This draft was submitted to the Government for approval. The Government will present a comprehensive strategy and determine targeted measures for the integration of aliens and to combat discrimination. Regarding equal treatment

on education, any child on mandatory school age living in Luxembourg should be registered in the school regardless of nationality or status. A child could not therefore be refused access to school on a racial, sex, language or religion basis. Because of the specific language situation in Luxembourg, the Ministry of national education had increased the number of measures in order to ensure that newly arrived children have access to school and are taught the three administrative languages of Luxembourg.

301. On the working conditions of migrants, there were no particular problems for migrants, either men or women. Luxembourg's legislation on labour issues applies in an equal and non discriminatory manner to all workers in the territory. Equal pay for men and women was also guaranteed by the Labour Code. Neither the Government nor the Courts had any particular information concerning difficulties in this area. Luxembourg did not see any particular reason for introducing positive discrimination in working conditions since all workers were treated on an equal footing.

302. Luxembourg committed itself to achieve the human rights voluntary goals enshrined in the Human Rights Council's resolution 9/12.

303. Finally, given the recommendation to continue its commitment regarding ODA, Luxembourg confirmed that it will continue to strengthen its development cooperation policy with the objective of combating poverty and helping the developing countries to achieve the MDG. This year Luxembourg will reach a rate of 0.92 per cent of GNP allocated to ODA. Luxembourg will continue its efforts to achieve a rate of 1 per cent in coming years. It will also continue to encourage its partners within the European Union and the Organisation for Economic Cooperation and Development to respect the commitment they had made on ODA in the United Nations or in the European Union. Luxembourg felt particular responsibility in this connection since it was under its presidency of the European Council in May 2005 that the members States of the European Union undertook an historical commitment to set up a new common and strong objective of bringing ODA to 0.56 per cent by 2010, and to get to 0.7 per cent by 2015.

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

304. No views were expressed by States members and observers of the Council.

3. General comments made by other relevant stakeholders

305. The Consultative Committee for Human Rights of the Grand-Duchy of Luxembourg (CCDH) welcomed the fact that some of the recommendations made to Luxembourg in the WG coincided with recommendations put forward by the CCDH in its written contribution to the UPR summary report, as well recommendations by regional bodies. This proved that there were still shortcomings in human rights in Luxembourg in a number of areas. For example, on the question of minors in prison, CCDH continues to be of the view that prison was fundamentally an inappropriate institution for juveniles. That was also being emphasized by the bodies at the Council of Europe. Regarding immigration and international protection, Luxembourg had a Grand-Duchy regulation concerning the modalities for implementing decisions for removal from the territory under constraint. The CCDH noted that the measures Luxembourg took were not appropriate to the subject at hand and that a law should cover this kind of matter. CCDH made

an urgent appeal to Luxembourg's authorities to ratify the relevant international conventions, in particular the Convention on the Rights of Persons with Disabilities, the OP-CAT and the ICRMW. The CCDH encouraged the Government of Luxembourg to follow up on the recommendations made by the Council under the UPR framework. The CCDH will monitor their implementation as part of its mandate.

306. The Arab Commission for Human Rights welcomed the transparent way in which the delegation of Luxembourg responded to the recommendations of the UPR Working Group. It recommended that Luxembourg establish an institutional framework and a time frame for the implementation of recommendations and report back to the Council on the results of this follow-up within one year. It stressed that the participation of non-governmental organizations in the UPR process was important. It noted that Luxembourg chaired the United Nations Economic and Social Council and hoped that Luxembourg will play an increasing role in defending the right of civil society to participate in United Nations deliberations.

307. Research Society on the Rights and Duties of Mankind (CRED) welcomed the report on Luxembourg and commented on paragraph 53 of the report citing the recommendation on the adoption of a comprehensive strategy for the elimination of violence against women with a preventive component. In this regard, CRED asked if there was already a comprehensive United Nations strategy concerning violence against women and suggested that if existed, it could be adopted by Member States. It also asked if such a strategy would be exclusively for Luxembourg. In the same line, CRED noted that the question of violence approached solely from the standpoint of violence against women will constitute discrimination since violence against men was also a reality around the world. Therefore, it would be desirable for Luxembourg and all countries to elaborate a comprehensive strategy against violence in general with the 3 components: men, women and children. CRED mentioned that it was ready to bring its expertise to assist Luxembourg in the development of such a comprehensive strategy. CRED also associated with the recommendation made to Luxembourg to cooperate with the adoption of the Universal Declaration on the Duties of the Person.

308. The International Federation of Action by Christians for the Abolition of Torture (FIACAT) and ACAT Luxembourg said that they took note of the date of 2010 for the construction of a closed centre for minors in Luxembourg. They saluted remarks made in the UPR Working Group on the detention conditions of minors and requested Luxembourg to take into account concerns regarding children abandoned at borders. They welcomed comments made by Luxembourg on alternatives to detention but were concerned about possible discriminatory implementation of such measures. They advocated alternatives to detention for parents of children affected by these measures, in particular for pregnant women and mothers, including when these are foreigners or aliens in irregular administrative status. They shared concerns on allegations of xenophobic or discriminatory behaviour of prison personnel towards foreign detainees. They welcomed the recommendation that holding measures of persons awaiting expulsion be restricted to cases of risk to national security or threat to public order. The two Organizations stated that the possibility of placing minors in detention was a regressive step and hoped that Luxembourg will respect its international obligations in the planning of the new detention centre. With respect to the lack of provisions in Luxembourg's legislation guaranteeing the principle of non refoulement, FIACAT- ACAT regretted that the response of Luxembourg was not followed by a commitment in this regard. They joined with the recommendation that

Luxembourg ratifies the International Convention for the Protection of All Persons from Enforced Disappearance.

4. Concluding remarks of the State under Review

309. In his concluding remarks, the Permanent Representative expressed thanks to all the speakers Luxembourg attached considerable importance to the activities carried out by the various commissions and organizations and would take into account the various comments made. Concerning the follow-up process, Luxembourg would conduct it in cooperation with civil society, and report regularly to the Council on the progress made in this regard. Regarding detention conditions, Luxembourg reiterated what was during the review in December and mentioned in the national report. Regarding violence against women, measures had already been put in place to address this issue in legislation and the national plan for 2009-2013.

310. The Representative also said that he took to heart the active participation by everyone in the UPR and thanked the Secretariat of the Office of the High Commissioner for Human Rights for its support, the members of the troika who played a helpful part in the process, all Member States for their recommendations and civil society. The promotion and protection of human rights remained a continuing challenge for all States and the entire international community. Luxembourg was not above criticism and its endeavours for the universal respect of human rights should not dispense from national efforts it would expect from others. Luxembourg would continue to endeavour to maintain its efforts overcoming difficulties where they existed, and the UPR established to that end an important roadmap to those goals. In cooperation with the international community and civil society, the Government of Luxembourg would tirelessly continue to ensure progress in a system which should always be ready to take on new challenges, and would continue to work towards improving human rights in the country.

Barbados

311. The review of Barbados was held on 3 December 2008 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents: the national report submitted by Barbados in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/3/BRB/1); the compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/3/BRB/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/3/BRB/3).

312. At its 28th meeting, on 18 March 2009, the Human Rights Council considered and adopted the outcome of the review on Barbados (see section C below).

313. The outcome of the review on Barbados is constituted of the report of the Working Group on the Universal Periodic Review (A/HRC/10/73), together with the views of Barbados concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/10/73/Add.1).

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

314. The delegation of Barbados in its statement recognised the efforts of the Office of the High Commissioner for Human Rights in providing member states, especially small delegations like itself, with information and guidance in preparing for the UPR follow-up process. It acknowledged the work of the troika of Japan, the United Kingdom and South Africa, which it said provided Barbados with a clear sense of the recommendations proposed by delegations.

315. The delegation said the Government and people of Barbados have always been cognizant of the need to ensure, at the minimum, the basic level of human rights protection for all citizens of the world. The preparation of the report and the consideration of the recommendations for the present session reinforced this view and proved to be a valuable tool for Barbados to collectively examine its domestic system for the protection of human rights and its international obligations. This assessment exercise provided opportunities, where necessary and practicable, to enhance and improve certain areas of its human rights architecture.

316. It was clear, the delegation added, that Barbados would require international financial support and technical assistance from the OHCHR, other international institutions and the member states of the United Nations to establish and maintain certain aspects listed in the recommendations. It called on the international community to support Barbados and other developing countries in this regard.

317. As a small island developing country with all the associated economic, security and environmental vulnerabilities, Barbados must approach this process realistically and commit only to those actions which are within its ability to undertake and maintain, it said. Consequent to this, the Government of Barbados could not commit, in the short-term, to signing new treaties without undertaking a thorough assessment of the nature of the responsibilities involved. Barbados will however continue to give thoughtful consideration to signing and ratifying those treaties and optional protocols that are within the limits of its capability and where the reporting obligations are not excessively onerous.

318. The delegation gave its assurance that Barbados intends to improve on its human rights reporting record and accepts the recommendation to do so. It conceded however, that human resources constraints remain the major impediment to timely reporting and said it would continue to support any capacity building initiatives developed by the OHCHR to assist developing countries in this regard. It added that Barbados was attempting to establish a human rights unit within the Ministry of Foreign Affairs and Foreign Trade and it looked to organizations and member states with expertise in this area, for guidance and assistance.

319. It said the Government has undertaken a thorough analysis of the recommendations emanating from the UPR and the Cabinet of Barbados took a number of important decisions relating to human rights. The Cabinet of Ministers agreed to the abolition of the mandatory application of the death penalty and is in the process of amending the relevant laws to reflect this. The death penalty, however, remains as a sentencing option. Barbados is unable to accept the recommendation of its total abolition at this time. It noted that opinion polls and surveys taken in the country show that public sentiment strongly favours retention of the death penalty.

320. As reflected in the formal responses to UPR recommendations in the addendum to the Working Group report, Barbados is actively looking at further revising its Constitution and updating its legislation to conform to its treaty obligations. As this exercise unfolds it will endeavour to keep the Council updated on progress and of any assistance required with regards to legislative drafting.

321. The Cabinet of Ministers of Barbados has recently considered a number of proposals to further enhance its human rights profile. These include a proposal to evaluate for implementation, the recommendations of the Constitutional Review Commission, especially in those areas that will enhance the country's profile as a staunch defender of human rights. The Cabinet was also asked to consider drafting legislation on discrimination and torture, and further legislation on sexual harassment in accordance with Barbados' treaty obligations. In addition, the Cabinet has been requested to consider a method for the establishment of an independent National Human Rights Commission and to consider providing the Bureau of Gender Affairs with an increased level of human and financial resources, within Government's limitations, to enable it to contribute efficiently to the promotion and protection of women's rights. The Cabinet subsequently referred all of these matters for further consideration to the Governance Committee chaired by the Attorney General.

322. Further consideration will also be given to the topic of migration and movement of persons and the rights of such persons, since the Government has already established a Cabinet Sub-Committee on immigration and hopes to have in 2009, a fully revised and comprehensive migration policy. This will involve the drafting of relevant legislation and the ratification of appropriate treaties.

323. The delegation noted that Barbados had received a number of recommendations from member states which they considered could enhance the domestic architecture of human rights protection. Given the impact of the global economic challenges on all economies, especially the smallest and most vulnerable, it asked that the Government's efforts to adopt these recommendations, where possible, be taken into account. There are some recommendations which the Government of Barbados was not, at this time, prepared to accept but that it had taken serious note of.

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

324. The United Kingdom of Great Britain and Northern Ireland said it was pleased to be on the troika during the review of Barbados during which it was able to closely observe the serious manner in which Barbados approached the review. It was impressed by Barbados' conduct during the review and its high-level delegation. It thanked the State for the serious consideration given to all of the recommendations made, including those by the United Kingdom. It was pleased that Barbados was able to accept a significant number of recommendations and looked forward to its ongoing engagement with the UPR process through their implementation.

325. The Bahamas commended Barbados for its commitment to the promotion and protection of human rights and for the progress made, particularly with respect to social and economic indicators. It congratulated Barbados for its constructive approach to the UPR process and the work of the Council, as demonstrated by its full and frank participation in the Working Group

session and the presentation of its response to the report thereof. As a fellow small island developing state, the Bahamas understood well the constraints faced by Barbados in its continuing efforts to implement its obligations under international human rights instruments. The Bahamas encouraged the international community to heed Barbados' request and provide the necessary support and assistance for enhancing national capacity and to assist Barbados in continuing to implement its human rights obligations and the recommendations emanating from the UPR process which it has committed to implement.

326. Mexico acknowledged Barbados' high level of acceptance of the recommendations made in the Working Group. It highlighted the serious consideration given to those recommendations that it could not accept immediately and trusted that Barbados would progressively advance in the consideration and acceptance of these recommendations. It appreciated the commitment demonstrated by Barbados to the UPR and its objective evaluation and openness during the review process. It commended Barbados' acknowledgment of the challenges as well as achievements in advancing human rights, and its commitment to confronting them. Mexico considered Barbados to be an outstanding example within the Caribbean region and appreciated its sharing of experience during various regional seminars. Mexico encouraged efforts made concerning the implementation of the recommendations, and hoped Barbados would be supported by the international community in this regard. Mexico congratulated the Government for the steps that it had already taken in implementing these recommendations, including institutional and legislative measures. Finally, Mexico recalled the importance of the role of the Council and the international community as a whole, in supporting the efforts being made by Barbados to improve the human rights situation in the country.

327. Cuba acknowledged Barbados' high level of acceptance of the recommendations made in the framework of the UPR and its efforts to follow up on them. Cuba commended the efforts made by the Government of Barbados, notwithstanding the challenges it faces, as a developing country, due to material and financial constraints. Despite these challenges, Barbados continues with its firm intention to cooperate with the human rights system of the United Nations and the UPR in particular. Cuba called on the international community to positively consider the request made by Barbados for technical support.

328. Japan, as a member of the troika for Barbados, congratulated it on its constructiveness in preparing for and conducting the review. It said the Government of Barbados had shown its firm commitment to improving its human rights situation. It expected that the recommendations which enjoyed the support of the Government would be fully implemented and it encouraged the Government to continue its maximum efforts to improve the human rights situation, taking into account the concerns of the international community. It expressed its belief that the serious stance of the Government would lead to concrete implementation of the recommendations and improve the country's human rights situation.

329. Algeria reiterated its appreciation for the high quality of the Barbados national report on the human rights situation in the country. It said it was highly encouraged by efforts to protect and promote human rights and good governance. It noted the challenges facing this small island developing state and it strongly supported the appeal by Barbados to the international community for technical and financial assistance to support its efforts to implement its human rights commitments.

3. General comments made by other relevant stakeholders

330. On behalf of the Canadian HIV/AIDS Legal Network and the International Gay and Lesbian Human Rights Commission, the Canadian HIV/AIDS Legal Network expressed appreciation for the constructive approach of the delegation and the consideration given to all recommendations. With reference to the recommendation on the decriminalisation of consensual adult same-sex conduct, it noted Barbados' comments in relation to social pressure against such decriminalization, but emphasised, that human rights must never become a popularity contest, and indeed international guarantees of non-discrimination are designed precisely to protect the rights of unpopular minorities. Stating that the UPR is based upon relevant international legal standards, it noted that in May, 2007, the United Nations Human Rights Committee in its concluding observations specifically stated that Barbados should decriminalize sexual acts between adults of the same sex and take all necessary actions to protect homosexuals from harassment, discrimination and violence. It urged the delegation to act upon the Committee's recommendations as soon as possible, citing also comments by the High Commissioner for Human Rights in this regard. The Canadian HIV/AIDS Legal Network welcomed Barbados' commitment in its response to "protecting all members of society from harassment, discrimination and violence regardless of sexual orientation", and indicated it would appreciate hearing from the delegation what measures it proposes to ensure such protection. It also welcomed the government's support for the historic OAS resolution in 2008 on "human rights, sexual orientation and gender identity" and hoped that this commitment will ensure a better future for the whole of the community in Barbados.

331. The Cercle de Recherche sur les Droits et les Devoirs de la Personne Humaine (CRED) congratulated Barbados, a small island developing state, for achievements in the promotion and protection of human rights which could stand as an example. CRED welcomed Barbados initiatives to adopt new legislation on integrity. It said this initiative should set an example for other nations and wished Barbados success. It hoped Barbados would be at the forefront of States in favour of adopting the Universal Declaration of Human Responsibilities.

4. Concluding remarks of the State under Review

332. In closing, Barbados thanked delegations and other stakeholders for their constructive comments and expressions of support, adding that it took careful note of all concerns and comments expressed. Barbados reiterated that it had approached the review and recommendations in a serious and realistic manner and considered that a number of short-term, medium-term and long-term objectives were to be undertaken.

333. The delegation stated that Barbados was taking the necessary steps within available means towards fulfilling these commitments, which it considered would further enhance and reinforce the promotion and protection of the human rights of its citizens. It reiterated the Government's continued commitment towards the review process and expressed confidence that, with the support and encouragement of the international community, Barbados would be able to further honour its international obligations and continue to contribute to the strengthening of the international human rights system.

Montenegro

334. The review of Montenegro was held on 3 December 2008 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents: the national report submitted by Montenegro in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/3/MNE/1); the compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/3/MNE/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/3/MNE/3).

335. At its 28th meeting, on 18 March 2009, the Human Rights Council considered and adopted the outcome of the review on Montenegro (see section C below).

336. The outcome of the review on Montenegro is constituted of the report of the Working Group on the Universal Periodic Review (A/HRC/10/74), together with the views of Montenegro concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/10/74/Add.1).

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

337. H.E. Miras Radovic, Minister of Justice of Montenegro stated that it was a great honour to be again in the United Nations and to take part in the debate regarding the human rights situation in Montenegro within the Universal Periodic Review.

338. He recalled that Montenegro had achieved enormous progress in the field of human rights since its independence was restored on 21st May 2006 and that it had the pleasure to receive the recommendations of the States at the Working Group involved in the review process. It had taken these recommendations as well-meaning.

339. In compliance with the procedure, Montenegro responded to the recommendations from the Draft Report of the Working Group. Montenegro proceeded to draw attention to the overview of the most important activities undertaken in the period since the presentation of the National Report, which are in line with the given recommendations.

340. The Parliament ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and in the required time framework it will establish the effective national mechanism for prevention of torture. The Government adopted the Proposal of the Law on Ratification of the Convention on the Rights of Persons with Disabilities.

341. The Government appointed the Agent to represent Montenegro in the European Court of Human Rights in Strasbourg and thus fulfilled another important international obligation in the field of the protection of human rights and freedoms.

342. In the field of combating corruption, Montenegro has undertaken significant activities, including the passing of the new Law on Preventing Conflict of Interests. During 2008 judicial bodies made obvious progress in solving corruption cases. The latest examples of cases

processed involved persons of high official rank, some of them even holding offices in the judiciary, and the intensification of the courts' work in dealing with cases of corruption, clearly reflected the intention of the judiciary to be a determined factor in fighting this damaging social phenomenon.

343. The Law on Protection of Personal Data has been adopted and an independent supervisory body will be established with the task of controlling the implementation of this Law.

344. The Parliament adopted the Law on Foreigners thereby creating the preconditions for the establishment of an efficient system for visas, and migration.

345. The Working group for monitoring the implementation of the National strategy for fighting trafficking in human beings adopted the Action plan for 2009. This strategic document incorporated the recommendations of all international organizations. The Judiciary also attached adequate importance to the criminal cases of trafficking in human beings and imposed punishments proportionate to their gravity.

346. The Bureau for the Care of Refugees is preparing for the re-registration of internally displaced persons residing in Montenegro, which is to be conducted in the first half of 2009. Several municipalities would allocate land for the construction of housing units for displaced persons. The process of repatriation of 29 families displaced from Kosovo has started. Montenegro accepted the recommendation to invite the international community to provide technical assistance and financial support in the implementation of the Strategy leading to a sustainable solution of the issue of refugees and internally displaced persons. This was a confirmation that the international community has not forgotten that in the 90s Montenegro opened its doors to a large number of persons from war stricken areas.

347. Montenegro was satisfied with the permanent progress in the implementation of the Strategy for inclusion of Roma population in Montenegrin society. The building of 50 flats has already started in two municipalities. In one Municipality the housing issue of this population will be completely solved in this way. It also mentioned that this was the municipality where all Roma children go to school. We are also satisfied with the preliminary results of the project of the education of the Roma, Ashkalia and Egyptian (RAE) population implemented with the Red Cross and UNHCR.

348. The Draft Law on Prohibition of Discrimination has been prepared and would soon be submitted to the Government for adoption. Montenegro also referred to the conclusions of the Committee for Elimination of Racial Discrimination adopted on 16th February 2009, which, inter alia, welcomed the fact that Montenegro adopted numerous legislative and administrative measures aimed at establishing the framework for promotion and protection of human rights.

349. Montenegro provided information on the Action plan for achieving gender equality 2008-2012, which envisaged preparation of the Forum for dialogue with the civil sector to be organized three times a year with the view to establishing dialogue and the transfer and exchange of information and views between the Government and the non-governmental sector. In March this year, one of Montenegro's private universities will start enrolling the first generation of students in the „Gender Studies School“. The campaign „16 Days of Activism against Domestic Violence“, started in cooperation with international organizations in late November 2008 and

continued in 2009. Drafting of the Initial Report on the Implementation of the Convention on Elimination of All Forms of Discrimination against Women, coordinated by the Ministry for the protection of human and minority rights, was in progress.

350. Conditions for exercising the freedom of the media a good environment for freedom of expression have been created in Montenegro. The Parliament adopted the new Law on Public Broadcasting Services after the implementation of the old law showed that certain issues important for the work of public broadcasting services had not been regulated or regulated in an adequate manner.

351. Regarding the recommendation of several states to undertake effective measures to investigate attacks on journalists and protectors of human rights, Montenegro stated that in the case of the criminal offence of homicide of the Director and Editor-in-Chief of the daily „Dan“ the trial was in progress and in three cases of assaults on journalists the criminal procedures had been completed. In two of the cases, there were final judgments and prison sentences imposed, while in the third case the trial had finished and the judgment will soon be announced.

352. Judicial authorities were also conducting criminal procedures in four war crime cases. In three of them indictments had been brought, while the fourth one was at the investigation stage aimed at supplementing the request for conducting the investigation proposed by the competent state prosecutor. Work on these cases had intensified. In the first of the cases the trial was in progress, in the second it was scheduled and would start this month, while the third case was at the stage of deciding on the objections to the indictment. In all of those three cases it was decided that the defendants be held in detention.

353. Court proceedings for the damages in 42 litigations initiated in relation to the event of „Deportation of Muslims“ from 1992 had been finalized through a settlement between the plaintiffs and the Government of Montenegro. The plaintiffs settled for an amount of €4,135,000. Montenegro stated that this example of the treatment of the victims from the time of war events in the Region could serve as an example for solving the open issues that burdened bilateral relations.

354. Montenegro fully accepted the recommendation to work more intensively on passing the Law on Protection from Domestic Violence and to establish close cooperation with non-governmental organizations in the procedure of passing this law. According to the Government's agenda, the Draft of this Law would soon be put forward for public consultation. Montenegro stressed that in this field judicial bodies have been committed to solving the cases involving the criminal offence of domestic violence. Courts had already decided on several hundreds of such cases.

355. Montenegro referred to the richness of activities in implementing the Action plan for the implementation of the Strategy for the Reform of Judiciary with the Report on the Implementation of measures from the Action Plan for the second half of 2008 currently under consideration and the high level of measures completed, particularly in the field of strengthening the independence and efficiency of the judiciary. Montenegro was working on improving the capacities of the Judicial Council, the body defined in the Constitution, to ensure independence and autonomy of judiciary. A similar situation existed with the Council of Prosecutors, the basic function of which is to guarantee independence of the organization of state prosecutors.

356. Montenegro attached the highest importance to the efficiency of judicial bodies. The Proposal of the Criminal Procedural Code had been adopted by the Government. It created preconditions for the efficient work of judicial bodies in the criminal procedure by transferring the investigation from the courts to the prosecutors and introducing an alternative dispute resolution system. Last year the courts increased their efficiency in solving the issue of backlog of cases and the clear trend was to continue with such an approach.

357. The delegation regretted that time did not permit for an elaboration of a number of other activities undertaken in the field of the judiciary, and reforms in other sectors.

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

358. The United States of America welcomed Montenegro's efforts to incorporate human rights into its Constitution and the recent creation of an ombudsman institution for the protection of human rights and a Judicial Council to strengthen judicial bodies and ensure their independence. It noted the concern documented in the Working Group report by a number of delegations about attacks and threats against journalists and appreciated Montenegro's expressed commitments to protect media freedoms and its continuing efforts to investigate these attacks and prosecute them. The delegation noted that trafficking in persons is a problem in Montenegro, and welcomed the Action Plan for the Fight against Human Trafficking adopted in December 2008 as a positive step to improve protection of victims and prosecution of perpetrators. It also appreciated Montenegro's efforts to coordinate its anti-trafficking efforts with other countries in the region. It supported the recommendations in the Working Group report with respect to minorities, including the Roma, and the need for full protection of their rights under the law and in practice.

359. Albania emphasized that Montenegro is a functioning democracy, a factor in regional stability and a trustworthy partner. It noted that Montenegro's report was testimony to its immense progress in the promotion and protection of human rights and the modernization of its society. It also noted Montenegro's clear replies, its genuine commitment to bring the country into line with the recommendations made and, in particular, the clear objectives set for the future of the country. Albanian and Montenegrin police and justice institutions work closely together, with the support of European colleagues, in combating trafficking and organized crime in both countries. It noted that the Albanian minority in Montenegro was a bridge of friendship between them and enjoyed all the freedoms of a democratic society. In the Balkans, an area which has often suffered ethnic problems, this fact represented a giant step towards peace and prosperity. Albania noted with satisfaction that Montenegro has provided guarantees for fundamental rights and freedoms and has embarked on the right path towards a brighter future for its citizens.

360. China appreciated Montenegro's sincere and responsible attitude during the UPR and thanked them for their cooperation throughout the whole process. China noted with appreciation that Montenegro has overcome all the difficulties that emerged during the initial stage of the establishment of the country and has achieved a lot of progress in protecting and promoting human rights. Montenegro has a fairly complete constitutional and legal framework, has established a Unit in charge of protecting minority rights and an ombudsman and has implemented various national strategic plans on gender equality, protection of persons with disabilities and of minorities. It noted that Montenegro had already launched new measures on the prohibition of torture, combating of human trafficking, and protecting vulnerable minority

rights. China believed that Montenegro will continue these efforts and continue to implement in all sincerity the feasible measures put forward by member states during the UPR, and with assistance and support of the international community, achieve greater progress in human rights' area.

3. General comments made by other relevant stakeholders

361. Amnesty International (AI) welcomed many of the recommendations, including calls for the protection of minorities. In referring to Montenegro's obligations under the ICESCR, AI urged the Government to prioritise fulfilment for all members of the RAE communities, without discrimination, for the rights to free and compulsory primary education, access to employment and essential primary health care, and to basic shelter and housing. When allocating resources, AI stated that the Government should prioritise the most vulnerable and should seek international cooperation and assistance where necessary to meet these basic obligations. It welcomed recommendations relating to the clarification of the legal status of refugees and "internally displaced persons" (IDPs). It noted that persons originating from Kosovo continue to be defined as IDPs rather than refugees, and that many of those who arrived after 2003 have not been granted access to a process whereby they may be registered as IDPs. It noted that as a result, they remain in danger of statelessness. AI noted that the authorities have been negotiating with the authorities of Kosovo the return of RAE persons to Kosovo. It urged the authorities to ensure that such individuals be allowed to challenge the decision to apply a cessation of protection in their case, and expressed the view that they should also be allowed access to a process to assess their continued protection needs in order for non-refoulement obligations to be met. While welcoming the addendum to the report of the Working Group in which Montenegro provides further information on the 20 recommendations made by States, AI encouraged Montenegro to indicate clearly which of these recommendations it supports, as required by paragraph 32 of the institution-building package.

362. Circle of Research into Rights and Duties of the Individual, (CRED) appreciated Montenegro's replies to the recommendations made within the framework of the Working Group of the Universal Periodic Review. CRED noted with great interest the replies to recommendation 6, including the initiative taken by the Government to approve draft legislation prohibiting discrimination, in the first quarter of 2009. CRED drew the Government's attention to the fact that the draft law addresses 12 precise grounds for discrimination, but it does not include the case of discrimination linked to political choices and associations of the individual. It also noted that some human rights' violations are committed against members of political parties or the opposition and unions. CRED recommended to Montenegro to include these forms of discrimination in the draft law and ensure that these rights are properly promoted. It also encouraged Montenegro to take part in the promulgation of a universal declaration of duties of the individual.

4. Concluding remarks of the State under Review

363. Montenegro thanked delegations and expressed the significance of the UPR process for Montenegro. Responding to some of the recommendations made it referred also to responses previously provided.

364. Montenegro referred to activities undertaken with regard to the protection of Roma populations and emphasized the strategy for social inclusion of Roma and expressed a readiness to ensure all the rights of the Roma. Montenegro noted progress especially in terms of education because a significantly larger number of children attend school than five years ago. Montenegro stated the future need to take all possible activities to eliminate barriers and to enable, inter alia, the social inclusion of the Roma population.

365. With regard to refugees, Montenegro indicated, inter alia, that it did not consider that it would reach a situation of having stateless persons in the country.

366. Montenegro stressed that several institutions have had an opportunity to conclude that trafficking in persons is not a problem at the present and that the judicial bodies of Montenegro dealt with cases of trafficking of persons appropriately and pronounced sentences that were adequate to the severity of the committed offenses.

367. In response to a statement by Amnesty International regarding which recommendations Montenegro accepted and not, Montenegro noted that it did not reject any of the recommendations. Montenegro had given its responses and noted the goal of developing and strengthening human rights in the country. It considered the recommendations well intended and would be of decisive significance for the development of the legal system. It believed that in four years time we would be very satisfied with the situation of human rights in the country and in the region.

United Arab Emirates

368. The review of United Arab Emirates was held on 4 December 2008 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents: the national report submitted by United Arab Emirates in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/3/ARE/1); the compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/3/ARE/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/3/ARE/3).

369. At its 29th meeting, on 19 March 2009, the Human Rights Council considered and adopted the outcome of the review on United Arab Emirates (see section C below).

370. The outcome of the review on United Arab Emirates is constituted of the report of the Working Group on the Universal Periodic Review (A/HRC/10/75), together with the views of United Arab Emirates concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group.

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

371. The head of the delegation of the United Arab Emirates, Dr Anwar Mohammad Gargash, Minister of State for Foreign Affairs, reiterated the UAE's belief in the UPR process, and its

determination about improving its own human rights record and contributing effectively at the global level. This aspiration stems from its cultural heritage and religious values, which enshrine justice, equality and tolerance.

372. He presented the "UAE's Action Plan to Implement Voluntary Commitments and Accepted UPR Recommendations on Human Rights Issues", which was designed, through a dialogue involving federal and local governments, and civil society organizations (CSOs), to determine the scope of work, take follow-up action on the implementation process and submit periodic status reports.

373. In addition to nine voluntary commitments made by the UAE, the Working Group on the UPR, in its report A/HRC/10/75, made 74 recommendations, at its third session in December 2008. While 36 were accepted and 17 considered for detailed study, the rest did not enjoy the country's support because of several social, cultural and legal factors.

374. Steps taken to realize, since December 2008, voluntary commitments and recommendations, include: a) ratification of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (known as the Palermo Protocol), in February; b) Preparation of a study, by a government committee, which has been presented to the Cabinet to consider acceding to the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, as well as protocols of the United Nations Convention on the Rights of the Child; c) Signature of the United Nations Convention on the Rights of Persons with Disabilities and the additional protocol, which are in the process of being ratified; d) Starting of a series of human rights-related workshops to benefit from international best practices: A workshop was held in February in cooperation with the International Organization for Migration to improve the knowledge of human trafficking by law enforcement officials. The UAE tackles concerns related to temporary contractual workers with the International Labour Organization through, inter alia, the initiative "Decent Work Country Program"; e) The government has initiated a study of human rights commissions in various countries to help formulate its own national institution, in line with the Paris Principles; f) A national media campaign to enhance public awareness about human trafficking is being worked out; g) Two new related institutions have recently been set up: the Human Rights Department under the Ministry of Interior and the Dubai Community Development Authority.

375. In relation to recommendations 2, 3, 6, 25, 32, and 36, mentioned under paragraph 91 of document A/HRC/10/75 and dealing with strengthening human rights mechanisms, the UPR Committee (a multidisciplinary body chaired by the Minister of State for Foreign Affairs described at page 4 of document A/HRC/WG.6/ARE/1) is studying various measures in line with UAE beliefs and traditions, particularly Islamic Sharia, and in coordination with relevant authorities. The Federal National Council, the country's parliament, will review these measures. For instance, workshops and training sessions would be conducted to draw up a national strategy to spread a human rights culture. An action plan to raise awareness on human rights-related labour issues was outlined by the Ministry of Labour in January 2009, in coordination with 17 government departments and the private sector. Furthermore, official invitations have been sent to Special Rapporteurs on the sale of children, child prostitution and child pornography, and on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. The visits are expected to take place in 2009.

376. On recommendations 4, 8, 19 and 34, the UAE is actively considering introducing human rights education for students in Grades 1 to 12. Further, to commemorate the 60th anniversary of the Universal Declaration of Human Rights, the Higher Colleges of Technology is organizing a series of lectures.

377. With regard to recommendations 10 and 31, the UPR Committee has encouraged CSOs' participation in both the build-up and compilation of the UPR national report, as well as the Action Plan. The Ministry of Social Affairs will establish a standing forum with CSOs to facilitate dialogue and understanding. In February 2009, Du, the country's integrated telecom operator and the Ministry of Social Affairs jointly launched Musahama, a comprehensive Web portal for CSOs in the country.

378. Regarding the rights of temporary contractual workers mentioned in recommendations 7, 9, 14, 18, 21, 22, 27, 28 and 35, the Ministries of Labour and Interior continue to strengthen laws on the working and living conditions of expatriate workers. A domestic workers law, which will positively impact women, is in a very advanced stage. Other measures will include the signature of memoranda of understanding and the reinforcement of the cooperation with labour-exporting countries, and the launch of a pilot project focussing on the difficulties faced by expatriate workers. The Government also created an agency to monitor complaints about unpaid wages and regulate wage-related conflicts involving expatriate workers.

379. On recommendations 16 and 23, the UPR Committee, in coordination with the National Committee to Combat Human Trafficking, will strengthen Federal Law 51 and be part of bilateral and international efforts to combat this crime. Other steps include: 1) In January 2009, the Cabinet issued orders to increase the number of prosecutors to the National Committee to Combat Human Trafficking. 2) Still in January, 80 police and judicial officials held a brainstorming session to discuss the national strategy on human trafficking. 3) Training of 15 law enforcement officials was received abroad. These efforts are making a difference: at least 15 cases, with a minimum of six convictions, were registered last year as opposed to 10 cases in 2007. 4) The "Global Report on Trafficking Persons" – released in February 2009 by the United Nations Office on Drugs and Crime – was funded through a donation from Sheikh Mohammed bin Zayed Al-Nahyan, Crown Prince of Abu Dhabi. 5) On child camel jockeys, a matter that the UAE considers as closed, the Ministries of Social Affairs and Interior, in coordination with the country's Special Committee for Rehabilitation of Camel Jockeys and UNICEF, continue the follow-up with concerned countries. 6) The UAE will invite the Special Rapporteur on trafficking in persons, especially women and children, to visit the country.

380. On recommendations 13 and 30, the UAE will study ways of further protecting women's rights, in coordination with relevant authorities, especially the General Women's Union. The Ministry of Social Affairs is also taking steps to ensure that women-related human rights issues are respected, particularly by launching awareness programmes. Furthermore, resources for the Dubai Foundation for Women and Children and the Abu Dhabi Shelter, established in 2007 and 2008 respectively, have increasingly been made available and utilized as well.

381. With regard to recommendations 11 and 12 pertaining to children's rights, the Ministry of Social Affairs, in consultation with the concerned departments and CSOs, is studying a draft law to guarantee better protection for children, including the creation of juvenile justice courts. In

addition, an initiative to create the first local CSO to protect children rights was announced recently, and a department for the welfare of orphans has already been set up.

382. With regard to recommendations 1, 17 and 20, a new draft law on media freedom, approved in February 2009 by the Federal National Council, protects journalists from being imprisoned. The 45-article draft law, which is awaiting constitutional clearance, replaces the 1980 law and specifically refers in Article 2 to the freedom of expression and opinion, whether written, verbal or by other means and, in Article 3, to the fact that there is no prior censorship of licensed media. The law does not make it mandatory for journalists to reveal their sources, and media offences will be dealt with as civil cases, not criminal.

383. On the development of remote regions mentioned in recommendations 15, 26 and 33, the Government has implemented a number of vital projects. A committee, set up in 2005, continues to study infrastructure needs for remote areas, including projects related to construction of houses, roads, health centres and schools.

384. On recommendation 24 related to knowledge exchange, the UPR Committee is working on the modalities of organizing workshops and seminars with interested countries.

385. Among 17 recommendations that were categorized as being 'under study', the UAE identified recommendations 1, 5, 6, 7, 8, 9, 11, 12 and 17 mentioned under paragraph 92 of document A/HRC/10/75, as being in direct contradiction with the UAE's Constitution, religious code, traditional values and national interest, hence not enjoying the country's support. The remaining eight recommendations – 2, 3, 4, 10, 13, 14, 15 and 16 – continue to be under study.

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

386. Algeria expressed appreciation regarding the positive response by the United Arab Emirates to the Algerian recommendation on the organisation of trainings and seminars on human rights for law enforcement authorities in charge of combating terrorism. The UAE have voluntarily accepted UPR recommendations, which is a proof of their commitment to ensure equality and social justice for all, to spread a culture of human rights, to improve the situation of women and migrant workers and to combat human trafficking.

387. Bahrain commended the positive steps taken by the UAE to implement a number of UPR recommendations and welcomed UAE's accession to the Palermo Protocol. Bahrain commended efforts to combat human trafficking and its contribution to the publication by the UNODC, in 2009, of the world report on trafficking in persons. Bahrain expressed appreciation for the invitation to the Special Rapporteur on the sale of children to visit the country in 2009.

388. Cuba congratulated the UAE for its commitment to the UPR. A country of peace and solidarity and a member of the Non-Aligned movement, the UAE demonstrated commitment for the implementation of economic and social rights. Cuba added that at the WG on UPR in December 2008, the UAE provided detailed information and exchanged opinions with all countries. Cuba emphasized the improvement of the living conditions of migrant workers, especially with regard to health, housing rights and dispute settlement. Finally, Cuba welcomed the decision of the UAE to accept its recommendation.

389. Pakistan thanked the delegation for presenting a comprehensive National Action Plan, which seeks to implement UAE's voluntary commitments and UPR accepted recommendations. Specific steps were taken such as the ratification of the Palermo Protocol, the commitment to sign the Convention against Torture and the protocols to the Convention on the rights of the child, and early ratification of the Convention on the rights of persons with disabilities. Regarding expatriate workers, Pakistan was encouraged to see appropriate responses that seek to ensure improvement of working hours and accommodation facilities, new procedures of labour disputes as well as introduction of comprehensive compulsory insurance policy.

390. The Syrian Arab Republic appreciated the cooperation that the UAE have extended to the UPR mechanism and to all other United Nations human rights mechanisms. The UAE presented a comprehensive national report and participated professionally to the review. The UAE have made great efforts to comply with the recommendations, in particular by extending an invitation to the Special Rapporteurs on contemporary forms of racism, and on the sale of children, and by acceding to the Palermo Protocol.

391. Egypt said that the accepted recommendations demonstrate the efforts deployed in the promotion of human rights. Egypt emphasized the climate of religious tolerance, where all religious and cultural particularities are respected. The UAE have ensured a climate of freedom to all religions allowing the communities to practice their faiths and traditions and to follow their own education systems. The Government has offered free lands allowing schools and cemeteries for other religions.

392. Saudi Arabia indicated that the UAE accepted the majority of recommendations, demonstrating their commitment for human rights, especially women's rights. The UAE ratified the CEDAW and developed the legal basis to eradicate the problem of violence against women. Saudi Arabia noted that the UAE have taken a number of steps to ensure social services, including education and health, and commended their efforts to protect these rights.

393. Morocco commended the UAE's national action plan for the implementation of UPR recommendations. The UAE accepted most of the recommendations, including the one made by Morocco, aiming at putting in place a national strategy to disseminate a culture of human rights and to ensure the long-term protection of rights. Women issues have a central role in development strategies and the General Women Union plays an active role in promoting the rights of women. The UAE have taken initiatives to harmonise national laws with international commitments, and have acceded to the CEDAW and the Palermo Protocol.

394. Oman thanked the United Arab Emirates for their constructive cooperation with the UPR and their positive engagement with the recommendations. It paid tribute to the UAE for the positive measures taken, including their voluntary commitments and the national action plan.

395. Kuwait noted the constructive approach for the implementation of UPR recommendations, which proves that the UAE are interested in cooperating with international mechanisms, in particular the Human Rights Council. The UAE largely accepted the recommendations, notably as regards religious freedoms, education and health systems, strategies to promote sustainable development and comprehensive reforms aiming at the improvement of labour conditions and the promotion of workers rights. Kuwait commended the national action plan, which aims at

implementing the UPR commitments and recommendations with the participation of the civil society.

396. Yemen thanked the UAE for accepting its recommendation on the enactment of a national law for the protection of children and commended it for the ratification of the Palermo Protocol. Yemen also commended the UAE for establishing a national committee to implement the UPR recommendations, and for inviting the Special Rapporteur on the sale of children to visit the country.

397. Qatar welcomed the UAE's action in tackling the vast majority of recommendations, in particular regarding the improvement of working and living conditions of contractual workers, the spreading of a culture of human rights and the inclusion of the perspective of equality between men and women. Qatar appreciated that, regarding the recommendation it has made on the reform of the 1980 law on publications and all other related laws to take into account the evolution of freedom of expression, a press and information law was adopted by the UAE and is soon to be promulgated by the Head of State. Qatar invited all relevant human rights mechanisms to provide the UAE with the necessary assistance.

3. General comments made by other relevant stakeholders

398. Geneva Infant Feeding Association (GIFA) said that the UAE has not yet adopted a national law on the marketing of breast-milk substitutes. GIFA said adopting a strong national law is necessary, as the UAE is a lucrative market for the baby food industry. It acknowledged improvements in maternity protection at work, but said paid leave is only 8 weeks; the UAE should ensure foreign workers are granted the same length, also harmonizing legislation throughout the Emirates. GIFA recommended all maternity hospitals, public and private, be certified baby-friendly as a condition for being allowed to function. It reminded the UAE that its report to the CRC is due since 2004, and that it has not yet ratified ICESCR.

399. Action Internationale pour la Paix et le Developpement dans la Region des Grands Lacs (AIPD) noted the positive response to numerous recommendations made, and welcomed the country's efforts on trafficking and related crimes. Significant progress had been made by the UAE in combating violence against women, the protection of workers' rights, and freedom of religion. The UAE's determination to promote the full enjoyment of economic, social and cultural rights is demonstrated through the civil society and Emirati associations, such as the Emirati Red Crescent or the Muhammad bin Rashed Al-Maktoum Foundation, particularly in the area of education and health for children in several African countries. It invited the international community to support the UAE in ratifying the Palermo Protocol.

400. World Federation of Trade Unions (WFTU) thanked the Government for the efforts made to improve the rights of workers, as well as the measures taken to protect migrant and domestic workers. It welcomed the fact that among the many recommendations adopted by the Government, there is a commitment to continue strengthening its labour law, improve the working conditions and the lives of workers, and in particular migrant and domestic workers, including a mechanism to deal with reports and complaints on discriminatory treatment. It requested the Government to examine the recommendations made to ratify the ICCPR and ICESCR, and to reconsider its decision not to accept the recommendations regarding the

unionizing of workers, collective bargaining, and the right to strike, as well as to consider ratifying ILO Conventions 87 and 98.

401. Arab Commission for Human Rights (ACHR) welcomed the fact that the UAE is looking into setting up an independent human rights commission pursuant to the Paris Principles, but asked for more information with regards to the timeframe envisaged, as well as level of participation of civil society in this process. It also welcomed the cancellation of jail sentences on press crimes, and recommended that this be extended to electronic media. Regarding political participation, it recommended the adoption of recommendation 78 of the report. It recommended the reform of the justice system to ensure its independence and welcomed the adoption of a mechanism to follow up on UPR recommendations. It also recommended that UAE supports OHCHR financially.

402. Hawa Society for Women (HSW) said it had been involved in all preparations of the review process, having submitted remarks and comments. It noted the question of the establishment of refuge centres to victims of trafficking, protection of women's rights, the promulgation of a national law to protect children and the creation of the institutional mechanism to provide attention to domestic workers victims of violence. HSW suggested using all available resources to develop a culture of respect, including the internet, and setting up a user-friendly reliable database.

403. Cairo Institute for Human Rights Studies (CIHRS) endorsed the pledges to reform the 1980 Law on Publications and all other related laws in the country, calling upon the UAE to lift the governmental control over press freedoms and to limit legal restrictions on the right to freedom of expression, including the right to political dissent and the right to receive information. It invited the UAE to ratify in a timely manner the ICCPR, ICESCR and CAT, to ensure the enjoyment of citizens to all civil and political rights, and to guarantee their active participation in public affairs. It said the UAE should ensure the creation of independent trade unions and political parties; restrictions on the establishment and work of all associations, including human rights NGOs should be lifted; the rights of internet bloggers, journalists and human rights defenders to express freely their views on public affairs should be ensured. CIHRS was concerned about discrimination against women, the right of children to a nationality without discrimination based on the parent's gender, and invited the UAE to amend its laws in this regard.

404. Interfaith International said the large influx of foreign workers and the achievement of certain goals related to economic rights, favoured a degree of tolerance among the population, the opening of temples, churches and other places of religious veneration. The UAE is one of the rare countries in the region that authorizes the construction of cemeteries for Christians and crematories for Sikh and Hindu minorities. It congratulated the UAE for the establishment of a standing forum and website for civil society; it encouraged the UAE to continue elaborating a program of compensation, rehabilitation and professional insertion of victims of trafficking, and to create a national strategy promoting a proper economic citizenship for migrant workers and members of their families.

405. Comité International pour le Respect et l'Application de la Charte Africaine des Droits de l'Homme et des Peuples (CIRAC) said they had been involved in the preparation of the UAE national UPR report, and provided remarks that were included. CIRAC also provided comments

on the recommendations made, and expressed its intention to cooperate in implementing the recommendations accepted by the UAE, in particular those related to ensuring good conditions for workers. CIRAC said it would participate in the dialogue on the follow-up to recommendations, especially on foreign workers, victims of trafficking, and persons released from prisons.

406. Indian Council of South America (CISA) commended the UAE for enacting Federal Law 51 in 2006, and for the establishment of a National Committee to Combat Human Trafficking. The UAE's contribution of USD 15 million to the United Nations Global Initiative to Fight Trafficking and its sponsoring of trafficking conferences in Vienna and New York were commendable. It called on the UAE to continue efforts to advance women in all levels of Government, to continue to protect foreign workers and provide human rights training in combating terrorism. It considered the UAE's commitment to accede to the CAT and to establishing a national human rights institution in accordance with the Paris Principles positive steps forward, urging the UAE to ratify other instruments and to continue to include civil society, journalists, and other sectors in the follow-up to the UPR process.

407. African-American Society for Humanitarian Aid and Development (ASHAD) emphasized the positive role played at regional and international levels by the UAE saying it had noted constant progress in the achievement of rights in the UAE, including women's rights. It noted that the UAE is at the top of the list of countries providing aid to others in cases of humanitarian disasters, and it paid tribute to the Red Crescent Society and all other associations for the tireless efforts made in this connection.

408. Cercle de Recherche sur les Droits et les Devoirs de la Personne Humaine (CRED) noted the UAE's rapid modernization and welcoming the Government's commitment to improving the human rights situation by sharing its experiences and seeking to draw on the best practices of the international community. It supported Canada's recommendation to uphold the freedom of expression of non-governmental organizations by amending the laws limiting it and repealing punitive sanctions.

4. Concluding remarks of the State under Review

409. The delegation of the UAE thanked the members of the Council for their appreciation and for their criticism also: all comments will help the UAE to further improve their human rights record, which has been commended by many speakers. Through this review, the UAE gained more awareness about the importance of capacity building and the involvement of the civil society. With regard to the UPR, the UAE noted that it is essential to build a credible and constructive process without merging human rights with pure political matters.

Israel

410. The review of Israel was held on 4 December 2008 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents: the national report submitted by Israel in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/3/ISR/1); the compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with

paragraph 15 (b) (A/HRC/WG.6/3/ISR/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/3/ISR/3).

411. At its 29th meeting, on 19 March 2009, the Human Rights Council considered the outcome of the review on Israel (see section C below).

412. The outcome of the review on Israel is constituted of the report of the Working Group on the Universal Periodic Review (A/HRC/10/76), together with the views of Israel concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group.

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

413. H.E. Aharon Leshno Yaar, Permanent Representative of Israel to the United Nations at Geneva indicated that Israel took very seriously its participation in the Universal Periodic Review as an opportunity for genuine introspection, and frank discussions within the Israeli system, despite their reservations about some aspects of the Council's work.

414. Israel thanked all delegations who engaged in the dialogue in good faith and have shared constructive comments, providing concrete suggestions and ideas. Israel indicated it has also appreciated the positive and supportive response received from numerous states throughout this process.

415. Israel further indicated it has given careful consideration to the recommendations. Certain recommendations reflect the challenges that Israel has already identified and is in the process of addressing, while others highlight aspects which will require more detailed consideration.

416. Israel announced that it agrees to adopt Recommendation 14, regarding the investigation of allegations of violence and killings allegedly committed by the police. Israel also agrees to adopt Recommendation 18 regarding the law on polygamy, and has recently re-instructed the Qaddi's of the Sharia Courts to refer every suspected case of polygamy to the Police; and it has also decided to adopt Recommendation 28 ensuring full protection to the rights of minorities.

417. Israel has also taken upon itself to promote the following items from the Council's recommendations:

- (a) the ratification of the Convention on the Rights of Persons with Disabilities;
- (b) ensuring best protection of human rights and follow-up to the implementation of international instruments;
- (c) considering strengthening dialogue with the Council and its special procedures, and the cooperation with all relevant United Nations special procedures and mechanisms.
- (d) redoubling efforts to increase women's representation in society;

- (e) continuing and strengthening its efforts to achieve gender equality in Government and public services at all levels. To this end, the newly elected Parliament – the Knesset, has 21 women, among the largest number of women members in Israel's history, and three more than in the previous Knesset;
- (f) ensuring prompt and impartial investigations of allegations of ill treatment, in accordance with its obligations under the Convention against Torture;
- (g) ensuring all cases are reviewed by a court in accordance with fair procedures;
- (h) granting the right to those who object to serve in the army on conscientious grounds to serve instead with a civilian body independent of the military, such as in the form of the newly established and strengthened Public Commission for National-Civil Service;
- (i) further addressing the remaining gaps between the various populations in the Israeli society;
- (j) Regarding minorities, Israel has the intentions to strengthen efforts to ensure equality in the application of the law, to counter discrimination against persons belonging to all minorities, to promote their active participation in public life, such as through additional Government Resolutions to raise the percentage of the Arab minority in the Civil Service;
- (k) Following the Universal Periodic Review Process, several measures are currently being implemented towards further promoting children's rights through several preliminary means: a draft bill on the establishment of a new youth court has been prepared and is currently under review and additional issues such as necessary adaptations to probation officers reports are evaluated.

418. While Israel also appreciates the spirit of the recommendation to protect the children and families of migrants, it does not consider that accession to the Convention on the Rights of Migrant Workers and their Families is required in order to achieve this goal, as under Israeli legislation, the rights of children and family members of migrants are already protected.

419. With respect to the recommendation calling for the acceleration of the process of bringing Israel's national legislation in compliance with the provisions of the main international instruments to which it is a party, Israel noted that while international treaties are not directly incorporated into Israeli legislation, given its dualistic system of law, it remains committed to ensuring that domestic legislation, policies and practice comply with its international commitments. Therefore, since treaties are not self-executing and require legislative implementation, Israel conducts careful consideration of whether, and to what extent the relevant international obligations are already met by existing legislation and case-law, and whether passing implementing legislation is needed prior to becoming a party to an international treaty. This process involves extensive and meticulous governmental work in order to assess the compatibility of new treaties with domestic law, and where necessary – to introduce relevant amendments to the law. Furthermore, Israeli courts recognize and apply a presumption of compatibility as an interpretive tool, assuming that the Knesset, when enacting new legislation, has no intention of derogating or deviating from international obligations, and therefore Israeli legislation should be interpreted in conformity with international law, unless an explicit intention

to the opposite exists. In addition, certain laws integrate some of the human rights treaties into Israeli legislation. It also noted that customary law, in contrast to treaty law, is considered part of the domestic law. It is binding without the need of transformation by a statute, unless it explicitly conflicts with an existing statute.

420. With regard to the recommendation to evaluate the possibility of ratifying the second optional protocol to the ICCPR on the abolition of the death penalty, Israel reiterated what was indicated in its national report, that while it is not in a position to ratify the Protocol, Israel has applied a de-facto moratorium on executions, and the only exception that has ever been implemented since Israel's establishment was in the case of the Nazi war criminal Adolph Eichmann in 1962, who was convicted by the Supreme Court of committing genocide under the 1950 punishment of Nazi and Nazi Collaborators Law. The death penalty has not been applied since. This policy complies with Israel's obligations as a state party under UN human rights treaties and its sponsorship of UN resolutions in support of a moratorium on the imposition of the death penalty.

421. Israel also takes note of the recommendation to intensify its efforts to ensure that human rights are respected in the fight against terrorism. This remains an ongoing challenge for Israel as it continues to confront the threat of terrorism. Israel is keenly aware of the need to find the complex balance between competing rights and other considerations in this regard, and remains ready and willing to share with other countries its experience and challenges.

422. Israel indicated it will make a concerted effort to incorporate civil society groups when considering how to further implement the recommendations received, and will continue to explore ways to engage with the members of civil society in the protection of human rights in Israel.

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

423. Palestine noted that none of the 12 recommendations it made on the basis of the principles of international humanitarian law and international human rights law had been taken into account by Israel. Palestine reminded that Israel was the occupying power of Palestinian and other Arab territories and had recently unleashed a savage attack against Gaza strip leading to thousands of deaths, destruction of homes, places of worship, hospitals and even United Nations buildings. Israel has been imposing a blockade on Gaza for two years, and has already started to demolish 80 other houses and displace more than 1500 Palestinians living in east Jerusalem. Due consideration should be given to the numerous appeals by the Secretary-General, the High Commissioner for Human Rights, by special rapporteurs, particularly the Special Rapporteur on human rights in Palestine, and the Presidents of the International Committee for the Red Cross and of the Federation of the Red Cross and Crescent, the head of UNRWA, the Undersecretary-General for humanitarian affairs, the Organisation of the Islamic Conference, the Non Aligned Movement, the Arab League, and international and Israeli organizations condemning practices of the occupying power and its violations of human rights. It highlighted calls for inquiry into war crimes committed by Israel against the Palestinian people and stated that Israel must comply

with its international humanitarian and human rights commitments which are applicable to the Palestinian territories including East Jerusalem. It added that the international community must uphold its moral and legal obligations and seek cessation of this occupation

424. Cuba indicated that during the review of Israel almost all delegations raised concerns about the situation of the Palestinian and Syrian Golan occupied territories, in particular regarding the human rights and humanitarian situation. Many recommendations were made to Israel, including by Cuba, in a spirit of cooperation. Cuba stated that Israel must recognize that the concept of democracy is not compatible with the situation of being an occupying power, negating the human rights of Palestinian people in the occupied territories and that the review must include the human rights situation in the territories. It noted that few days after the review, Israel unleashed military action against the Gaza strip. Cuba re-emphasized its recommendations and expressed hope that the requests of the international community be met with a view to achieving fair and lasting peace that would allow to build a better future of the people in the Middle East, guaranteeing the rights of the Palestinian people to live in a free, independent and sovereign State fully exercising their human rights.

425. The Syrian Arab Republic said Israel continues to pursue its violations of the most fundamental principles of humanitarian law in the Occupied Palestinian Territories and in the Occupied Syrian Golan. It highlighted that while it was presenting its national report to the Working Group, Israel was preparing its attacks on the Gaza strip, which took place few days after the review. It said the campaign of disinformation continued at the present session. It noted that Israel claimed not to have executed individuals, but said it has been responsible for the deaths on a daily basis of thousands of men, women and children. Israel has broken the record when it comes to violations of international resolutions, especially Council resolutions.

426. Egypt indicated that Israel's review shows that Israel chooses to ignore its commitments under international human rights and humanitarian law. Israel's national report ignored that it remains the occupying power of lands of three Arab countries, that since 1967 more than 20 percent of the Palestinian population has been detained by Israel and that it is currently engaged in building a wall of racial separation on Palestinian territories. Regarding the Syrian Golan, Egypt stated that Israel continues with the confiscation of lands and with imposing its citizenship on Syrian people. . Egypt repeated some of the obligations which it indicates that Israel is trying to avoid, in particular that: Israel should end its occupation of all Palestinian and Arab territories occupied since 1967, including Jerusalem and the Syrian Golan; respect the right of the Palestinians to self-determination and to the establishment of their independent state with Jerusalem as its capital; respect the right of the Palestinian refugees to return to their homelands and to be compensated for losses and damage incurred and to retrieve their properties; annul its illegitimate decision to annex the occupied Syrian Golan; end all settlement activities in the occupied Arab Territories, in particular and around occupied Jerusalem and in the Syrian Golan.

427. The Islamic Republic of Iran said the UPR could not appropriately address this specific situation, and the gross and systematic human rights violations over 60 years required the particular attention of the international community. It cited human rights and humanitarian violations such as racist laws and practices, extrajudicial killings, demolition of houses, imprisonment of innocent people, racist and discriminatory policies and practices, torture, expansion of settlements, increasing checkpoints, closure of crossings and military incursions, the illegal construction of a racist Apartheid wall, targeted killings, the use of Palestinians as

human shields and heinous aggressions against the Gaza strip in flagrant breach of international law, especially those constituting genocide, war crimes and crimes against humanity. Iran urged the international community to take measures to end all forms and manifestations of occupation, aggression, racism and human rights violations perpetuated by the occupying power.

428. Yemen recalled the recent Israeli attack against the Gaza strip and indicated that Israel has ignored recommendations since 1948 and so it is not surprising that it will ignore the largest number of UPR recommendations, specially those related to putting an end to the occupation in all occupied Palestinian and Arab territories and to recognizing the right of Palestinian people to self-determination, to an independent sovereign state with Jerusalem as a capital, and to the right of return of Palestinian refugees to their homeland and their right to compensation and restitution of their properties. Yemen also noted the recommendation to fully implement their obligations under international humanitarian law and all Human Rights Council decisions relating to human rights in the occupied Palestinian and Arab territories.

429. Malaysia appreciated the opportunity through UPR for delegations to engage in peaceful, constructive and non-confrontational dialogue to better understand, assess and ultimately effect tangible improvements to the human rights situation on the ground. It regretted that Israel's presentation did not address most of the pertinent issues and recommendations raised in the Working Group. Noting that Israel has accepted only a small number of recommendations, it said the human rights of Palestinian people remained unfulfilled and the humanitarian situation on the ground in the Occupied Palestinian Territories remained dire. Malaysia remained convinced that the occupation of the Palestinian territories was the root cause of human rights violations and called on the immediate end to all forms of occupation and aggression against Palestinians. Malaysia emphasized the importance of distinguishing between terrorists and legitimate resistance against occupation. The only means of achieving lasting peace, security and stability between Palestine and Israel is through peaceful non-discriminatory and transparent negotiations and dialogue. It reaffirmed its support for the constructive role of the Council in monitoring and deliberating the human rights and humanitarian situation in the Occupied Palestinian Territories.

430. The United States of America noted Israel's energetic civil society and independent media and urged Israel to continue to conduct consultations in the follow-up to the UPR outcome. The United States of America noted the visits by special rapporteurs hosted by Israel demonstrating its commitment to UN human rights mechanisms. It commended Israel's efforts to increase opportunities for inclusion of minority communities as well as its determination to improve the status of women within all sectors of Israeli society. It noted the serious and constructive approach that many in the Council took towards Israel's UPR although it regretted the politicized nature of many of the recommendations. The United States of America stated that it is actively engaged in the international effort to establish peace in the region, including the establishment of a Palestinian state that will exist side by side with Israel in peace and security.

3. General comments made by other relevant stakeholders

431. Amnesty International shared many of the recommendations made during the review and looked forward to learning which recommendations did or did not enjoy Israel's support. AI

suggested the recommendations be strengthened as follows: to recognize the applicability to the occupied territories of Israel's responsibility under international human rights and humanitarian law and to investigate war crimes and other violations of international law, hold the perpetrators accountable and provide reparation to victims; to lift the blockade of the Gaza Strip and allow the unhindered passage of people and goods; to halt the expansion of Israeli settlements, the destruction of Palestinian homes and the construction of the wall/fence in the West Bank; and to remove the more than 500 checkpoints and barriers which impede the movement of Palestinians; to reverse policies and practices which undermine the rights to health, education, housing, work and an adequate standard of living in the occupied territories, as well as for the Bedouin communities in Israel. It said many of the recommendations made have taken on an additional urgency in the wake of the recent conflict in the Gaza Strip and southern Israel and it urged their full and prompt implementation.

432. The Arab Commission for Human Rights stated that the lack of cooperation reduced the opportunity for a dialogue and the UPR effectiveness. It suggested the Council not to adopt the report. It noted that countries from various regions expressed their concerns and made realistic and measureable requests to end to the human rights violations against the Palestinian. It indicated that the behaviour of the Hebrew State as an occupying power is in contradiction with its international obligations. The Commission stated that the separation wall, the segregation, the fragmentation of the Palestinians territories and the expulsion of Palestinians compromises the establishment of peace and the right of future generations to solve the problem. The Commission concluded by expressing hope that the Palestinians will have one day an independent and sovereign State.

433. The Charitable Institute for Protecting Social Victims said the implications of Israeli air strikes and ground invasions go beyond the destruction of infrastructure to the loss of innocent people's lives, including women, children and the elderly. It indicated that Palestinians have experienced oppression and continuous traumatic experiences and massive destruction, including internal displacement. It said more than two-thirds of Palestinian women and children suffer from trauma. It emphasized the necessity of respecting international humanitarian law and formation of an independent fact-finding delegation, as part of the responsibilities of the Council with regard to Palestine. It called upon the Council to deliver an independent report on the psychological and mental trauma of Palestinian women and children, especially in the Gaza strip.

434. The World Federation of United Nations, speaking on behalf of the United Nations Association of Iran, noted the continued neglect of civilian's rights as human rights violations, in particular in the Gaza Strip. The Federation stated that Israel violated all international human rights and humanitarian instruments. It indicated that children in Gaza are facing health epidemics and that according to the World Health Organization trapped Palestinian children are at risk due to the lack of vaccination. The Federation referred to the likelihood of a health crisis and to the inflicted health trauma caused by the three-week offensive in Gaza.

435. The Cairo Institute for Human Rights Studies commended Israel's engagement with the UPR process. It noted that international bodies and United Nations mechanisms, including the Council, have concluded that confiscation and settlement of Occupied Palestinian lands by Israel constitute illegal acts under international law. It noted that the process of settlement continues unabated. It said Israel's illegal policy of settlement and territorial confiscation has led to the violation of the fundamental rights of Palestinians and the endangerment of security and basic

rights of all Israeli citizens. It asked about steps taken or to be taken by the Government to end this policy and dismantle settlements. It said Israel's acknowledgement of the suffering of the Palestinian people caused by the occupation and policies in the Occupied Palestinian Territories would constitute an important first step in addressing the current political impasse. Israel's unwillingness to adequately address the human rights violations committed by Israeli forces within its UPR report is an ominous sign.

436. The Conscience and Peace Tax International regretted that Israel's response to the recommendations were not available in advance. It expressed its interest in the recommendation in paragraph 100, sub-paragraph 22. The Organization welcomed Israel's indication in its introductory remarks that it is planning to introduce an alternative civilian service for conscientious objectors to military service. The Organization encouraged Israel to bring in legislation consistent with the international standards as set out in Commission on Human Rights Resolution 1998/77 and in the jurisprudence of the Human Rights Committee. The Organization commended to Israel in particular that arrangements be firmly under civilian control, compatible with the nature of the objections, not punitive in nature by comparison with military service and that it should accept declarations of conscientious without inquiry. The Organization stated that it will follow with interest the progress of bringing forward relevant legislation.

437. The Women's International Zionist Organization while noting the steps taken to promote human and women's rights stated that barriers remained to the full realization of human and civil rights. It noted the establishment of the Commission on Equal Employment Opportunities and the Commission of Equal Rights for Persons with Disabilities and that the Commissions ensure active participation of NGOs. It called upon Israel to continue in this positive direction and to remove or narrow down its reservations to CEDAW, particularly on equality in public representation and on gender equality in family life. It noted as unjustified the reservation to article 16 and urged to provide for civil marriage and divorce. It said more than 300,000 Israeli citizens with no religious affiliation cannot marry in Israel. The introduction of civil marriage would provide them with one of the most basic civil rights. It will also introduce an egalitarian divorce law, replacing the existing discriminatory religious laws that currently hold exclusive jurisdiction over marriage and divorce in Israel.

438. The Organization for Defending Victims of Violence referred to the Israeli military operation launched against the Gaza Strip and to the death, injuries and displacement of Palestinians and the blockaded population. The Organization noted the destruction of government and other buildings as well as the UN aid distribution to refugee centres. The Organization indicated that Israel committed genocide according to the Geneva Conventions and Protocols; war crimes according to the Charter of the Nuremberg International Military Court Tribunal; crimes against humanity according to the Rome Statute and Charter of the Nuremberg International Military Court Tribunal; and crime of aggression according to the General Assembly Resolution 3314.

439. The Society Studies Centre expressed concern that the outcome of the review only addressed the rights of Israeli people, ignoring the gross violations of human rights in the Occupied Palestinian Territories. Israel has tried to avoid its responsibility as an occupying state towards the violations that are committed in Gaza and the West Bank and other occupied lands in Syria and Lebanon. The Centre stated that the most prominent violation that is committed by

the state is to deny the self-determination of a nation by occupying the Palestinian lands, which has caused atrocities against civilian population. It noted that 10 thousands Palestinians are imprisoned, including members of parliament and that few days after the review, Israel committed a massacre in Gaza. The Centre stated that Israel must be reminded and made accountable for what it has committed in Gaza and other parts of Palestine and that it is unfair for Israel to destroy facilities and have European Nations and other donors pay for rebuilding them.

440. The African American Society for Humanitarian Aid and Development said it followed with alarm the tragedy of Palestinian people as the Israeli occupation committed the worst human rights violations, ignoring all international laws and international humanitarian law. It appealed to the Council to show itself responsible by stopping immediately all violations contrary to all international laws and by obliging the occupying power to comply with international resolutions in this regard. It said that the lack of respect for these resolutions by Israel demonstrates its disdain for the international community. It appealed to the Council to ensure the protection of the Palestinian people and to oblige Israel to put an end to the ethnic purification and massacres in which it is engaged in the Palestinian territories.

4. Concluding remarks of the State under Review

441. In closing, Israel indicated that while the questions and recommendations were challenging, they hoped these will ultimately serve a constructive purpose for all Israeli citizens. Israel is committed to implementing practical measures that — over time — will lead to the successful realization of the recommendations that they have accepted.

442. Israel noted the remarks of the President of the Council who, citing paragraph 32 of Council resolution 5/1, reminded that recommendations that enjoy the support of the state concerned will be identified as such, while other recommendations, together with the comments of the state concerned thereon, will be noted. The President emphasized how important it was for the State under Review to indicate whether the recommendations which have not been referred to by the delegation are supported or noted.

443. In view of these remarks and of the Council resolution, Israel indicated that it had already referred to the recommendations that enjoyed its support, and that all other recommendations were also noted.

444. Israel indicated it will continue to consult with representatives of civil society and non-governmental organizations to ensure the full realization of human rights in Israel. Israel believes that strong civil society involvement in the follow-up to this UPR will make their vibrant democracy stronger, more resilient, and more secure.

445. Israel is aware that their human rights record is not perfect, yet they have not lost sight of the founding ideals in their declaration of independence and look forward to ensuring the continued growth of a society based upon the rule of law and fundamental freedoms.

446. Before the adoption of the outcome of the review on Israel, the following statements were made.

447. Palestine reiterated its support to the universal periodic review process and noted that the applicability of international law, international human rights law and international humanitarian law, particularly the Fourth Geneva Convention on the occupied Palestinian territory, including East Jerusalem make it incumbent upon the occupying authority to submit a detailed report on the human rights situation in the territories under its occupation, in addition to its report of the human rights situation within its own territory. Palestine questioned Israel's commitment to the principles of the United Nations Charter, international human rights law and international humanitarian law, in view of the fact that it occupies Palestinian territories in a clear violation of United Nations principles and threatens international peace and security. Out of respect for international law or resolutions in general, and of the Human Rights Council in particular, Israel must be obliged to apply all resolutions and recommendations adopted by the Council. Israel must respect all human rights mechanisms within the Council, in particular special procedures and fact-finding missions. Palestine indicated that the fact that Israel, as occupying power, rejected a number of recommendations threatens the whole UPR mechanism and undermines the work of the Council and thus expressed its reservations. It noted that, in accordance with paragraph 32 of Council resolution 5/1, all recommendations form part of the outcome.

448. Pakistan, on behalf of the Organization of the Islamic Conference (OIC), noted that the UPR is among the most important mechanisms established by the Council that seek to address human rights situations in the country under review in a comprehensive manner. It noted that the Council should bear in mind that Israel, as an occupying power, has a different status and has obligations flowing from international human rights and international humanitarian law, particularly the Fourth Geneva Convention. Under humanitarian law, the Palestinians are protected people and Israel has an obligation to ensure their enjoyment of all human rights. During its review in December 2008, many States reminded Israel of this fact and recommended implementation of its human rights and humanitarian obligations, which Israel has chosen to ignore. It should be held accountable for persistent violations of all fundamental rights of the people it currently occupies and should respond to all the recommendations made. This Council should ensure that there be will no impunity for those who are violating the rights of the occupied people. The OIC believed the Israeli policy of ignoring some fundamental concerns related to its human rights obligations has seriously undermined the objective of the UPR exercise. It thus stated its reservations on this approach.

449. The United States of America noted that it has reengaged with the Council and seeks to ensure fairness and that no one country be singled out and treated differently than others. It noted that during the consideration of the outcome of the review of Israel, certain procedural questions were raised, which were not raised with regard to any other States. They considered efforts to treat one country, any country, differently from all others, unacceptable. The United States of America noted with appreciation the remarks from Palestine, in its commitment to sticking with procedure and proceeding in a fair way. They appreciated the work of the Secretariat and the Council President in keeping the Council on the right path. The founding principles of the Council: universality, impartiality, objectivity and non-selectivity, were not intended to shield countries from criticism but to create an environment in which all will be treated fairly, and ultimately make the Council more effective. It noted that all should rededicate themselves to the goals and founding principles of the Council.

450. Australia expressed its deep concern that during the consideration of the outcome of the review of Israel, procedural questions were raised which were not raised during the review of the

other 30 States that have undergone this process. Australia indicated that the singling out of one country was unacceptable and regrettable, given the generally positive operation of the UPR process and its contribution to human rights promotion in many countries. Australia expressed appreciation for the President's efforts to find a way through and to ensure the decorum of this chamber.

451. Cuba indicated its support for the UPR as an effective tool to make progress in human rights promotion and protection. Cuba indicated it had hoped that Israel would have followed common practice, which has been respected by all, to react to all the recommendations on which their position had not yet been set out during the Working Group review. Cuba would not object to the adoption of the report, but wished to place on record their hope that Israel would understand the appeals from the international community and would endeavour to respect all human rights including of the Palestinian people living in the occupied Palestine territories, as is their obligation as the occupying power.

Liechtenstein

452. The review of Liechtenstein was held on 5 December 2008 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents: the national report submitted by Liechtenstein in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/3/LIE/1); the compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/3/LIE/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/3/LIE/3).

453. At its 29th meeting, on 19 March 2009, the Human Rights Council considered and adopted the outcome of the review on Liechtenstein (see section C below).

454. The outcome of the review on Liechtenstein is constituted of the report of the Working Group on the Universal Periodic Review (A/HRC/10/77), together with the views of Liechtenstein concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/10/77/Add.1).

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

455. The delegation of Liechtenstein provided an update on relevant developments that occurred since the adoption of the UPR report on Liechtenstein by the Working Group.

456. In December 2008, Parliament approved the accession of Liechtenstein to the 1993 Hague Convention on Inter-country Adoption. As a State party to that convention, Liechtenstein will be able to also ratify the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.

457. On 1 February 2009, the new Children and Youth Act entered into force. Article 3 of that act stipulates, *inter alia*, that children and youth have the right to education free of violence,

mentioning explicitly that any form of corporal punishment, emotional harm and other degrading measures are not tolerable. Liechtenstein stressed that this provision complemented the existing prohibition of corporal punishment at school and in public childcare institutions, extending it to all settings, including the family.

458. The delegation further stressed that, also in February, the Government established an interdisciplinary working group with the specific mandate to examine any legislative and other measures required for the domestic implementation of the Convention on the Rights of Persons with Disabilities and its Optional Protocol. In the same month, the Government approved a concept paper entitled “Persons with Disabilities in the Working Process”, which had been prepared by a working group set up to analyse the current situation in Liechtenstein with regard to this more specific area. On the basis of this development, the delegation announced the voluntary commitment that Liechtenstein will intensify its examination of the necessary implementation measures with a view to a possible accession to that Convention and its Protocol. This commitment was made against the background of Liechtenstein’s general policy with regard to international treaties, which consists in adapting the relevant national legislation before ratification in order to allow for immediate implementation thereafter.

459. Still in February, parliamentary elections took place in Liechtenstein. Among the 25 newly elected members of Parliament were six women, corresponding to about 24 per cent. This result corresponded to the one achieved in the parliamentary elections four years ago, and constituted a firm basis for Liechtenstein’s continued commitment to pay particular attention to the promotion of women’s participation at all levels and in all areas of public life. In this context, the delegation added that the new Government to be sworn in very soon would have a proportion of 40 per cent of female ministers. Liechtenstein made this commitment regarding women’s participation also as a reaction to the recommendations submitted during the session of the Working Group with regard to women’s rights. The delegation announced that Liechtenstein can accept all of the recommendations in this area, partly by converting them into voluntary commitments.

460. The only recommendation with relevance to the situation of women that Liechtenstein could not accept concerned the call for an ex-officio prosecution in respect of all forms of domestic violence. In this regard, the delegation explained that in 2007 the introduction of a new explicit criminal provision on stalking was approved by Parliament. It is a criminal offence to harass a person persistently and for a prolonged period in a way that is likely to seriously disrupt her or his way of life. This new provision makes an important contribution to the prevention of violence against women since it enables the police to intervene already at a very early stage and to prevent the threatening behaviour from resulting in an act of violence. This criminal offence requires a complaint to be made by the victim for the prosecution to be initiated. The same is true for rape in marriage and partnership as well as other forms of domestic violence penalized under the Criminal Code. Since a procedural distinction between stalking and comparable forms of domestic violence would undermine the effectiveness of this new provision of the Criminal Code, the Liechtenstein authorities do not intend to establish ex-officio prosecution for all acts of domestic violence.

461. Therefore, Liechtenstein cannot support this recommendation, as one of 8 recommendations which Liechtenstein cannot accept. As underlined by the delegation, 32 of the recommendations could, however, be accepted or were converted into voluntary commitments, which corresponds to a ratio between accepted and rejected recommendations of 4 to 1.

462. The delegation stressed that Liechtenstein continued to follow up on its commitment in respect of international cooperation despite the financial and economic crisis. In particular, it mentioned that since December 2008, the United Relief and Works Agency for Palestine Refugees in the Near East was supported with 100'000 Swiss francs for its emergency relief in Gaza. The International Committee of the Red Cross (ICRC) was supported with 200'000 Swiss francs for its activities in Uganda and the Philippines. Another support of 100'000 Swiss francs went to a basic health programme in Zimbabwe, and 100'000 Swiss francs were contributed to the Common Humanitarian Action Plan for Sri Lanka. Moreover, 100'000 Swiss francs went to the Internal Displacement Monitoring Centre and 50'000 Swiss francs to the ICRC fund for mine victims.

463. In conclusion, the delegation referred to the written replies to the recommendations provided by Liechtenstein several days before the meeting, which it did not intend to read out to save time for the dialogue.

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

464. Germany thanked Liechtenstein for its outstanding constructive approach to the recommendations. Liechtenstein has set a benchmark on how to deal with recommendations, by accepting and supporting many of them, by converting others in voluntary commitments, and mostly by giving detailed reasoning for those recommendations that could not be supported.

3. General comments made by other relevant stakeholders

465. Amnesty International welcomed many of the recommendations made by States during the review, especially to continue efforts aimed at eliminating all forms of discrimination, to draft a law establishing registered partnership for same-sex couples, and to ensure the full implementation of the national plan of action against racism. It further welcomed Liechtenstein's support of these recommendations. It regretted however that Liechtenstein rejected the recommendation made by several States to establish an ombudsman or national human rights institution in accordance with the Paris Principles. Notwithstanding the comments by Liechtenstein in the Addendum, Amnesty International considered that such an institution would be an important step towards improving the coordination on human rights policy between the different institutional levels in Liechtenstein. Referring to the call made by several States for measures to strengthen the integration of foreigners, Amnesty International urged Liechtenstein to amend the new Foreign National Act to avoid the creation of additional groups of non-citizens and to ensure that non-citizens are not discriminated against, especially with regard to their right to family reunification. It welcomed assurances by Liechtenstein that it has honoured all its reporting obligations under the United Nations treaty body system, and called on Liechtenstein to ensure that regular follow-up is undertaken to the concluding observations and recommendations of the treaty bodies. This should include regular human rights training for public servants, especially those working with foreign nationals and asylum seekers.

466. The Circle for Research on the Rights and Duties of the Human Person welcomed the fact that human rights are defined as one of the priorities of the foreign policy of Liechtenstein. It welcomed the setting up of a Commission on protection against violence in Liechtenstein, and indicated that it would like to cooperate with this Commission within the framework of the

sociological survey under way concerning violence. It suggested that the results of this survey be submitted to the Human Rights Council, as very often the question of violence is dealt with only in connection with violence against women. In the view of the Circle for Research on the Rights and Duties of the Human Person, this survey provided an opportunity to discuss the fact that violence is a social scourge and should be dealt with as such.

4. Concluding remarks of the State under Review

467. Liechtenstein indicated that it took good note of comments made and that the report would be taken back home. Referring again to the written comments submitted in advance by Liechtenstein, the delegation stressed that the dialogue did not end at the plenary of the Human Rights Council, and would be continued in the future. Liechtenstein will concentrate on the follow-up to the UPR and implementation of commitments in practice. The delegation indicated that Liechtenstein has decided to pursue the dialogue at the national level and that meetings with all stakeholders that contributed to the national report are planned in regular intervals. It thanked all delegations, including the members of the troika, for their interest taken in the review, their comments and numerous questions and recommendations.

Serbia

468. The review of Serbia was held on 5 December 2008 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents: the national report submitted by Serbia in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/3/SRB/1); the compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/3/SRB/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/3/SRB/3).

469. At its 30th meeting, on 19 March 2009, the Human Rights Council considered and adopted the outcome of the review on Serbia (see section C below).

470. The outcome of the review on Serbia is constituted of the report of the Working Group on the Universal Periodic Review (A/HRC/10/78), together with the views of Serbia concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/10/78/Add.1).

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

471. Mr. Marko Karadzic, State Secretary in the Ministry of Human and Minority Rights of the Republic of Serbia, presented the reply of Serbia concerning conclusions and recommendations contended in the UPR Working Group report on the review of the country on 5 December 2008. He informed the Council that the Republic of Serbia, upon careful consideration of the mentioned report, accepted most of the conclusions and recommendations in whole or in part.

Detailed explanation of the Government's position has been provided regarding all the recommendations (see A/HRC/10/78/Add.1).

472. The delegate stated that, aware of its responsibility to promote and protect human rights and fundamental freedoms, the Republic of Serbia was ready and willing to implement the accepted recommendations and responsibilities, although implementation efforts often face pressing challenges, and sometimes increase of public expenditure. The delegate highlighted the fact that Serbia has already begun, in the short period from the interactive dialogue till the adoption of the final report, to fulfil certain obligations. Namely, preparations for the ratification of the Convention on the Rights of Persons with Disabilities and its Optional Protocol are well underway, as well as development of the initial report to CERD. Furthermore, the Government of Serbia elaborated a Draft Law on Prohibiting Discrimination and a National Strategy for Improvement of the Status of Women and Gender Equality was adopted.

473. The recommendation regarding the adoption of a separate anti-discrimination law is accepted. The recommendations for the advancement of the position of persons with disabilities are also accepted. In 2006, the Government adopted the National Strategy for the Advancement of the Position of Persons with Disabilities. The same year the law on the Prevention of Discrimination of Persons with Disabilities was adopted, while the Law on the Employment and Professional Rehabilitation of Persons with Disabilities will be adopted soon.

474. Recommendations regarding State's commitment to human rights protection and raising public awareness regarding human rights are accepted. The Ministry for Human and Minority Rights signed a Memorandum of Cooperation with more than 150 NGOs, by which both sides obliged themselves to ensure regular future exchange of information on activities connected with the preparation, adoption and implementation of laws and strategies in the area of respect for human rights and fundamental freedoms, in connection with the production of reports on the implementation of accepted international obligations, as well as in connection with other activities falling under the competency of the Ministry. In the future, the Ministry of Education will also take part in raising public awareness on the possibilities of using existing legal provisions and institutional mechanisms for the protection of human rights. The Republic of Serbia shall continue to undertake all necessary measures of strengthening national mechanisms for the implementation of the views of contracting bodies in connection with individual applications or petitions.

475. The recommendation regarding the report on the implementation of the Convention on the Elimination of all Forms of Racial Discrimination is accepted as the Ministry for Human and Minority Rights has already begun to prepare the initial report on the implementation of the Convention. Serbia accepted recommendations regarding the role of women in high-level decision-making process. The country is undertaking activities towards changing the Family Law by introducing norms that clearly prohibit corporal punishment and protect children from all forms of physical punishment, including physical punishment in the family environment, therefore recommendations regarding prohibition of corporal punishment, including in the family, in line with the recent recommendation of the Committee on the Rights of the Child are accepted.

476. Recommendations regarding implementation of a comprehensive national strategy to prevent trafficking and sexual exploitation of children and to take effective measures to combat

trafficking in women and children in cooperation with countries in the trafficking network are accepted. Serbia also accepted the recommendations to develop a legal system in line with international standards, in order to strengthen the rule of law. Recommendations regarding necessary measures in order to ensure that allegations of human rights violations are systematically subjected to inquiries and punished where appropriate, as well as to strengthen measures for the development of effective mechanism to help combat impunity, including strengthening of the judiciary, are accepted.

477. The recommendations to ensure investigations of cases of violence against journalists and for creating a climate in which journalists will be able to freely report on sensitive issues are accepted, as well as the recommendation to undertake measures to improve socio-economic conditions for refugees and IDPs. Serbia also accepted the recommendation to reach the human rights goals set up by the Human Rights Council in its resolution 9/12.

478. Serbia expressed its support to the work of the Council and the UPR process based on interactive dialogue, which promotes universal human rights and their interconnection and contributions to the best practices exchanges among States and other interested parties. On behalf of the Government of Serbia, the delegate expressed heartfelt gratitude to all States that have recognised fields which enable more efficient action for improvement of human rights in Serbia, as well as representatives of the “troika” (Ghana, Pakistan and Ukraine) for their contribution to the preparation of the report. Serbia also thanked numerous NGOs and relevant United Nations bodies that have contributed during the UPR process to determining status of human rights in the country. Finally Serbia pointed out that it believes that the next cycle of UPR process to be carried out in four years will be a real test that will show the extent of fulfilment of commitments undertaken by the country in this process for improvement of the status of human rights and freedoms in the society.

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

479. Cuba thanked Serbian authorities for their efforts in presenting their national report and for the extensive and clear information given to the Working Group. It expressed its satisfaction with the replies provided by Serbia during the interactive dialogue and for sharing its experiences, achievements and challenges in the promotion and protection of human rights and for informing the Working Group its priorities. It commended Serbia’s efforts to promote and protect human rights, especially the prohibition of all forms of discrimination, the promotion of tolerance and intercultural dialogue among the various ethnic, linguistic and religious groups in the country. Cuba stated that it was useful to learn about national measures adopted by the Serbian Government in order to reach MDGs, particularly on the poverty reduction strategy and the national employment strategy. It congratulated Serbia for the progress made in promoting and protecting human rights and encouraged Serbia to continue its efforts to honour commitments made.

480. The Russian Federation welcomed the UPR of Serbia, a country with which it was linked by many years of closed and friendly relations. In particular, the Russian Federation welcomed the additional information provided by the representative of Serbia. The Russian Federation noted Serbia’s openness and constructive approach as well as the focus on dialogue during the review.

481. Algeria thanked the Serbian delegation for the additional information it provided on the human rights situation in the country. The national report was very exhaustive and showed the determination of this country to protect and promote human rights. Algeria encouraged the authorities in Serbia to continue along this course and to accept the recommendations made last December. The delegate underlined that Algeria and Serbia had a common attachment to peace, justice and international legality and to the principles of international law, which were the only way to preserve international stability. Algeria recommended the adoption of the UPR report on Serbia.

482. Ukraine welcomed and thanked the delegation of Serbia for the comments and additional information provided on recommendations and the activities of the Government of Serbia aiming at their implementation. Serbia was commended for the efforts made in recent years aimed at protecting and promoting human rights and the progress achieved. As a member of the “troika”, Ukraine expressed appreciation to Serbia for its openness in the UPR process and to the members of its delegation for the cooperation and constructive role they played in the preparation of the report. Ukraine noted with satisfaction that Serbia has adopted the majority of recommendations made during the review and welcomed its intention to ensure their full and effective implementation as well as measures already taken and expressed its conviction that Serbia will make further progress.

483. The United States of America expressed appreciation that the Serbian Constitution bans direct and indirect discrimination and urged the Government to intensify its efforts to enforce this provision and hoped that Serbia’s establishment of a Protector of Citizens as an independent public authority will prove to be an important step in that direction. The United States of America expressed its continuing concern over the discrimination against minorities in education, employment, housing and health, and appreciated Serbia’s commitment to continue current positive steps to promote equality and non-discrimination. The United States of America noted that corruption remained a serious problem in Serbia and recognised the Serbian Government’s efforts to bring to justice several judges and prosecutors charged with corruption. It noted as a positive development Serbia’s engagement of representatives of civil society in the reform of the judiciary and in legislative policy. It further noted that trafficking remained a significant problem in Serbia and encouraged adoption of the draft amendment of the Criminal Code that introduces harsher punishment for traffickers. The United States of America shared the concerns of the Special Rapporteur on freedom of expression and opinion regarding limitations on the independence of the media. It hoped Serbia will adopt the recommendation of the Working Group to ensure journalists were able to report on sensitive issues without fear of harassment or reprisals. Finally, the United States was of the view that Kosovo was independent and that Serbia did not exercise any governing authority over this territory which should remain outside the focus of future Serbia’s UPR reports.

3. General comments made by other relevant stakeholders

484. The representative of COC Netherlands and Labris-lesbian human rights organisation from Serbia indicated that according to the Serbian Constitution, every person has the right to equal legal protection and non-discrimination but that Serbia still did not yet have an anti-discrimination law which, like the gender equality law, was still pending. The representative recommended their early adoption, and recommended that discrimination based on sexual orientation be specifically prohibited in the Serbian Constitution, Criminal Code and other laws.

The representative commended Serbia for joining the statement delivered at the 63rd General Assembly session on sexual orientation and gender identity and suggested that Serbia continued adopting and implementing policies in the spirit of this statement. The representative indicated that attacks and physical threats to LGBT persons and human rights defenders occurred on a daily basis. According to the Serbian Criminal Code, racial and other discriminations were criminal offence, but sexual orientation was not specifically mentioned and hate crimes were not legally recognised.

485. Interfaith International (I I) appreciated Serbian good responses to recommendations and questions resulting from the UPR process. Nevertheless, the representative drew the attention of the Human Rights Council to the precarious situation in which some retirees from Kosovo who contributed until 1999 in former Yugoslavia found themselves. According to I I representative, since the end of the war, those retirees have been deprived from their pensions for which they have paid during their labour life on a period of 15 to 40 years in the hope to ensure a retirement in dignity. Since 2000, many initiatives and steps have been taken with all the parties concerned. Also large scale demonstrations have been held. The representative added that so far MINUK has provided only promises without a follow up. Consequently, in the follow up of UPR recommendations and the commitments of Serbia to improve the human rights, I I called upon the international community and the Human Rights Council to set up a commission which will be tasked to take measures in cooperation with the Governments and institutions responsible for the recovery and payment of pension to those retirees, facilitating administrative procedures for them.

486. The representative of the Research Society on the Rights and Duties of Mankind (CRED) stated that it emerged of their reading of the UPR report on Serbia that peaceful coexistence among various national entities, which appear to have different aspirations in the area of human rights, remained a major challenge for this multinational State.. In this regard, CRED welcomed the recommendation made regarding the promotion of equality and non-discrimination against national minorities in the country. CRED also referred to the recommendation on combating neo-Nazi and other groups which promoted racial hate and violence within the framework of Serbia's legislation. It felt that current measures were insufficient to ensure internal stability and requested Serbia to provide the Human Rights Council with data on the composition of national ethnic groups in political, administrative and legal bodies. The experiences of countries in similar situations showed that unity within diversity was possible if all social groups were represented at the national level. CRED stated that it hoped that Serbia would be able to achieve the commitments enshrined in the Constitution of November 2006.

487. Amnesty International (AI) welcomed many of the recommendations made by States to Serbia, including calls to ensure full cooperation with the International Criminal Tribunal for the former Yugoslavia. AI also welcomed calls to ensure that allegations of human rights violations were investigated, prosecuted and the perpetrators brought to justice. AI noted that since the establishment of the Special War Crimes Chamber at Belgrade District Court, Serbia has made real progress in addressing impunity for the war crimes which took place during the wars in Bosnia and Herzegovina, Croatia and Kosovo. However, the number of trials completed remained low, and the current capacity and resources of the Court were inadequate. AI urged that additional resources be allocated to the Court and the Office of the War Crimes Prosecutor. Measures should be taken to strengthen the authority and capacity of the War Crimes Investigative Services, or it should be re-established as an independent agency or as a unit of the

Prosecutor's Office. AI also called upon Serbia to carry out effective, independent and impartial investigations into incidents where the actions of the State agents, including police and prison officers, may have led to violations of human rights. While acknowledging the decline in number of reported incidents, AI expressed its concerns at the long-standing failure of Serbia to address impunity in cases of torture and other ill-treatments, and at the continued inclusion in the Criminal Code of a status of limitations on prosecutions for such human rights violations. It urged the Government of Serbia to establish a genuinely independent and transparent mechanism to investigate all allegations of torture and other ill-treatment.

4. Concluding remarks of the State under Review

488. Serbia reiterated its commitment to the UPR process and its dedication for the promotion and protection of human rights. It stated that it will intensify its efforts for the fulfilment of commitment undertaken in the course of this important process for the improvement of human rights and freedoms in its society. Serbia thanked for all the comments and recommendations coming from different sides but also mentioned that the intervention of the representative of the United States of America regarding the status of the Autonomous Province of Kosovo and Metohija was not in accordance with the basic documents and what is being done in the United Nations. This is a United Nations forum and the Republic of Serbia as a sovereign State is a member of the United Nations with all its territory, which means that Kosovo and Metohija is a part of the Republic of Serbia. Therefore Serbia requested not to use this forum to negotiate and discuss the status of the Autonomous Province of Serbia and the unilateral declaration of independence. Serbia expressed its appreciation to all the delegations that took an active role in the process before the Council as well as the civil society representatives. It addressed special thanks to the members of the troika, composed of Ghana, Pakistan and Ukraine, who facilitated the process. Finally, it thanked the President for the professional conduct of the process.

Turkmenistan

489. The review of Turkmenistan was held on 9 December 2008 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents: the national report submitted by Turkmenistan in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/3/TKM/1); the compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/3/TKM/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/3/TKM/3).

490. At its 30th meeting, on 19 March 2009, the Human Rights Council considered and adopted the outcome of the review on Turkmenistan (see section C below).

491. The outcome of the review on Turkmenistan is constituted of the report of the Working Group on the Universal Periodic Review (A/HRC/10/79), together with the views of Turkmenistan concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/10/79/Add.1).

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

492. H.E. Dr. Shirin AHMEDOVA, Director of the Institute for Human Rights and Democracy under the President of Turkmenistan, and head of delegation, expressed gratitude to the States and international organizations which put forward their recommendations under the UPR. Turkmenistan intended to bear in mind the comments made in order to carry out further reforms in the country and to prepare national reports, including under the ICCPR and CAT. Turkmenistan had closely followed up on its international obligations and reformed its national human rights system.

493. On 14 December 2008 Turkmenistan held elections to the Mejlis (Parliament), with international observers. On 9 January 2009, in conformity with the new Constitution, the Parliament held its first session and elected its chairperson by secret ballot. From 125 representatives of the Mejlis, 21 are women (17 per cent), including the Chair of the Parliament, and the Chairpersons of two of the five Parliamentary committees. The President, in his statement at the opening of the Parliament, focused on further developing the process of democratization, civil society, the need to reform national legislation to bring it in line with the new Constitution and the provisions of the international instruments ratified by Turkmenistan.

494. In January, the Inter-ministerial Committee submitted its report for 2008. The role of this Committee is to monitor national legislation regarding human rights and to prepare proposals on the implementation of international human rights law and on institutional transformation. It addressed proposals to the Parliament: on the need to reform the penitentiary system and the system of juvenile justice; mechanisms of legal protection; the creation of a government body on family, maternal and child protection, work on legislation regulating religious organizations and civil society organizations, and on the regulation of media.

495. In 2008, Turkmenistan, inter alia, prepared its report under the Covenant on Economic Social and Cultural Rights and its core document. In accordance with recommendations from the Human Rights Council, Committee on the Rights of the Child and UNICEF, Turkmenistan undertook to examine adherence to ILO Convention 182 on Child Labour.

496. Turkmenistan proceeded to respond to recommendations forthcoming from the UPR.

497. Turkmenistan was currently examining the Rome Statute and mechanisms of adherence to it. Cooperation was planned with UNODC and EU/Tacis on this matter as well as for parliamentarians and relevant Government bodies.

498. With respect to the ratification of OP-CAT, Turkmenistan planned to present its national report to the Committee against Torture in December 2009. In the framework of the preparation of that report, Turkmenistan was planning to conduct seminars and round tables, together with United Nations agencies, to learn about the OP-CAT. Those activities, as well as consultations for members of the Inter-ministerial Commission on the mechanisms of adherence to optional international instruments will be undertaken in the framework of a joint project OHCHR/European Commission/UNDP on "strengthening Turkmenistan's national capacity to promote and protect human rights".

499. The Inter-ministerial Commission, having consulted with relevant government bodies and civil society organizations on the effectiveness of adhering to the OP-CEDAW, transmitted to the Government the necessary materials for the Parliament. The President wrote to the Mejlis on 21 Jan 2009 about the need to ratify the OP-CEDAW.

500. Turkmenistan proceeded to respond to the recommendation to establish an independent National Human Rights Institution in line with the Paris Principles. In the framework of cooperation between the relevant Government bodies and the United Kingdom Embassy, a cycle of seminars was started in January 2009 for parliamentarians and government bodies to examine the experience in other countries of ombudsman systems. Turkmenistan was planning to broaden cooperation on gathering knowledge on ombudsmen systems, to complete the legislation and further the activities of Governmental bodies and of the Institute for Human Rights and Democracy under the President of Turkmenistan. The Institute also planned to undertake joint activities including an assessment of the complaints system, in the framework of projects with OSCE and UNDP. Turkmenistan also planned to hold ongoing consultations with OHCHR on complaints procedures.

501. On the recommendation of issuing a standing invitation to special procedures, Turkmenistan indicated that the relevant Government bodies were currently examining the recommendations made by the Special Rapporteur on freedom of religion and belief, who visited the country in September 2008, in order to further improve the system of registration of religious organizations and relevant legislation. Currently, Turkmenistan requested a list of the special procedures in order to examine the question of issuing them with invitations.

502. The question of torture and other inhuman and degrading treatment and punishment in places of deprivation of liberty was being examined by the Government Commission on complaints about law enforcement bodies, and the Inter-ministerial Commission on the national reports. Implementation has started on a joint project with the United Kingdom Embassy, the International Centre for Prison Studies and the German Development Programme (GTZ) aimed at improving the penitentiary system. Support to the penitentiary system is foreseen in the programme of projects to be conducted together with the OSCE-Ashkabad in 2009. Within that framework, seminars are planned for prison staff on the 1955 United Nations Minimum Standards, follow-up consultations and the development of learning materials on that issue.

503. Regarding the recommendation to allow access of ICRC representatives to detainees, in conformity with their mandate, Turkmenistan has stepped up its cooperation with all recognized international organizations including with the ICRC. At present, Government representatives take part in ICRC trainings and seminars organized by ICRC in the country and abroad. The question of visiting penitentiary facilities was being permanently discussed by representatives of the Government and ICRC. Turkmenistan has proposed a gradual implementation of the ICRC mandate in the country. As a first step, it has been proposed to broadly raise awareness among the staff of the relevant government bodies about the international rules and the practice and activities of the ICRC in this area.

504. On 27 Nov 2008, the regional representation of ICRC in Central Asia made a presentation on its activities in relation to imprisoned and detained persons. From Turkmenistan, this presentation was attended by: representatives from government bodies in charge of administering and controlling penitentiaries; from the Ministry of Interior, the general procuracy, the Supreme

Court, the Ministry of justice, and the Institute for Human Rights and Democracy under the President of Turkmenistan.

505. On 7 March 2009, the regional representative of ICRC in Central Asia visited Turkmenistan, during which the proposal on a gradual introduction of the ICRC mandate on prison visits was discussed, and this proposal was taken into account.

506. On the recommendation to defend the human rights of journalists and human rights defenders, to let them peacefully carry out their activities without threat of being detained or imprisoned, the delegation stated that the human rights of journalists and human rights defenders are fully guaranteed and protected by Turkmenistan's fundamental law and by existing legislation. In accordance with the new Constitution citizens have to right to freedom of thought and freedom of expression, as well as to receive information, if this information is not a State secret or otherwise secret information (art 28 of Constitution). Moreover, the delegation provided information, inter alia, that written press and other public media are free in Turkmenistan.

507. With respect to the recommendation to establish a constitutional court and ombudsman system, Turkmenistan provided information, inter alia, that the UNDAF 2010-2015 and the EU/OHCHR/UNDP projects included activities aimed at learning about the experience with constitutional courts and constitutional councils in other countries. There were also plans to undertake a monitoring of the human rights system in Turkmenistan, from which relevant proposals will be formulated regarding institutions and legislation.

508. On the recommendation of excluding impunity for torture and other unlawful treatment of prisoners and undertake independent investigations of such cases, information was provided on the relevant legal provisions, including part 2, article 23 of the Constitution, which stated that no citizen can be subject to torture, cruel or inhuman or humiliating treatment or punishment, nor subject without consent to medical or medicinal experiments (part 2, art 23). The delegation also stated that more detailed information on this issue will be presented in the national reports of Turkmenistan to the Human Rights Committee and to the Committee against Torture. Further information was also provided on study visits to penitentiary systems, proposals for reforms and plans for identifying international cooperation partners in this area. At the end of 2008, work had also started on a new Code of Criminal Procedure in line with international standards, including the 1955 United Nations Minimum Standards. A joint project was also being implemented with UNICEF on reforming the system of juvenile justice, including on places of detention for minors.

509. A further recommendation requested Turkmenistan to take measures to liberalize and pluralize media and to remove all restrictions on criticizing the Government, without fear of retaliation and to end the practice of government appointment of editors and managers of media. Turkmenistan provided information on a special cabinet of ministers' meeting on 26 January 2009 which was devoted to reforming the activities of the media, and in that context the need to improve media legislation and the question of specialist training were identified as important issues to address at present. Information was also provided on other recent developments, such as the invitation of an expert from the BBC in 2008, plans for a series of activities including trainings, seminars, round-tables for representatives of the media, as well as practice abroad for specialists. Support to the media was also among the projects planned in the framework of joint

cooperation between the Government and OSCE Center in Ashgabat. Information was provided, inter alia, on a training course that is taking place, from 30 March – 3 April, on activities of the media, for journalists, editors and staff of television and radio. The training will be given by journalists from Hungary, and the representative of OSCE on freedom of the media will intervene in this course. Together with USAID in Turkmenistan and Internews in Central Asia, cooperation is being planned regarding the improvement of laws regulating the media. A cycle of seminars in this context is starting in May.

510. On the recommendation related to remove restrictions on civil society organizations and human rights defenders, the delegation stated that civil society plays an important role in political life in Turkmenistan. Non-governmental organizations, civil society organizations, professional and creative unions actively take part in determining the economic, social and cultural policies of organs of the Government. Work is ongoing regarding the improvement of existing legislation on civil society organizations and its implementation in practice, and learning about international standards and experience from other countries in this field. International cooperation between Turkmenistan specialists and International Centre for Not-For-Profit Law (ICNL) is taking place, with the support of USAID, aimed at preparing recommendations thereon.

511. Concerning the recommendation to recognize conscientious objection to military service and with respect to recognizing the right of persons renouncing from military service on religious grounds, Turkmenistan provided information that conditions exist which allow for guaranteeing the right to freedom of religion and fulfil military duty by serving in non-military structures of the Ministry of Defense, such as medical and construction units. Turkmenistan also indicated that the process of improving the legislation on religious organizations is ongoing. Experts from ICNL are currently examining the existing legislation regulating the functioning of religious organizations with regard to its conformity with international norms. An agreement has been reached with the ICNL and USAID to hold a number of seminars and organize a presentation on the assessment which is currently being made. These seminars should bring together international experts and representatives from the Parliament, the Ministry of Justice and other relevant bodies of Turkmenistan. Recommendations for legislative changes will be made based on: the recommendations of the Special Rapporteur, a review of international standards, foreign legislation, and the monitoring by the ICNL experts.

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

512. The Russian Federation welcomed the successful Universal Periodic Review of Turkmenistan, a country with which it was linked by many years of close and friendly relations and thanked the delegation, inter alia, for its very detailed statement and its openness and willingness to engage in dialogue during the review of human rights in Turkmenistan. Russian Federation noted that most of the recommendations had been accepted inter alia, thanks to progress in the sphere of human rights achieved by Turkmenistan in recent years. It was confident that the efforts of the Turkmen Government to carry out broad reforms, designed to improve its educational health and social systems, and also to enhance the wellbeing of its people will be continued.

513. Algeria reiterated its appreciation for the efforts made by the Government in order to promote human rights, inter alia, by the establishment of an inter-ministerial commission to follow-up and implement Turkmenistan's human rights commitments, as well as the review of its domestic legislation. Algeria congratulated Turkmenistan for the progress made particularly in the field of education and encouraged the Government to step up its efforts in order to achieve the goals set for the promotion of human rights.

514. The United States of America welcomed Turkmenistan's new Constitution and referred to several of its provisions. However, it noted that the judicial system, in practice, still lacks procedures to ensure fair trials, such as the right for defendants to call witnesses to testify on their behalf, the right to a defence attorney or a court-appointed attorney if the defendant cannot afford one, or the presumption of innocence. Turkmenistan was encouraged to adopt the recommendation on its conducting a review of all potentially political cases with a view to releasing all individuals incarcerated on politically motivated charges. The United States of America also urged Turkmenistan to accept the recommendations addressing restrictions on freedom of media, assembly, association, and religion. The United States of America noted that, with its one-party rule, Turkmenistan remains politically monolithic, however the implementation of the recommendations aiming at increasing emphasis on education and access to the media will permit the realization of the reforms envisioned by the new Constitution.

515. Azerbaijan referred to the adoption of a new Constitution and the successful parliamentary elections in 2008, which it believed are a clear testimony of Turkmenistan's determination to ensure fundamental freedoms. Azerbaijan also highlighted the establishment of the State Commission on citizen's complaints and Turkmenistan's efforts to implement better its international obligations and to bring its domestic legislation into compliance with international human rights standards. Azerbaijan noted that Turkmenistan was in the process of acceding to the Optional Protocol to the Convention on the Elimination of Discrimination against Women. It also noted with satisfaction that the issuance of a standing invitation to Special Procedures' mandate holders in the near future is being envisaged by the relevant authorities, and that the Government is conducting active discussions on the issue of cooperation with the ICRC. Azerbaijan encouraged Turkmenistan to continue its efforts aimed at fully engaging in dialogue with the international human rights system and measures directed at speeding up the country's democratic development. Azerbaijan called on the international community to give full support to the Turkmen Government in its endeavours, including through technical assistance.

516. Pakistan welcomed the inauguration of a new era of democratic rule in Turkmenistan and commended the steps taken by the Government to promote and protect human rights of all, including the adoption of the new Constitution, which guarantees fundamental freedoms and civil and political rights. It hoped that the further follow up of legal and administrative measures will be taken by the Government. Pakistan also mentioned as noteworthy the fact that Turkmenistan has accepted most of the recommendations made at the Working Group and was confident that concrete measures would be taken to implement them. Pakistan also noted the initiation of the process to accede to the OP-CEDAW. Pakistan noted the commitment by Turkmenistan to intensify its cooperation with several special procedures and that the recent visit of the Special Rapporteur on freedom of religion or belief was noteworthy.

3. General comments made by other relevant stakeholders

517. Action Canada for Population and Development (ACPD) commended the Government on changes in its political system and the new Constitution. Noting Turkmenistan's commitment to cooperate with United Nations agencies and international organizations, it urged the Government, *inter alia*, to report publicly, accurately and comprehensively all health-related data, specifically, to disclose information about the HIV situation in the country and provide access to treatment for people living with HIV and adequate prevention services and information to the general public. With reference to recommendation 29 of the report, ACPD, called on the Turkmen Government to review the official policy on infectious diseases and allow for an objective assessment of the country's situation, with the view of designing policies that will effectively guarantee the right of all Turkmen to the highest attainable level of health. It also requested the Government to clarify its position on recommendations contained in paragraphs 36 (b) and 40 (e) and called on the Government to repeal article 135 of Turkmen Criminal Code to de-criminalize consensual same-sex behaviour among adults as, according to the Human Rights Committee, the criminalization of such acts constitutes a violation of Article 2 of the ICCPR, to which Turkmenistan is a Party. It requested that the Government ensure that non-governmental organizations, including those in the health sector and those supporting vulnerable groups, are able to freely register and operate without state interference or fear of reprisals.

518. Cercle de Recherche sur les Droits et les Devoirs de la Personne Humaine (CRED) noted the adoption of the new Constitution in September 2008, which establishes the primacy of international treaties over national Turkmen legislation. In this connection, it inquired about the measures taken by the Government to ensure that knowledge of international law is disseminated amongst magistrates and judges.

519. Human Rights Watch (HRW) welcomed the review of Turkmenistan as an opportunity to foster positive change in the policies of one of the most repressive governments in the world. It was encouraged by the acceptance of a number of recommendations, including against the harassment of journalists, religious communities, NGO registration and urged the implementation of these recommendations, as a matter of priority. HRW urged the Government to promptly implement the recommendation on cooperation with United Nations special procedures who have requested an invitation. It also welcomed the commitment to cooperate with the ICRC and called for the clear acceptance of the recommendation to allow the ICRC to access places of detention; and to prevent torture. Another area of concern raised during the UPR is the severe repression of civil society, with independent activists and journalists facing a constant threat of government reprisal. HRW urged the Government to fully implement the recommendations to actually protect human rights defenders from persecution and end restrictions of the media. HRW deeply regretted the decision of Turkmenistan to reject a number of recommendations. It commented on the unknown numbers of people languishing in Turkmen prisons following unfair trials, with at least two having taken place during President Berdymukhamedov's rule. It added that some of the cases were well-known, such as those of Mukhmetkuli Aymuradov, Annakurban Amanklychev, Sapardurdy Khajiev and Gulgeldy Annaniazov, and were raised during the working group session. HRW stated that, while some individuals previously prevented from travelling abroad have now been able to travel, the system of restrictions *de facto* remained in place. It urged the Government to reconsider its position on rejected recommendations and also urged Turkmenistan's partners to help ensure adequate follow up and implementation of the recommendations.

520. Amnesty International (AI) welcomed Turkmenistan's express support of recommendations to guarantee the rights to freedom of expression, association and assembly; to seek, receive and impart information; to allow independent non-governmental organizations to register and work freely; and to end harassment and intimidation of journalists. AI was deeply concerned about serious violations against human rights defenders, journalists and dissidents in Turkmenistan. It had received reports that the two members of the Turkmen Helsinki Foundation had their appeal for pardon rejected by the President in 2008 and that both had been tortured while in custody. AI considered them as prisoners of conscience and urged their immediate release, as recommended during the review. AI was also very concerned that there appeared to have been no independent investigation into the unexplained death in custody of their co-defendant Ogulsapar Muradova in September 2006. AI urged Turkmenistan to reconsider the recommendation, made during the review (para 29 (d) of the report), to hold an independent inquiry into her death. AI also noted that recommendations made during the review were to be examined by Turkmenistan, including calls to protect human rights defenders, to eradicate impunity for torture and other ill-treatment, and to guarantee freedom of the press. AI urged the Government to clearly indicate its full support of these key recommendations and ensure their prompt and full implementation. AI further stated that earlier commitments of the new Government to carry out reform to strengthen the protection of human rights had still to be fully realized and called on the Government to use the opportunity of its review under the UPR to live up to those promises.

521. With reference to recommendations contained in paragraph 70 (12) of the report of the working group, Conscience and Peace Tax International (CPTI) noted, as a first step the preparation of the legislation allowing conscientious objectors to perform unarmed military service. CPTI encouraged Turkmenistan to make a careful study of international related-standards, including the jurisprudence of the Human Rights Committee, and to bring Turkmenistan's legislation into line with them. It drew attention to Commission on Human Rights resolution 1998/77 which called for instituting alternative service that was compatible with the reasons for the objection. CPTI indicated that while unarmed military service meets the needs of those whose only objection is to personally bear arms, there are many whose conscience would not permit them to act in support of those who do. CPTI stated that Turkmenistan should bear in mind the recommendation not to imprison conscientious objectors and that any repeated punishment constitutes repeated punishment for the same offence.

4. Concluding remarks of the State under Review

522. Turkmenistan expressed thanks for the recommendations, critical comments and constructive dialogue, and to the Troika. Turkmenistan's policy was to further pursue the development and democratization of all aspects of civil society and the progressive strengthening of its system to protect human rights. With that aim, and with the support of international efforts and together with international organizations, activities and consultations were being undertaken to monitor existing legislation and to bring it in line with international instruments to which Turkmenistan is a party. Within the framework of activities of the Inter-ministerial Commission, Turkmenistan planned to establish a permanent monitoring of the human rights situation and to develop a national programme on human rights.

523. Replying to Action Canada for Population and Development, the delegation pointed out that concerning health care, under the new Constitution, as it also was under the old one, all

citizens of Turkmenistan without exception have access to health-care services, and that more detailed information on that could be found in the national report to the CESCR.

524. Turkmenistan stated that all recommendations submitted by the delegations and international organizations under the UPR of Turkmenistan would be borne in mind in Turkmenistan's future work aimed at progressively developing a human rights system.

Burkina Faso

525. The review of Burkina Faso was held on 9 December 2008 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents: the national report submitted by Burkina Faso in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/3/BFA/1); the compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/3/BFA/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/3/BFA/3).

526. At its 30th plenary meeting, on 19 March 2009, the Human Rights Council considered and adopted the outcome of the review on Burkina Faso (see section C below).

527. The outcome of the review on Burkina Faso is constituted of the report of the Working Group on the Universal Periodic Review (A/HRC/10/80 and A/HRC/10/80/Corr.1), together with the views of Burkina Faso concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group.

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

528. Burkina Faso thanked States for their participation in the interactive dialogue with the President of the Council, the High Commissioner for Human Rights, members of the troika and the Secretariat of the Council. Burkina Faso noted that during the interactive dialogue, most of the recommendations had been accepted and that replies were given to the concerns expressed, although some issues would require further clarification.

529. With respect to adopting legislation to bring its national human rights institution in line with the Paris Principle, Burkina Faso indicated that there was currently a draft law being reviewed by the Council of Minister before its introduction before the Parliament.

530. Numerous recommendations asked for the abolition of death penalty and for the ratification of the second Optional Protocol to the International Covenant on Civil and Political Rights abolishing the death penalty. Agreeing to the need to abolish the death penalty and reminding that Burkina Faso is a de facto abolitionist country, it noted that it currently favours the sensitisation of the elected representatives in order to guarantee the adoption of the draft law.

531. As to the concerns with respect of the extrajudicial executions in Balporé and Piéla, Burkina Faso explained that legal procedures had been initiated and were underway and that

some people, including policemen, had been indicted. It wished however to avoid confusing the normal course of justice and impunity which is when there is no action by the State.

532. Concerning the recommendations on legislatives, administrative and other measures to be taken to combat violence against women and girls, Burkina Faso highlighted that they already exist and were implemented. Burkina Faso intended to strengthen these measures and step up its awareness-raising programme in order to root out harmful traditional practices which still impede the full development of women of Burkina Faso.

533. Regarding polygamy, Burkina Faso noted that polygamist marriage was optional whereas monogamy was the rule. It added that, as one of the secular aspect of the culture of Burkina Faso, its elimination would require awareness-raising campaign otherwise it would force people to practice it illegally.

534. As regards women's participation in decision-making bodies, Burkina Faso indicated that it had adopted a draft law on quota taking into account a representation level of 30 percent of either gender for local and legislative elections.

535. As to the concerns devoted to the rights of indigenous peoples in Burkina Faso, the delegation noted that the Government was not discriminating or marginalizing any ethnic group on a political, economic, social or cultural level. It indicated that there was no ethnic group historically marginalized in the country. Burkina Faso stated that it was devoted to promoting all cultures, to ensuring that, despite the shortage of resources, all regions of the country would benefit from a balanced socio-economic development. It underscored that the difficulties linked to health, education, and women and children's condition were not specific to any ethnic group.

536. Burkina Faso indicated that, despite the numerous social and economic constraints and the adversity of nature, the weight of certain traditions and culture that were not always in line with human rights, the promotion and protection of human rights were an ongoing and irreversibly struggle. The challenges were still numerous and Burkina Faso indicated that it would therefore appreciate any support designed to help it implement the recommendations made in the framework of the Universal Periodic Review from the international community and thanked in particular Argentina and Brazil in that regard as they had already expressed their willingness to assist Burkina Faso.

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

537. Algeria warmly thanked the delegation of Burkina Faso and its head for the presentation of the outcome of the Universal Periodic Review. Algeria noted that the good quality of the national report of Burkina Faso enabled Algeria to assess the significant progress made in various aspects of human rights since its independence despite numerous challenges. Algeria encouraged Burkina Faso, as a developing country with limited resources, to continue its efforts designed to implement the commitments mentioned in its national report. It called on the international community to support Burkina Faso in meeting its challenges.

538. The United States of America appreciated the comprehensive approach taken by Burkina Faso in the preparation of its national report. It noted that Burkina Faso had arrested and

sentenced several female genital mutilation practitioners and accomplices and welcomed the Government's commitment to fully eradicate female genital mutilation and to share best practices with other countries. The United States viewed the Government's new anti-trafficking law as a positive development. It noted the work of the Ministry of Human Rights, especially in regards to its educational campaigns. It supported Burkina Faso's request for appropriate international community and Office of the High Commissioner for Human Rights technical assistance in consolidating human rights advancement on the ground.

539. Senegal praised the commitments of Burkina Faso to the promotion and protection of human rights, and welcomed with great satisfaction the acceptance of most of the recommendations made during the Universal Periodic Review Working Group. Senegal did not doubt about Burkina Faso's willingness to implement them, and was convinced this would contribute to further guarantee the full enjoyment of human rights in the country, particularly in relation to the rights to health and to education. Senegal appreciated the efforts already made by Burkina Faso in the national context to take on board the concerns expressed during the Working Group. Senegal wished the Government of Burkina Faso every success in implementing those recommendations and called on the international community to provide any assistance Burkina Faso would need in this regard.

540. Nigeria welcomed the acceptance by Burkina Faso of most of the recommendations made to it and Burkina Faso's pledge to implement them. Nigeria recalled that during the review of Burkina Faso, it had commended the laudable achievements made by the country in the promotion and protection of human rights, particularly in the areas of primary education of the girl-child and the fight against female genital mutilation. Nigeria looked forward to the improvement of human rights records in Burkina Faso in the second cycle of the review and called on the international community to assist Burkina Faso in its efforts to fulfil its human rights obligations.

541. Cameroon welcomed the presence at the adoption meeting of the Minister for the Promotion of Human Rights of Burkina Faso, whose devotion to human rights had been constant. Cameroon stated that Burkina Faso's commitment to establish a real culture of human rights had been shown at the Universal Periodic Review in December 2008. It indicated that numerous challenges had still to be met but had no doubt as to the success to come and called on the international community to help Burkina Faso to meet its objectives in the field of human rights.

542. Brazil welcomed the presence of the Minister for the Promotion of Human Rights of Burkina Faso whose speech confirmed the will of Burkina Faso expressed during the interactive dialogue of the Universal Periodic Review Working Group to the full promotion and protection of human rights in the country. Brazil noted however the challenges ahead as acknowledged in the national report of Burkina Faso (A/HRC/WG.6/3/BFA/1, paragraph 95). Brazil noted that the international community was responsible for demonstrating its will to give the necessary support to help Burkina Faso in implementing the recommendations presented during the Working Group. On the basis of its capacity and good practice, Brazil expressed its commitment to assist Burkina Faso to that end.

543. Côte d'Ivoire thanked the delegation of Burkina Faso for the presentation which reflected the importance given by the country to human rights in general and to the Universal Periodic

Review in particular. Côte d'Ivoire noted with satisfaction that Burkina Faso had agreed to most of the recommendations made in the Working Group in December 2008. Côte d'Ivoire stressed the need to give the necessary support to Burkina Faso, helping it in the tremendous amount of reform it needed to carry out to ensure the rule of law in a modern democracy.

544. Djibouti welcomed the presence of the Minister at the adoption session and appreciated the open approach and the constructive attitude, which prevailed during the Universal Periodic Review process of Burkina Faso. Djibouti praised the commitments expressed by Burkina Faso for the promotion and protection of human rights. It noted that most concerns and recommendations formulated during the interactive dialogue of 9 December 2008 had received appropriate responses and stated that financial resources and technical assistance would be appropriate to follow-up on certain recommendations. Djibouti expressed hope that attention would be made to Burkina Faso's appeal for assistance.

3. General comments made by other relevant stakeholders

545. Action Canada for Population and Development (ACPD) congratulated Burkina Faso for the efforts made in promoting human rights and for the consultations held in the framework of the Universal Periodic Review. Under paragraph 44 of the Working Group report, ACPD reminded Burkina Faso of the need to expedite the building of new reform centres in order to improve detention conditions of detainees, as well as to improving education and social reintegration of children in conflict with the law. ACPD recalled paragraph 49 of the Working Group report concerning the need to mobilize further civil society stakeholders and involve them in activities to combat female genital mutilation as well as HIV/AIDS. Such mobilization helped reduce the number of HIV/AIDS infections. ACPD stressed the importance of disseminating information on the law to combat excision in rural areas and to have this law translated into the various local languages. In reference to the Working Group report, ACPD reminded Burkina Faso to step up its efforts to include information on human rights in school programmes and to provide youth workers with human rights education and training material in order to promote human rights education through youth centres.

546. Franciscans International (FI) welcomed the recommendations concerning trafficking in persons accepted by Burkina Faso. It noted Burkina Faso's commitment to intensify its efforts in combating trafficking in women and girls for the purposes of sexual exploitation. FI stated that trafficking in persons in Burkina Faso also took place for the purposes of forced labour, mainly involving children. It indicated that an overall approach to trafficking was required, and should be based on the effective implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime ratified by Burkina Faso. FI further noted that Burkina Faso was a country of origin, transit, and destination for trafficking in persons in rural and urban areas. In addition to stepping up the National Action Plan, as recommended during the Universal Periodic Review, FI highlighted the need to apply a regional strategy for combating trafficking in human beings, particularly through the effective implementation of the agreements reached on 6 July 2006 in Abuja. FI encouraged Burkina Faso to invite the Special Rapporteur on Trafficking in Persons and urged it to reconsider rejecting the recommendations calling for extending a standing invitation to all Special Procedures mandate holders. FI noted that the mismanagement of the agricultural sector was one of the reasons for the severe impact of the food crisis on Burkina Faso in 2008. Recalling Burkina Faso's commitment to continue its

efforts to consolidate economic, social and cultural rights, it encouraged the Government to pay particular attention to the right to food and recommended that it set up a national body to analyse the causes and consequences of the food crisis and to develop guidelines that would constitute a framework programme.

547. The International Federation of Human Rights Leagues (FIDH) noted the numerous commitments taken by Burkina Faso in the Working Group report, in particular in paragraphs 7 to 33. FIDH deplored, nonetheless, the fact that most of the recommendations not accepted by Burkina Faso were areas of serious concern to the people of Burkina Faso. FIDH noted in particular that the recommendation as to the independence of the justice mentioned in paragraph 58 (a) was rejected whereas the impediments to the independence and good functioning of the judiciary remained considerable, leading to a crisis of confidence in this connection. It further noted that the recommendations on the freedom of the press had not been accepted by Burkina Faso either. FIDH stressed that, at the beginning of 2009, a number of journalists had been threatened due to their investigations on the financial dealings of certain public officials. FIDH called on Burkina Faso to take into account all of the recommendations made during the Universal Periodic Review, and in particular to guarantee the independence of the judiciary, the freedom of expression through a free and independent press, to ratify the Optional Protocol to the International Covenant on Civil and Political Rights, to adopt a law abolishing the death penalty and commuting all death sentences already pronounced to alternative penalties and to allow Special Procedures mandate holders to visit the country.

548. The Cercle de Recherche sur les Droits et les Devoirs de la Personne Humaine (CRED) stated that the people of Burkina Faso were known to be free and honest and that the government had made the promotion of human rights the focus of its national policy and its legal and normative approach. CRED noted that the Constitution of Burkina Faso proclaims peoples' rights and duties, and congratulated Burkina Faso for being at the forefront of positions defended by it, namely that human rights and duties are indivisible and must be promoted conjointly. CRED indicated that, for a long time, the concept of human duty was forgotten by the Human Rights Council and requested Burkina Faso to assist in the adoption of a draft universal declaration on the duties of the human being. It expressed the hope that Burkina Faso would spare no effort in implementing the conclusions and recommendations formulated during the course of the dialogue.

4. Concluding remarks of the State under Review

549. Burkina Faso reiterated its thanks to the members of the troika - Madagascar, Qatar and Switzerland - and to all States and stakeholders that participated in the discussion. It reaffirmed the will of Burkina Faso to implement the recommendations it accepted mentioned in the Working Group report.

550. Due to time constraints, Burkina Faso referred some States and stakeholders to its national report (A/HRC/WG.6/3/BFA/1) and to the Universal Periodic Review Working Group Report (A/HRC/10/80 and A/HRC/10/80/Corr.1). As to the recommendation of issuing a standing invitation to Special Procedures mandate holders, Burkina Faso indicated that it had always cooperated with the United Nations Special Procedures and the African Special mechanisms and would always carefully consider such invitations. As to mismanagement of the agricultural campaign, Burkina Faso indicated that the crop season was excellent and managed to the full

satisfaction of rural workers and farmers. As to freedom of the press, Burkina Faso reaffirmed that the freedom of the press was recognized and respected. Regarding death threats to journalists and reporters issued on the internet, Burkina Faso indicated that it was doing its best to find the culprits and that it would appreciate any information in this regard. As to abolishing the death penalty, Burkina Faso indicated that it was currently under study and believed that at the next Universal Periodic Review, it would have become a de jure abolitionist State.

551. Burkina Faso stated that the Universal Periodic Review was an important stage in the ongoing and irreversible human rights process. It underscored that Burkina Faso is ready to hold discussion with all stakeholders to make progress human rights and is open to all criticism and all constructive proposals.

552. Finally, Burkina Faso reiterated its commitment to permanently and irreversibly promote and protect human rights. Together with the support of the international community and the civil society, Burkina Faso was convinced that human rights would progressively develop in their effectiveness. Therefore, it expressively asked for technical assistance to the Human Rights Council, in particular regarding the implementation of the following rights:

- (a) Education, including human rights education;
- (b) Health and sanitation;
- (c) Housing;
- (d) Information to rural populations;
- (e) Capacity strengthening of the Ministry of Justice in order to improve prisons' conditions—even though enormous efforts have already been made to make the judiciary independent;
- (f) Rights of women and children;
- (g) Rights of persons with disabilities.

553. Burkina Faso added that it was already cooperating with other countries in the region to combat trafficking and sexual exploitation of children and that concrete measures were implemented in the ground to fight this scourge. Burkina Faso noted that it had ratified various international human rights instruments in that regard and that its national law already sanctions trafficking in children.

Cape Verde

554. The review of Cape Verde was held on 10 December 2008 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents: the compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/3/CPV/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/3/CPV/3).

555. At its 31st meeting, on 20 March 2009, the Human Rights Council considered and adopted the outcome of the review on Cape Verde (see section C below).

556. The outcome of the review on Cape Verde is constituted of the report of the Working Group on the Universal Periodic Review (A/HRC/10/81), together with the views of Cape Verde concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group.

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

557. The representative of the Republic of Cape Verde reiterated the resolve of the Government to pursue the process of the Universal Periodic Review. He thanked all delegations that intervened in the inter-active dialogue in December 2008, making relevant comments and recommendations, which allowed an in-depth analysis of the human rights situation in the country.

558. Cape Verde stated that, as underlined in December, the Constitution enshrined the absolute character of the dignity of the human being and ensures that all Cape-Verdean citizens enjoy rights and freedoms, including the right to life and to integrity, the right to participate in the political life and to exercise rights inherent to citizenship. Furthermore, the Constitution recognizes the rights of foreign residents and of foreigners temporarily living in the country, protects the right to work and the right not to be the subject of discrimination, as well as economic, social and cultural rights.

559. Cape Verde acceded to the main international human rights instruments such as the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the Convention on the Elimination of All Forms of Racial Discrimination; The Convention on the Elimination of All Forms of Discrimination Against Women; the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child and its Optional Protocols on the Sale of Children, Child Prostitution and Child Pornography, and on the involvement of Children in Armed Conflict; the Convention Against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

560. With regard to the recommendations contained in the Working Group's report A/HRC/10/81, the representative for Cape Verde stated that recommendations 11, 12, 15, 24, 38, 40, 41, 45, 47, 49 and 50 were accepted and measures for their implementation will be taken as soon as possible.

561. Regarding recommendations 1, 13, 18 and 22, he noted that Cape Verde's domestic legislation already prohibits all forms of violence by law enforcement officials, and that the monitoring and follow-up of relevant provisions will continue.

562. As far as recommendations 2, 16, 19, 21, 28 and 48 were concerned, Cape Verde's judicial system already adopted a number of instruments for the protection the right of the child and

minors, in particular the new Criminal Code, adopted in 2004, which notably represses violence within the family circle.

563. With regard to recommendations 3, 8, 14, 42 and 43, the Government of Cape Verde is in the process of implementing the National Plan of Action against Gender Violence for the period 2009-2011. This plan foresees provisions for the integration of foreign women, and against all forms of violence, including trafficking.

564. The Government will also commence or finalize the process of accession or ratification of international instruments as mentioned in recommendations 6, 7, 25, 26, 27, 31 and 39.

565. As regards recommendations 9 and 29, the Government already adopted Decree-Law n° 2/2006, on 27 November 2006, on protection measures in the social and education fields, with a view to educating minors, for their dignified and responsible insertion into the society. A status law on children and adolescents is being elaborated.

566. The Government will pursue its efforts in relation to the implementation of recommendations 10, 18, 22 and 35. A vast reform programme on the penitentiary system, which includes training for prisons officers and the inauguration of two new detention centres, will solve prisons overcrowding problems.

567. With regard to recommendations 20, 23, 30, 31, 33, 37 and 44, the representative of Cape Verde reiterated that, all instruments of the domestic legislation guarantee equality between men and women and prohibit all forms of discrimination.

568. Concerning recommendation 34, he noted that the action of the government was guided by the Convention on the Rights of the Child, the relevant ILO conventions and the African Charter on the Rights and Welfare of the . Indeed, the most recent legislation on labour set the minimum age for admission to work at 15 years.

569. The Government of Cape Verde did not record any allegation of discrimination against the groups mentioned in recommendation 36. Domestic legislation neither forbids nor represses individual behaviours unless minors are involved.

570. The Government had already taken action with regard to the contents of recommendations 4, 17 and 46. In conclusion, all recommendations made in the report of the Working Group were accepted, with the exception of recommendations 5 and 32, which will continue to be examined by the Government.

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

571. Algeria thanked Cape Verde for the information provided in addition to presentation made at the Working Group on the Universal Periodic Review in December 2008. Algeria expressed appreciation for the efforts made by the authorities to promote human rights domestically and encouraged them to persist in this effort.

572. Senegal thanked Cape Verde for its clear presentation and for accepting several recommendations made during the review. Senegal stated that the efforts made by Cape Verde

for the consolidation of its achievements and for the improvement of the rights of its citizens, deserved Senegal's laud and encouragement. Senegal wished the authorities of Cape Verde full success in their resolute efforts to ensure that effective consideration is given to the rights of the child and women, as well as to the elimination of poverty, promotion of education and health. Senegal expressed hope that the international community will provide Cape Verde with support in its efforts to continuously improve the human rights situation.

573. Brazil welcomed the openness and the constructive spirit of Cape Verde during the review process, and its commitment to the full realization of all human rights. Brazil highlighted the steps taken and aims of Cape Verde, as stated in the report of the Working Group, in the fight against sexual exploitation and ill treatment of children, as well as juvenile justice. Brazil commended Cape Verde for the enactment of the new Penal Process Code and the new Labour Code. Brazil stated its confidence that Cape Verde will continue to overcome its main challenges in the field of human rights, along with the objective to reach sustainable development and combat poverty. In a constructive and cooperative spirit, Brazil reiterated its recommendations and highlighted that it is ready to cooperate with Cape Verde in the areas the country deemed as most necessary and appropriate.

3. General comments made by other relevant stakeholders

574. Conectas Direitos Humanos (with the support of the Cape Verdean Women Jurists' Association) expressed regret that Cape Verde failed to submit a written report and to engage in a broad consultation process during the Universal Periodic Review interactive dialogue. It conveyed its hope that for the next cycle these aspects will be improved. Despite this regret, Conectas stressed its appreciation for the efforts to strengthen democracy and human rights, and decrease illiteracy and child mortality rates. Conectas urged Cape Verde to continue improvements in women's rights especially in the area of law reform, to accept the Universal Periodic Review recommendations made by France and Slovenia with regards to violence against women, and reflect such changes in the Penal Code.

575. Cercle de Recherche sur les Droits et les Devoirs de la Personne Humaine (CRED) stated its appreciation for the fact that life expectancy in Cape Verde has risen, but it questioned the disparities between life expectancy for men and women. CRED recommended that Cape Verde undertake a global study to explain such disparity and also address the connection between life expectancy and the effective enjoyment of human rights. CRED invited all States members of the Council to cooperate in the realization of this study.

576. Canadian HIV/AIDS Legal Network congratulated the country for accepting recommendations dealing with programs to combat HIV/AIDS and promoting greater tolerance for the lesbian, gay, bi-sexual, and transgendered community.

4. Concluding remarks of the State under Review

577. The representative of Cape Verde stated that the Government was committed to continue its cooperation and constructive dialogue with all national and international institutions for the reinforcement of human rights in the country. The lack of financial resources was the main obstacle that prevented further action in the implementation of recommendations, such as human rights education. This obstacle was also affecting the struggle for the eradication of poverty,

access to water, improving health and satisfying other basic needs of the population. The States that made recommendations had good mutual relationships with Cape Verde and the Government was relying on them, since without their support, it will be difficult to achieve additional results.

Colombia

578. The review of Colombia was held on 10 December 2008 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents: the national report submitted by Colombia in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/3/COL/1); the compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/3/COL/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/3/COL/3).

579. At its 31st meeting, on 20 March 2009, the Human Rights Council considered and adopted the outcome of the review on Colombia (see section C below).

580. The outcome of the review on Colombia is constituted of the report of the Working Group on the Universal Periodic Review (A/HRC/10/82), together with the views of Colombia concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/10/82/Add.1).

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

581. The delegation of Colombia thanked member states and troika members for their active part in its review. Colombia recalled its involvement in the institution-building process of the United Nations human rights system, saying it had great faith in multilateralism, which reflects the democratic values on which the structures of the Colombian State were founded.

582. It said the UPR process had led the country's institutions to reflect deeply on finding better ways to coordinate efforts to guarantee the rights of all in the country. The process of reporting had given Colombia an opportunity to hear the voices of social organisations and local authorities, to strengthen coordination between institutions, review practices, identify achievements and shortcomings and plan for the immediate future. It noted the concerns and recommendations made by States and reminded delegates that Colombia had accepted most of the recommendations. Over the past three months, the Government undertook a detailed review of the voluntary commitments made by Colombia and the recommendations accepted, enabling it to assign responsibilities and set targets. From 10 June 2009, the webpage of the Presidential Human Rights Programme will carry a report on follow-up to the implementation of recommendations and commitments. This webpage will be updated every four months.

583. The efforts undertaken by Colombia over the last quarter since the review included extending official invitations in January to the Special Rapporteurs on extrajudicial executions; the rights and fundamental freedoms of indigenous peoples; the independence of judges and

lawyers; and the Secretary-General's Special Representative on human rights defenders. Colombia also voluntarily accepted implementation of the Mechanism to Supervise and Present Reports contained in Security Council Resolution 1612 on Children in Armed Conflicts. The High Level Inter-sectoral Commission that defines the Government's public policy on preventing the recruitment of children has produced a report of its first-year activities for the United Nations taskforce on this mechanism. Colombia also continues to work with the international community in following up on the implementation of the recommendations made by the OHCHR in 2008.

584. The delegation said Colombia had strengthened its fight against crime and all forms of violence; that new legislation has been enacted and new practices to prevent violations by law enforcement officials have been developed, including public accountability for complaints received. Strict measures had been taken with regards to the repeated complaints on murders by such officials, it said, and no further complaints had been received since October 2008.

585. Progress has also been made in eliminating anti-personnel mines, through humanitarian demining operations. Work continues in strengthening the justice system and eliminating impunity. In recent weeks, the President approved a new law on intelligence gathering, establishing mechanisms to ensure transparency. Efforts to guarantee economic social and cultural rights continue, particularly in the spheres of health and education.

586. The report of the Inter-American Press Society for 2008 acknowledged progress made in providing guarantees for the exercise of journalism in Colombia. The delegation cited the decision by the Constitutional Court, as a result of complaints by civil society, to grant equal treatment, in terms of rights and responsibilities before the law, to same sex unions. It said the decision represents significant progress towards overcoming discrimination.

587. Such progress did not mean that the State was unaware of the enormous challenges that still existed. The Government shared the Council's concerns on the persistence of the phenomenon of internal displacement in Colombia. The efforts of national institutions were focused on reviewing prevention and protection strategies to resolve this difficult situation. The Constitutional Court has introduced important developments, addressing vulnerable sectors such as indigenous and Afro-Colombian communities, children, persons with disabilities, and displaced women. It assured the Council that no resources were being spared in tackling this issue but challenges remained.

588. On indigenous communities and their right to life, physical integrity and their territory, Colombia noted the massacre last February of 80 members of the Awa indigenous community by the FARC, who wanted to keep the coca plantations in the Awa territory. In recovering one of the bodies, 50 anti-personnel mines had to be deactivated.

589. Colombia was also concerned about complaints relating to threats and harassment of human rights defenders. The Government has asked the Prosecutor-General's Office to do its best to establish the facts, and to identify and punish those responsible. It hoped that dialogue with civil society would help identify effective measures to work together towards establishing the right climate for the work of human rights defenders. The Government reiterated its conviction that dialogue with and participation of civil society strengthen the enjoyment of human rights in Colombia.

590. Colombia said it has faced grave threats against its institutions and population with a security policy that is compatible with human rights. The UPR has allowed Colombia to share its achievements and challenges. Its achievements are the results of the efforts of Colombia's people, civil society organizations, institutions, and the international community, which they also count on in overcoming the remaining challenges in putting an end to violence and organized crime.

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

591. The Russian Federation thanked Colombia for its exhaustive and focused approach to issues raised by Russia during the review, adding that this attentive and respectful attitude could serve as an example. It noted that Colombia's major efforts to combat poverty were especially significant during the present economic crisis. Colombia's voluntary commitments in human rights protection led it to establish a national control mechanism for their implementation, a fact which testifies to the state's firm intention to meet high standards of human rights promotion and protection. It expressed respect for Colombia's great desire to combat the challenges it faced and was convinced of the Government's efforts to ensure human rights protection and the well-being of its people.

592. Brazil welcomed Colombia's transparency and constructive spirit in participating in the UPR, a sign of its resolve to engage in dialogue and cooperation with the United Nations in the field of human rights, which should serve as an example. It was also a clear signal of Colombia's desire to overcome outstanding challenges. Brazil supported Colombia's efforts to implement UPR recommendations by identifying the challenges and noted it was time for United Nations members to demonstrate their desire to help others in overcoming such challenges.

593. The Netherlands commended Colombia's strong commitment to the UPR process, including its written responses to questions. It welcomed the acknowledgement that security forces are responsible for unlawfully killing civilians and that steps are being taken by the Government to address these extrajudicial executions. It encouraged the Government to ensure that all cases of human rights violations implicating the security forces are investigated by the civilian justice system. Noting that Colombia's voluntary commitments include addressing impunity and guaranteeing access for justice, especially in remote and rural areas, it wished to learn more about progress made in this regard. It appreciated the Government's willingness towards constructive dialogue with human rights NGOs, highlighting the recommendations made in this regard. It commended the establishment of a follow-up procedure by the Government, suggesting that it give midterm updates to the Council.

594. Spain commended Colombia's special interest in the UPR, its acceptance of more than 60 recommendations, its individual replies to questions put during the review process, its high-level commitment and particularly for the many important voluntary commitments. Spain expressed concern about threats to human rights defenders, particularly against the Colombian Commission of Jurists, and commended the Government for voluntary commitments undertaken relative to paragraph 91 of the Working Group report.

595. The United States of America welcomed Colombia's constructive dialogue with NGOs. It joined the Special Rapporteur on human rights defenders in strongly supporting civil society

efforts to use the UPR as a tool for advocacy and accountability. It appreciated Colombia's voluntary commitment to improve protection for the rights of reporters, trade unionists and human rights defenders, adding that prosecution of crimes against them and establishment of a rule of law environment for their operation would strengthen security and peace in Colombia. It acknowledged the challenges Colombia faced, particularly violence by illegally armed groups. It called on Colombia to continue confronting violence and abuses in conformity with its human rights and international humanitarian obligations. Welcoming efforts to battle impunity and seek remedies for victims, it encouraged the Government's commitment towards transparent investigations and due process for all accused perpetrators. It recommended that Colombia work to prevent and fully prosecute extrajudicial killings, forced disappearances and forced displacements and supported efforts to strengthen the national plan for the search for missing persons.

596. Switzerland thanked the Government for its commitment and noted how important it was that the Colombian parliament adopts a law on victims complying with international standards to provide guaranteed access to justice and adequate reparations for all victims, including victims of actions by state representatives. While recognizing efforts to combat murder of civilians by members of law enforcement authorities, it supported OHCHR recommendations for greater operational control and for effective, impartial investigations to ensure those responsible be brought to justice. It called for a full investigation of the murder of Edwin Legarda, husband of the indigenous representative Aida Quilque, who had, a few days prior to the murder, participated in the UPR of Colombia in Geneva.

597. Belgium said Colombia participated constructively in its UPR and hoped the implementation of recommendations accepted by the Government would help improve the human rights situation. It welcomed the decision to accept visits from various special rapporteurs and the commitment to continue cooperating with the OHCHR, including in the implementation of recommendations. It acknowledged steps taken to put an end to human rights violations, but noted that considerable challenges remained. It encouraged the Government to guarantee, in the framework of ongoing legislative proposals, access to justice and the right to reparations in a non-discriminatory manner in conformity with international norms.

598. France welcomed Colombia's acceptance of the recommendation to ratify the International Convention for the Protection of All Persons from Enforced Disappearances, encouraging further efforts to enable it to enter into force soon. It regretted that Colombia did not intend to recognize the jurisdiction of the Committee on Enforced Disappearances, since this key innovative element would have an important preventive effect. It asked Colombia to reconsider and accept its jurisdiction. It also noted that the fight against impunity should be prioritized and invited Colombia to reconsider its refusal to accept the jurisdiction of the International Criminal Court for war crimes. It urged the Government to reconsider its refusal to ratify OP-CAT.

599. The United Kingdom of Great Britain and Northern Ireland welcomed the Government's positive engagement on the UPR, but added that concerns have continued to emerge in its aftermath. It noted the killing of Mr. Legarda, extending its condolences to Mrs. Quilque and calling on Colombia to ensure justice and accountability for those responsible. It strongly condemned the massacre in February of 27 members of the vulnerable Awa indigenous community by the FARC. Noting with concern continuing threats against trade unionists and others, it said those responsible must be vigorously pursued and brought to justice. It urged

authorities to do their utmost to promote and protect the roles of human rights defenders, journalists, civil society organizations, trade unionists and those who represent the most vulnerable, including the indigenous population. Defenders should not be stigmatized, officially or otherwise. The United Kingdom would continue working with international partners and civil society to maintain the positive momentum of the UPR process in helping Colombia address the threat of illegal armed groups and to bring lasting and robust improvements in human rights.

600. Guatemala commended Colombia's positive attitude to the recommendations made. It noted the constant challenges that existed for Colombia, and for itself, and welcomed the Government's commitment to improving the human rights of its citizens and the openness and cooperation shown to treaty bodies, mandate-holders and to the Council and its various bodies generally. It also welcomed the detailed replies it received to the questions and suggestions made.

601. China thanked Colombia for its frank, open and constructive attitude to the UPR in the presentation of its efforts, achievements and challenges in human rights promotion and protection. It welcomed Colombia's serious answers and written replies to questions raised by states, including China, and the establishment of follow-up mechanisms to implement the accepted recommendations. It was convinced that, in light of specific conditions in the country, the Government would overcome difficulties and make new achievements in human rights.

602. Panama welcomed Colombia's replies to questions and recommendations, congratulating the Government and civil society for the high quality review, which was open, with dialogue, responsibility and great commitment. Panama highlighted Colombia's establishment of a procedure for follow up of recommendations accepted and the voluntary commitments undertaken. Panama was convinced that the UPR would become a practical instrument, serving to continually improve and inspire states like Colombia to design and implement mechanisms, enabling progress on the basis of the recommendations and by assessing national policies.

3. General comments made by other relevant stakeholders

603. The Colombian Commission of Jurists and the World Organization Against Torture dedicated their statement, on behalf of 1,200 Colombian organisations, to Mr. Legarda, who was murdered after his wife participated in the UPR working group in December. It highlighted both the violations of humanitarian law and human rights committed by the guerrilla, and the Colombian state's lack of compliance with its human rights obligations and commitments. It noted the human rights issues raised during the review which are persisting in Colombia, including extrajudicial executions, enforced disappearances, torture, sexual violence, recruitment of children and forced displacement, violations that particularly affect indigenous peoples and Afro-Colombian communities, women and children. It stressed that paramilitaries linked to the authorities were not dismantled and were benefiting from impunity; the executive meddles in the judicial branch; victims have not received compensation due to the many failures in the implementation of the "justice and peace" law; increased harassment of human rights defenders, unionists and journalists by high-ranking officials; that inequalities have not decreased; and there are no guarantees to health, education, food and adequate housing for many. It hoped the Government's acceptance of recommendations would result in serious measures and called for acceptance of all the recommendations.

604. The World Organisation Against Torture, on behalf of Human Rights First, Front Line and the Observatory for the Protection of Human Rights Defenders, said the treatment of human rights defenders emerged as a key theme of the review, demonstrating their precarious situation in Colombia. It welcomed Colombia's acceptance of recommendations in this regard and its commitment to provide guarantees and protection measures for human rights defenders to carry out their work. But it said defenders continued to pay a heavy price, condemning the assassination of Mr. Legarda. It urged Colombia's adoption of the many recommendations to acknowledge the legitimacy of human rights advocacy, but said senior officials continued to falsely label defenders as terrorists. It called on the President to issue and enforce a directive prohibiting public officials from making false imputations that compromise the security or reputation of defenders. It expressed grave concern on the numerous threats and attacks against defenders, such as the recent death threats against a member of the Colombian Commission of Jurists. It urged Colombia to address the serious problem of baseless criminal prosecutions of defenders, saying the Prosecutor-General should pass a resolution enabling his Human Rights Unit to review all criminal investigations against human rights defenders in line with fundamental due process standards. It urged Colombia to immediately release from prison defenders who remain unjustly detained.

605. The World Federation of Trade Unions (WFTU) welcomed statements recommending that Colombia protect unionists, human rights defenders, women, displaced persons, journalists, children, indigenous peoples and Afro-descendants. It welcomed Colombia's acceptance of many recommendations but expressed concern at the increasing number of crimes against unionists: from 37 in 2007, to 45 in 2008. Seven workers have been murdered so far in 2009 and two have disappeared. The WFTU added that indigenous communities continue to be threatened, citing a number of threats of social cleansing at the entrance of the Wayuu communities at the Guajira department. It noted that establishment of unions can entail serious reprisals, citing the sacking of 22 workers in Cartagena in February for considering unionizing.

606. The Social Service Agency of the Protestant Church in Germany, also on behalf of ODHACO, said interventions during Colombia's review reflected the gravity of the situation. It hoped the Council would create effective mechanisms to follow up on recommendations beyond the voluntary submissions by reviewed states and without waiting four years. It added that the armed conflict has led to disturbing levels of degradation caused by all the armed stakeholders, citing the massacre by the FARC of 18 indigenous Awa in Nariño in February. It highlighted the high number of extrajudicial executions by armed forces and was disturbed by the Government's underestimation of the seriousness of the situation. It noted the telephone tapping by Colombian information services against magistrates of the Supreme Court, and against members of the opposition, human rights defenders and journalists. It also cited the extradition of 17 paramilitary commanders as a serious obstacle to justice, preventing important revelations from emerging if they had been questioned in Colombia. It added that high-ranking officials' declarations against journalists, rights defenders and unionists resulted in serious threats against them.

607. International PEN and World Press Freedom Committee welcomed Colombia's commitments in relation to journalists, including: improving guarantees of their rights; encouraging investigations of crimes against them; and fostering a culture in which it is easier for journalists to work. They noted with satisfaction that there were no deadly attacks on print journalists in Colombia in 2008, unlike the preceding two years, but were alarmed by the high number of those who continue to be threatened and intimidated in relation to their work. They

asked that Colombia provide journalists who are threatened and attacked with adequate guarantees of their safety, urging the Government to take measures ensuring that such journalists are not further endangered by comments made by public officials that could exacerbate threats and violence against them. They said the state must not only encourage investigations of such crimes but ensure that such prompt, independent, thorough and impartial investigations take place. The pertinent institutions must speed up outstanding investigations and bring to justice those who have committed crimes against journalists.

608. Conscience and Peace Tax International (CPTI) noted that Colombia rejected the recommendation to recognize the right of conscientious objection to military service. CPTI reminded Colombia that no domestic legislation or constitutional provisions can override its international treaty obligations, and that article 93 of the constitution states that such obligations take priority over domestic law. It cited the Human Rights Committee decision in 2006 that conscientious objection to military service is a protected manifestation of religious belief within article 18 of the ICCPR. With specific reference to Colombia, in a 2008 opinion concerning cases of forcible recruitment, the Working Group on arbitrary detention found all three cases to constitute arbitrary detention. With regard to two conscientious objectors, CPTI was of the view that their recruitment was in breach of article 18 of the ICCPR and a clear violation of their affirmation of conscience. CPTI called on Colombia to urgently reconsider its position on this issue.

609. Action Canada for Population and Development (ACPD) said that the Colombian court decision giving homosexual couples the same rights as heterosexual couples remained dead letter. It noted also the non-implementation of a Human Rights Committee decision that a homosexual man should be allowed to receive his partner's pension. Regarding police abuses, ACPD supported OHCHR comments on the murders of transvestites and supported statements by the World Organization Against Torture on crimes against transvestites. It called on the Fiscalía General de la Nación to create a specific unit for hate crimes. APCD also raised concerns about intersex children, who are dismissed from school and even sent away by their families. It called on Colombia to accept the recommendation by the Czech Republic to provide funds to implement court decisions, establish a follow-up plan for the implementation of human rights, and develop policies ensuring equality for gays and lesbians.

610. Amnesty International noted that many interventions during Colombia's review reflected concerns repeatedly expressed by Colombian and international human rights organizations, the OHCHR and the Inter-American Commission on Human Rights. It also noted the widely shared acknowledgement that the human rights and humanitarian situation in Colombia remains serious, as it remains in the midst of an armed conflict, and paramilitary groups continue to operate despite the Government's stated efforts to demobilise them. It welcomed the acceptance of most recommendations, but regretted the rejection of key recommendations and asked the Government to reconsider its position, such as to accept the jurisdiction of the Committee on Enforced Disappearance, to ratify the OP-CAT, to withdraw the declaration on article 124 of the Rome Statute, and to end the "soldiers for a day" programme, which threatens to drag civilians further into the conflict. Amnesty welcomed the Government's commitment to urgently implement in full OHCHR recommendations, but noted the failure of successive Colombian governments to do so. It recommended that the Council adopt measures to ensure effective monitoring of progress in this regard, in cooperation with civil society.

611. International Federation of Human Rights Leagues (FIDH) expressed concern that negotiations with paramilitaries did not result in effectively dismantling the structures and that the Government denies this fact. It noted OHCHR concerns that describing these structures as gangs does not reflect the complexity, variety, plurality and risk of the phenomenon. It said there were at least 76 paramilitary groups with some 9,000 active members. Extraditions of 17 paramilitary leaders for drug trafficking were frustrating for victims, it said. FIDH welcomed the Government's commitment to generating policies to avoid impunity of crimes against humanity but was concerned that the Government continues to deny that the demobilization process has allowed a de facto amnesty for most paramilitaries, including those who might have taken part in such crimes. Of the more than 30,000 paramilitaries demobilized, only one was convicted the day before the present meeting. By May 2008, only 245 have agreed to submit to the legal process according to the justice and peace law. FIDH noted that Colombia, in its comments, avoided recommendations relating to grave attacks against the Supreme Court of Justice, including from the President of the Republic, in the context of investigations of Government and Congress members for supposed links with paramilitaries. It said the Government must stop persecuting judiciary members and must provide them with protection.

612. SOS Kinderdorf International, also on behalf of World Vision International, Plan International and the International Save the Children Alliance welcomed Colombia's acceptance of many child right recommendations. Noting recommendation 65, it added that limited state presence in rural areas minimises identification and reporting of child sexual and physical abuse, leading many cases to go unrecorded and unpunished. On recommendation 22, it called for increased efforts to ensure effective data collection and adequate reporting, policing and juridical measures for such offences. It called for continued action on recommendation 19, requesting measures on demobilization through to reintegration of child soldiers, and measures to address the underlying exclusion which make rural, indigenous and other minority children vulnerable to recruitment. Welcoming Government commitments to the MDGs on the health and education of children, and acceptance of recommendations on education, it called for measures to ensure access to healthcare and education in rural areas. On recommendation 62, it further recommended that birth registration fees be waived, it be made possible to register children in areas other than those of their birth, and that communities be educated on the importance of birth registration. It requested clarification on the rejection of the recommendation in paragraph 37 (c) of the report, referring to the soldiers for a day program and to CRC recommendations calling for an end to the children's participation in military training activities. Considering the complementary relationship between UPR and treaty bodies, it questioned this rejection.

4. Concluding remarks of the State under Review

613. On the situation of trade unionists, Colombia explained that a special unit was established and resulted in 184 trials where those responsible for the murder of unionists were convicted. Whereas only one conviction was achieved in 2007, last year this number increased to 76, and there have already been 14 convictions so far this year. It noted that 216 cases of murder of trade unionists have been revealed in the Justice and Peace process. Some of these have occurred in 2009, such as the murder of the President of the Fishermen's Union, and three perpetrators have been arrested, including the mastermind.

614. The delegation said the Government acknowledged the discussion on the Law on Victims. It noted that a programme for compensation through administrative means was established by the

Government, at a cost of approximately US\$7 billion. About 180,000 persons have made claims under the law, and progress has been made in strengthening the protection programme. A decision by the Supreme Court had impeded the Executive from handing out partial charges through the Justice and Peace process, but once the restriction was lifted, 62 partial charges were brought against perpetrators. The first conviction occurred the day prior to the present meeting, and 15 cases were awaiting trial.

615. On the murders presumably committed by law enforcement officials, the delegation said the Government had discretionally retired 3,500 law enforcement officials on its own initiative. It said that despite the fact that 75,000 tactical missions have been undertaken since 2002, only 938 complaints are being investigated with 1,117 persons involved. All cases are being remitted to the ordinary court.

616. The delegation said that the Government has repeatedly expressed regret for the death of Mr. Legarda and the investigation is in the hands of the Prosecutor's Office. The events having occurred at 5 a.m. on a highway created a confusing situation and the Government is asking the Prosecutor's Office to establish the facts. The State has provided information to Ambassadors in Colombia on progress, and a new directive was issued by the Secretary of Defence on how military roadblocks should be established, learning from this regrettable experience. The Constitutional Court has ordered 34 ethnic safeguard plans for 34 indigenous communities, developing a comprehensive policy to provide care for these communities.

617. On the relationship between the Government and NGOs, the delegation said differences existed in that the Government believes it has done its best to address human rights violations, overcome impunity, and protect the population, but NGOs may not share this view. Their view is respected. It added, however that, for example, a few years ago paramilitaries were responsible for 250 massacres a year without reaction from the State authorities, but now all paramilitary leaders are held in maximum security prisons and are being tried for their crimes, and their demobilization requires strict commitments to reveal truth, to provide reparations to victims and to carry out prison sentences. It said Colombia refuses to consider the groups that have emerged to take over the control of 500 metric tons of coca, in many areas linked to the guerrilla, as paramilitary groups. These groups want to be qualified as paramilitaries to be subject to negotiation.

618. Colombia regretted the situation regarding journalist Hollman Morris, but added that the statements made by the Government questioning Mr. Morris were made following the claims of two persons who had been kidnapped and had questioned the behaviour of the journalist. The delegation said that a pluralistic press exists in Colombia, and a great range of opinion can be found in the media.

619. Responding to concerns on the cost of education, Colombia reported on the establishment of a free subsidy for the poorest children which will benefit 4.5 million children.

620. It said Colombia was aware that legislation needed to be enacted to ensure the Constitutional Court decision of January on same-sex couples does not remain dead letter on paper.

621. Colombia also affirmed that all the challenges can be met if work continues with the international community, human rights organisations and civil society in a constructive spirit, rejecting all forms of violence and strengthening the institutions.

Uzbekistan

622. The review of Uzbekistan was held on 11 December 2008 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents: the national report submitted by Uzbekistan in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/3/UZB/1); the compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/3/UZB/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/3/UZB/3).

623. At its 31st meeting, on 20 March 2009, the Human Rights Council considered and adopted the outcome of the review on Uzbekistan (see section C below).

624. The outcome of the review on Uzbekistan is constituted of the report of the Working Group on the Universal Periodic Review (A/HRC/10/77), together with the views of Uzbekistan concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/10/77/Add.1).

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

625. Uzbekistan was grateful to the members of the Council and the member states of the United Nations for their attention to the situation of human rights in Uzbekistan as reflected in their recommendations and comments. Uzbekistan gave an overview of the steps and obligations it undertook during short period since the 3rd session of the UPR Working Group in December 2008. Uzbekistan's consideration under the UPR coincided with the end of the 60th anniversary year of the Universal Declaration of Human Rights, which was marked by the implementation of a thorough programme of measures adopted by a presidential decree in Uzbekistan. Uzbekistan noted that in 2008 it ratified eight very important international human rights documents. In February 2009, the Government of Uzbekistan also signed the United Nations Convention on the rights of Persons with Disabilities.

626. In 2008, Uzbekistan implemented a wide ranging educational and awareness campaign to monitor the implementation of the most important human rights laws in conformity with the Universal Declaration of Human Rights. Uzbekistan took the opportunity to dwell on three of the most recent trends in state policy with respect to human rights.

627. First with regard to the global financial crisis and human rights, the Government launched a policy to avoid any reduction in people's living standards, by protecting them from the negative consequences of the financial crisis and by ensuring that normal life proceeds as a foundation for their human rights. Uzbekistan stated that the budget allocation in the social sphere has amounted to more than 50 per cent, the majority of which was given to education.

Uzbekistan also has a continuing tradition for the adoption of integrated state programmes intended to resolve specific problems relating to socio-economic development as the basis of the whole set of human rights enshrined in the fundamental United Nations documents. Uzbekistan recalled that 2008 was declared the Year of Youth, and specific measures were taken to improve education, health, housing and credits for young people and young families while 2009 had been declared the Year of Development and Improvement of Countryside. Uzbekistan intends to bring a qualitative improvement in the living conditions and wellbeing of the rural population since almost half of the Uzbek people live in rural areas and as paying attention to life in rural areas was in line with the United Nations Millennium Development Goals.

628. Secondly, Uzbekistan noted that education was a priority in state policy and it had been successfully implementing systemic educational reforms at all levels. The whole educational system is interrelated to the national programme to enhance culture of legal awareness among the broad masses about newly adopted legislation and also laying the foundations for human rights education programmes. With technical assistance from various United Nations agencies Uzbekistan is continuing the publication of international human rights documents. At the beginning of February 2009, an Uzbek language publication was issued with the help of UNICEF of the Optional Protocols to the Convention on the Rights of the Child, which Uzbekistan ratified in December 2008.

629. Thirdly, Uzbekistan noted that as a result of a consistent development in the area of judicial and legal reform, it started seeing concrete results in the application of habeas corpus. This institution came into force on 1 January 2008 and has served to strengthen the procedural guarantees for the protection of constitutional rights and freedoms for Uzbekistan's citizens during criminal proceedings. As of 2008, Uzbekistan has been implementing a whole set of legal and organisational reforms related to the legal profession. Uzbekistan has established bar association, a chamber of lawyers, an independent professional association, which carries out a broad range of tasks, including the social protection and support for lawyers, educational activities and representation and defence at matters related to the state. The guarantee of the legal status of lawyers was achieved with the introduction of administrative responsibility on the part of public officials for hampering activities of lawyers. The Government has taken a decision to support such national institutions for human rights as the Parliamentary Ombudsman and the National Human Rights Centre, established in accordance with the Paris principles, and the Vienna Declaration and the Vienna Programme of Action. The institution of habeas corpus, the improvement of the status and institution of the legal profession and the national human rights institutions should all be seen as consistent steps being taken by Uzbekistan to implement judicial and legal reforms and to carry out international obligations in the human rights area.

630. Uzbekistan has also submitted a document with its answers and commentaries to the recommendations of the UPR Working Group. Uzbekistan has carefully studied all the recommendations made by the member states. Uzbekistan was pleased to inform that work to implement the recommendations Uzbekistan accepted following the UPR had already begun. In keeping with the spirit and the principles of the Human Rights Council, Uzbekistan intends to undertake and implement a National Plan of Action to accomplish the recommendations. Uzbekistan intends to continue consistently and actively to work together with the United Nations Treaty Bodies by submitting periodic reports and with the Special Procedures and mechanisms of the Council. In December 2008 and January 2009, Uzbekistan provided its replies to the questionnaires from the Special Rapporteurs on education and on violence against

women, and in March from the Council's Advisory Committee on draft declaration on human rights education and training.

631. The UPR mechanism has made it possible for Uzbekistan to thoroughly analyze and evaluate state policy on the realization of various human rights and to strengthen coordination and interaction among various state bodies and civil society structures. In keeping this important principle in mind, the state institutions together with civil society bodies will be working on the National Action Plan to implement the recommendations of the UPR to Uzbekistan. Uzbekistan hopes for the understanding of the Members and Observers of the Human Rights Council and also for their constructive and fruitful cooperation as Uzbekistan implements the common goals of promoting, realizing and protecting human rights both at the national and international levels.

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

632. Azerbaijan noted that a significant step had been made to uphold the role of the Parliament, the political parties as well as the civil society. Azerbaijan made reference to the growing number of NGOs, the establishment of the Human Rights Commissioner of the Parliament and of the National Centre for Human Rights, the abolition of death penalty, introduction of habeas corpus, adoption of several national action plans on various human rights fields, which demonstrate the will of Uzbekistan to further improve the human rights situation in the country. Azerbaijan noted that Uzbekistan would benefit from the Universal Periodic Review (UPR), inter alia, by the successful implementation of the recommendations.

633. Russian Federation was grateful to the delegation of Uzbekistan for the submission of exhaustive information on the recommendations made. It noted the creation of a full system of national human rights institutions in keeping with the Paris principles; the Ombudsman, the National Centre on human rights and the Institute for monitoring legislation. The national human rights protection system in Uzbekistan has been improved and this was quite clearly shown during the UPR and the Russian delegation wished the Government of Uzbekistan every success on that path.

634. Indonesia commended Uzbekistan for embracing the recommendations made during the UPR Working Group, and applauded forthcoming strategies to mobilize national resources to accelerate poverty alleviation and eliminate forced child labour and trafficking. Indonesia stated that by working together with concerned stakeholders, including NGOs and members of civil society, Uzbekistan would be further enabled in its efforts to advance human rights causes. Indonesia expressed hope that Uzbekistan will be further enabled to apply a balanced and fair application of human rights norms in the country, especially regarding the education and the eradication of discrimination against women and female children.

635. Ukraine expressed appreciation for the detailed responses to the recommendations made. Ukraine noted in particular the positive tendencies in the interaction between Uzbekistan and the Special Rapporteurs, as well as its intention to continue comprehensive cooperation with all the Special Procedures of the Human Rights Council and encouraged Uzbekistan to continue its efforts. Ukraine hoped to hear in the future, before the next round of the UPR, about their achievements.

636. Kazakhstan recognized the positive engagement by Uzbekistan with the Human Rights Council in the UPR process. Kazakhstan noted with great satisfaction that the UPR recommendations had already been taken into account and measures had been taken to carry them out. In this regard, Kazakhstan welcomed the recent positive steps by Uzbekistan, including the signature of the Convention on the Rights of Person with Disabilities in February 2009. Kazakhstan welcomed the gender specific steps taken, including the adoption of the Draft law “On guarantees of equal rights and opportunities for women and men”. Kazakhstan strongly encouraged Uzbekistan to continue its cooperation with Special Procedures and Treaty Bodies. Kazakhstan welcomed Uzbekistan's firm commitments and close cooperation in the follow-up process of the UPR.

637. Cuba congratulated Uzbekistan for its detailed presentation on on-going efforts as part of the follow-up to the recommendations made during the UPR. Cuba noted that despite obstacles confronted, Uzbekistan had made important progress, both in civil and political rights and in economic, social and cultural rights. Cuba made special acknowledgement of progress in the areas of education, health, employment, the promotion and protection of the rights of children, the rights of persons with disabilities and of low income and its fight against any type of discrimination. Cuba also wished to commend the on-going bill in the 2009 Legislation Plan for equal opportunities and rights for men and women, to enable them the equal enjoyment of their rights and freedoms, as recognized in the national legislation of Uzbekistan.

638. Belarus noted the serious work done by Uzbekistan in the preparation of the UPR. Belarus noted that Uzbekistan had established the necessary structural conditions for the promotion of human rights, including the Ombudsman, the National Centre for Human Rights and the State Human Rights Programmes. Belarus stated that Uzbekistan was actively promoting legal and procedural practice noting the recent introduction of habeas corpus. Belarus welcomed the adoption of the law to combat trafficking in persons in 2008. Belarus also noted the establishment of national rehabilitation centres for victims of trafficking. Belarus invited the representative of the relevant authorities to take part in training on trafficking in persons, which is conducted regularly by the International Migration Training Centre to Combat Trafficking based in Minsk. Belarus stated that it would appreciate the steps to be undertaken by Uzbekistan to implement the recommendations made during the UPR Working Group, noting the development of a National Action Plan.

639. Malaysia was pleased to note that Uzbekistan accepted a large number of recommendations put forward by Member States, including those that focus on the promotion and protection of economic, social and cultural rights. This was particularly important in the light of the current global financial crisis that has affected the socio- economic conditions of many developing countries. Malaysia viewed this as a positive and constructive approach on the part of Uzbekistan and they encouraged the Uzbek Government to take the necessary measures to implement the recommendations effectively.

640. The Philippines welcomed the responses of Uzbekistan, particularly its readiness to continue its comprehensive cooperation with all Special Procedures of the Human Rights Council. The Philippines noted the draft law “On guarantees of equal rights and opportunities for women and men” had been included in the plan of legislative activities of the Government for 2009. The Philippines welcomed the steps undertaken by the Government with regard to the promotion and protection of the rights of children by noting Uzbekistan's ratification of the two

Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict, as well as ILO Conventions Nos. 138 and 182 with respect to the minimum age of labour and the worst form of child labour.

641. Bahrain noted that Uzbekistan had drawn up a National Plan and had also taken measures to guarantee the rights of the child through legislation by tackling trafficking in persons. They have ratified the Optional Protocol to the Convention on the Rights of the Child on trafficking in children and on children in armed conflict. Uzbekistan has signed two ILO Conventions to put an end to child labour and to set a national programme directed at eliminating the worst forms of child labour, while imposing serious penalties on parents and others who force children to work. Bahrain indicated that Uzbekistan like other countries, signed the Millennium Declaration on an ideal world for children and the government is committed to improving the situation of children and is endeavouring to establish a programme to this end from 2009 to 2011.

642. Algeria congratulated the Uzbek Government for their progress in promoting and implementing human rights standards. The constructive participation of Uzbekistan in the UPR and their voluntary acceptance of a large number of the recommendations was a testimony to this commitment. Algeria welcomed the measures adopted to implement some of the recommendations and encouraged the Government to continue its efforts to enshrine human rights standards. Algeria called upon the United Nations agencies concerned to cooperate closely with the country to allow it to meet these challenges.

643. The United Kingdom of Great Britain and Northern Ireland sought clarification and requested correction on paragraph 48 (c), which does not exist but was referred to in paragraph 107 of the report of the working group as one of the recommendations not accepted by the Government of Uzbekistan. The United Kingdom of Great Britain and Northern Ireland expressed its ongoing concern over the number of imprisoned human rights defenders. It further expressed disappointment that certain paragraphs referred to in paragraph 107 were dismissed by Uzbekistan as factually wrong without due consideration.

3. General comments made by other relevant stakeholders

644. Civicus - World Alliance For Citizen Participation welcomed new laws adopted on non-governmental and non-profit organizations asking the Government to report publicly, accurately and comprehensively how these laws had been implemented and what had been done in relation to various recommendations to improve the protection of civil society space, namely to ensure freedom of expression, assembly, association and the right to participate in public and political life, to adopt a National Plans of Action to improve the human rights situation and to implement some of the recommendations of the Treaty Bodies on freedom of peaceful assembly, to investigate all reports of assaults on human rights defenders and bring to justice those responsible. Civicus requested that the United Nations Special Rapporteur on human rights defenders' visit be facilitated at the earliest possible time.

645. Action Canada for Population and Development (ACPD) urged Uzbekistan to provide a friendly environment without state interference or fear of reprisal for NGOs working on the issues of sexual rights, women's rights, reproductive health and rights, and HIV/AIDS. ACPD further called on the Government to conduct proper investigation of NGO closures, punishing

those responsible for unjustified closures and restoring their legal personhood to the organizations affected, specifically crisis centres for women. ACPD supported the recommendation to invite the United Nations Special Rapporteur on human rights defenders stressing the importance to examine the situation of defenders working on women's rights and sexual and reproductive rights. ACPD called on the Government to repeal article 120 of the Uzbek Criminal Code to de-criminalize consensual same-sex behaviour among adults.

646. Amnesty International welcomed Uzbekistan's support of recommendations to establish a national independent mechanism to monitor all places of detention and to consider complaints. AI expressed dismay that Uzbekistan considers as inconsistent with its obligations under international human rights standards to establish an independent international investigation into the events of May 2005 in Andijan. AI noted that during the interactive dialogue, Uzbekistan rejected as 'unfounded' reports that excessive and disproportionate force had been used during these events. AI also urged Uzbekistan to reconsider its rejection of recommendations to release all detained human rights defenders and to ensure that everyone, including human rights defenders, peacefully exercise their right to freedom of expression in conformity with Uzbekistan's obligations under the ICCPR.

647. International Commission of Jurists (ICJ) expressed concern that Uzbekistan accepted only very general and sometimes vague recommendations, and made reservations or eventually refused those that were specific and measurable. The ICJ urged the Government particularly: to permit an effective investigation into the Andijan events through an independent international commission of inquiry; to refrain from the prosecution of dissenting political and religious activists, journalists and human rights defenders for the exercise of fundamental freedoms on vaguely defined charges related to terrorism, extremism, separatism or religious practise; to narrow down the definition of what constitutes "terrorist acts" in accordance with the principle of legality of offences; to ensure that its legislation on criminal procedure complies with all due process guarantees; to ensure the absolute prohibition of torture and to adopt the definition of torture that complies with Article 1 of the Convention against Torture; to provide for an effective access by the public to criminal trials,; to provide unhindered access to the Special Procedures, which have outstanding requests for visits.

648. Human Rights Watch (HRW) lamented the Government's decision to reject the recommendations to urge the release of human rights defenders and civil society activists. HRW noted that at least 11 human rights defenders continued to be held in prison. HRW stated that it was forced to suspend its activities in Uzbekistan in July last year after the Government's denial for work accreditation and an outright ban on its research. HRW expressed regret on the Government's continued refusal to accept responsibility for the May 2005 massacre in Andijan. HRW also expressed regret on the Government's decision to reject the recommendation to stop pursuing the forcible return of Uzbek asylum seekers from neighbouring countries. HRW urged the Government to reserve its approach and to accept and genuinely implement all recommendations addressed to it during the UPR.

649. Canada HIV/AIDS Legal Aid Network encouraged Uzbekistan to reconsider its position in paragraph 105 of the report of the UPR Working Group where Uzbekistan indicated it would study the conformity of 12 recommendations to its national legislation in light of international human rights standards. It requested if Uzbekistan could indicate which recommendations of those 12 would be accepted. It also raised Uzbekistan's rejection to decriminalize consensual

same-sex sexual activity between consenting adults noting that the laws criminalizing consensual same-sex sexual conduct are not in conformity with international obligations of privacy and non-discrimination under the ICCPR urging Uzbekistan to reconsider its position and to repeal the offending provisions.

4. Concluding remarks of the State under Review

650. In its concluding remarks Uzbekistan stressed that it upholds its international obligations in the fields of human rights and freedoms on the basis of the principles of equality, constructiveness, objectivity and transparency. UPR has made it possible for Uzbekistan to have a thorough look at its national policy on human rights, including civil, political, economic, social and cultural rights. Uzbekistan has instituted cooperation with civil society and has established a non-state system for the protection of human rights. These institutions provide an enormous support to the development of civil society and the rule of law in areas such as the education and care of women, children and people with disabilities and vulnerable people. Uzbekistan has created a National Association of NGOs, a Social Fund for support for NGOs and a Parliamentary Commission. The Government firmly intends to conduct a broad based discussion with all concerned state bodies and NGOs as well as with other civil society institutions and the media, to look at the recommendations emerging from the UPR Report on Uzbekistan and to develop and implement the appropriate National Plan of Action.

Tuvalu

651. The review of Tuvalu was held on 11 December 2008 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents: the national report submitted by Tuvalu in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/3/TUV/1); the compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/3/TUV/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/3/TUV/3).

652. At its 32nd meeting, on 20 March 2009, the Human Rights Council considered and adopted the outcome of the review on Tuvalu (see section C below).

653. The outcome of the review on Tuvalu is constituted of the report of the Working Group on the Universal Periodic Review (A/HRC/10/84), together with the views of Tuvalu concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group.

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

654. Ms. Filiga Niko, Crown Counsel in the Office of the Attorney General of Tuvalu, presented the final remarks and conclusions of the Government on its first reporting under the Universal Periodic Review process. She re-affirmed Tuvalu's commitment to the UPR mechanism and to the upholding of human rights principles.

655. Tuvalu expressed a deep appreciation to those having provided the much needed support from the preparation phase of its national report to the reporting session in December 2008, and also for facilitating the presence of Tuvalu to the consideration of the outcome. In this regard, the delegation referred to the support of the Regional Office for the Pacific of the Office of the High Commissioner for Human Rights, the Pacific Regional Rights Resource Team, the Social Division of the Secretariat of the Pacific Community and the Permanent Missions of New Zealand and Australia in Geneva. Tuvalu extended its warm thanks also to the Human Rights Council, the UPR Working Group and Member States of the troika for the honest reflections and the assistance provided to the delegation of Tuvalu. As being amongst one of the first small island states to undertake the UPR process, Tuvalu noted that it had encountered the challenges of under-resources in terms of technical expertise in this new process. With the assistance of the human rights related offices in the region, Tuvalu had been able to fully participate in the review.

656. Tuvalu stated that the UPR process had given an opportunity not only to inform the international community of the state of Tuvalu's compliance and realization of human rights at the ground level, but also to know where Tuvalu stands in the fulfilment of its obligation as a United Nations Member State in the area of human rights. It considered the process as truly universal and reaffirmed the commitment of Tuvalu to the success and continuity of this human rights review mechanism.

657. With regard to the ten recommendations left in December 2008 to be considered by the Government, the delegation expressed that Tuvalu supported all those ten recommendations (A/HRC/10/84, para. 68). With regard to recommendation 2, to fully incorporate the Convention on the Rights of the Child, and recommendation 6, on the elimination of discrimination against women and to fully incorporate the Convention on the Elimination of All Forms of Discrimination against Women, Tuvalu stated that careful consideration and broad consultation were required at the national level with relevant stakeholders in the incorporation of these two Conventions. Tuvalu further commented that some of the ten recommendations raised, such as regarding children with no parental care and asylum, are not relevant in the meantime to Tuvalu, but the delegation confirmed the support of Tuvalu and that it stands ready to consider these recommendations. Lastly, Tuvalu stated that it required financial and technical support of the international community in the fulfilment of these recommendations.

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

658. The United Kingdom of Great Britain and Northern Ireland congratulated Tuvalu on the adoption of the report of their Universal Periodic Review. It recognized the capacity constraints that the Government of Tuvalu encountered when preparing for the review. The United Kingdom stated as it was commendable that despite these constraints the Government of Tuvalu was represented in Geneva in December 2008 and was in Geneva on 20 March 2009 for the consideration of the outcome.

659. New Zealand noted that Tuvalu was the second country in the South Pacific region to go through the Universal Periodic Review process of the Human Rights Council. It warmly welcomed the presence of a Tuvalu delegate in Geneva to take part in this adoption phase of the review process. It noted that Tuvalu has given the UPR high priority, with the preparation of a comprehensive State report and the input of a number of non-government organisations. New

Zealand stated that the quality of Tuvalu's preparation for the review resulted in a wide-ranging discussion in December 2008, in which a number of delegations participated fully. New Zealand commended Tuvalu for its acceptance of a very large number of the recommendations formulated in December 2008. It noted that for the Small Island States of the Pacific, participation in the review is a major undertaking, and that Tuvalu was undoubtedly among the smallest countries to have gone through the UPR process so far. New Zealand recognised the practical difficulties faced by the smallest island States in meeting their UPR obligations. For that reason, New Zealand noted it had convened in February 2009 in Auckland a seminar to assist officials of Pacific Islands Governments in working through the UPR process. New Zealand informed that, at the seminar, Tuvalu representatives who had already gone through the UPR in December 2008 were able to provide valuable insights for their colleagues from other Pacific countries and had contributed greatly to making the seminar a success.

3. General comments made by other relevant stakeholders

660. Amnesty International welcomed many of the recommendations made by States to Tuvalu, including on cooperating with the Office of the High Commissioner for Human Rights to strengthen legislation related to family, land and sexual offences against children, and to establish a national human rights commission based on the Paris Principles. It also welcomed recommendations to develop a comprehensive strategy to reduce domestic violence in Tuvalu, including through raising public awareness and encouraging greater involvement by government agencies and civil society in efforts to address domestic violence and gender discrimination. Amnesty International reiterated its call to Tuvalu to develop and enact legislation to protect women and children from violence, in particular domestic violence. It indicated that prevailing cultural notions of women's status continued to be a key factor in perpetuating violence against women in Tuvalu. Amnesty International therefore urged Tuvalu to support recommendations to eliminate legislation that has a discriminatory effect against women, and to amend the Constitution to prohibit discrimination on the basis of sex and gender. It considered that gender violence cannot be eradicated without addressing the underlying factors that cause or contribute to gender discrimination. Amnesty International welcomed Tuvalu's support for recommendations to ratify, with assistance of the Office of the High Commissioner for Human Rights, a wide range of human rights treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

661. Earthjustice welcomed and encouraged the positive response of Tuvalu concerning its efforts to ratify all major human rights treaties and to establish a national human rights institution respecting the Paris Principles in order to strengthen human rights in the country. It stated that Tuvalu illustrates unfortunately how human rights are affected by climate change such as the right to food, the right to water or the right to adequate housing. Earthjustice encouraged Tuvalu to promote a strong access to information, education and public participation in environmental and climate change matters. It noted that the situation of Tuvalu also shows that the right to an ecologically sustainable environment cannot be protected by national measures alone. It considered that the right to assistance in emergency situation and possible refugee rights can only be granted by the active involvement of the international community, but that the responsibility of the international community is not limited to assistance measures. Furthermore, it noted that the fate of Tuvalu exemplifies how climate change mitigation measures are also a direct contribution to the prevention of human rights violations. Earthjustice called on the Council to consider the whole range of measures needed to make it possible for Tuvalu to protect

the human rights of its people. It called on Tuvalu to actively participate in the future discussions on this issue at the Council as well as to the negotiations of the post-Kyoto regime, where the human rights implications of the struggle against climate change will have to be taken into consideration.

662. The Canadian HIV/AIDS Legal Network noted, with reference to paragraph 14 of the Working Group report, that during the interactive dialogue in the Working Group, the head of delegation of Tuvalu stated that his country respected the rights of persons of all sexual orientations, but that the question of legal protection in the Constitution would need to be carefully considered. In this regard, the Canadian HIV/AIDS Legal Network appreciated the openness of the delegation to discussion and relevant actions of Tuvalu in relation to promoting equality for all people including on grounds of sexual orientation and gender identity. However, it noted that Tuvalu does maintain some criminal laws which penalize consensual same sex adult behaviour, and the Canadian HIV/AIDS Legal Network encouraged the delegation to remain open to revision of these laws in order to promote equality and compliance with international obligations of privacy and non-discrimination. The Canadian HIV/AIDS Legal Network would welcome an indication from the delegation whether there is an openness to consider these matters.

4. Concluding remarks of the State under Review

663. Tuvalu thanked the President, States and stakeholders for their valuable contributions. It noted that comments and explanations to a number of issues raised by States and stakeholders had already been provided by the delegation of Tuvalu in December 2008. Tuvalu expressed its commitment to the success and continuity of the review, not only in the reporting element of the process but more importantly in the implementation of these recommendations at the ground level. Tuvalu stated that it therefore sought the support and assistance of the international community in the implementation of the recommendations. In closing, Tuvalu expressed that it was looking forward to present its next report to the Human Rights Council.

B. General debate on agenda item 6

664. At the 32nd meeting, on 20 March 2009, the Council held a general debate on item 6, during which the following made statements:

(a) Representatives of States members of the Council: Canada, Chile, China, Cuba, Czech Republic⁴⁰ (on behalf of the European Union, Albania, Bosnia and Herzegovina, Croatia, Montenegro, Republic of Moldova, Serbia, the former Yugoslav Republic of Macedonia, Turkey and Ukraine), Egypt (on behalf of the Group of African States), France, Germany, Japan, Malaysia, Nigeria, Republic of Korea, Russian Federation, Switzerland, United Kingdom of Great Britain and Northern Ireland;

(b) Representatives of the following observer States: Algeria, Australia, Austria, Bhutan, Czech Republic, Kuwait, Morocco, Poland, Portugal, Tunisia, Turkey;

⁴⁰ Observer of the Council speaking on behalf of States members and observer States.

(c) Observers for the following non-governmental organizations: Amnesty International, Arab Commission for Human Rights, Canadian HIV/AIDS Legal Network, Human Rights Watch, Indian Council of South America, International Service for Human Rights, Liberation, Nord-Sud XXI, OCAPROCE International.

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

C. Consideration and action on draft proposals

Botswana

666. At the 27th meeting, on 18 March 2009, the Council adopted draft decision 10/101 without a vote (for the text adopted, see part one, chapter I).

Bahamas

667. At the 27th meeting, on 18 March 2009, the Council adopted draft decision 10/102 without a vote (for the text adopted, see part one, chapter I).

Burundi

668. At the 27th meeting, on 18 March 2009, the Council adopted draft decision 10/103 without a vote (for the text adopted, see part one, chapter I).

Luxembourg

669. At the 28th meeting, on 18 March 2009, the Council adopted draft decision 10/104 without a vote (for the text adopted, see part one, chapter I).

Barbados

670. At the 28th meeting, on 18 March 2009, the Council adopted draft decision 10/105 without a vote (for the text adopted, see part one, chapter I).

Montenegro

671. At the 28th meeting, on 18 March 2009, the Council adopted draft decision 10/106 without a vote (for the text adopted, see part one, chapter I).

United Arab Emirates

672. At the 29th meeting, on 19 March 2009, the Council adopted draft decision 10/107 without a vote (for the text adopted, see part one, chapter I).

Liechtenstein

673. At the 29th meeting, on 19 March 2009, the Council adopted draft decision 10/108 without a vote (for the text adopted, see part one, chapter I).

Serbia

674. At the 30th meeting, on 19 March 2009, the Council adopted draft decision 10/109 without a vote (for the text adopted, see part one, chapter I).

Turkmenistan

675. At the 30th meeting, on 19 March 2009, the Council adopted draft decision 10/110 without a vote (for the text adopted, see part one, chapter I).

Burkina Faso

676. At the 30th meeting, on 19 March 2009, the Council adopted draft decision 10/111 without a vote (for the text adopted, see part one, chapter I).

Israel

677. At the 31st meeting, on 20 March 2009, the Council adopted draft decision 10/112 without a vote (for the text adopted, see part one, chapter I).

Cape Verde

678. At the 31st meeting, on 20 March 2009, the Council adopted draft decision 10/113 without a vote (for the text adopted, see part one, chapter I).

Colombia

679. At the 31st meeting, on 20 March 2009, the Council adopted draft decision 10/114 without a vote (for the text adopted, see part one, chapter I).

Uzbekistan

680. At the 31st meeting, on 20 March 2009, the Council adopted draft decision 10/115 without a vote (for the text adopted, see part one, chapter I).

Tuvalu

681. At the 32nd meeting, on 20 March 2009, the Council adopted draft decision 10/116 without a vote (for the text adopted, see part one, chapter I).

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

A. Follow-up to Human Rights Council resolutions 7/30, 9/18 and S-9/1

682. At the 35th meeting, on 23 March 2009, the Deputy High Commissioner for Human Rights introduced the reports of the High Commissioner for Human Rights, Office of the High Commissioner and the Secretary-General for Human Rights under agenda item 7, as requested by the Council in its resolutions 7/30 of 28 March 2008 (A/HRC/10/15) and 9/18 of 24 September 2008 (A/HRC/10/27), the report mandated by Commission on Human Rights Resolution 2005/7 (A/HRC/10/35), and the follow-up to Council resolution S-9/1 of 12 January 2009.

683. Also at the same meeting, the Special Rapporteur on the right to food, Olivier De Schutter, introduced the combined report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the Special Representative of the Secretary-General for children and armed conflict, the Special Rapporteur on violence against women, its causes and consequences, the Representative of the Secretary-General on the human rights of internally displaced persons, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, the Special Rapporteur on the right to food, the Special Rapporteur on extrajudicial, arbitrary or summary executions, the Special Rapporteur on the right to education, and the Independent Expert on the question of human rights and extreme poverty, as requested by Council resolution S-9/1 (A/HRC/10/22).

684. At the same meeting, the representative of Israel made a statement as a concerned country; and the representative of Palestine made a statement as a concerned party.

685. During the ensuing interactive dialogue on the combined report, at the same meeting, the following made statements and asked the mandate holders questions:

(a) Representatives of States members of the Council: Bangladesh, Brazil (also on behalf of India and South Africa), China, Cuba (on behalf of the Non-Aligned Movement), Czech Republic⁴¹ (on behalf of the European Union), Egypt, Indonesia, Japan, Jordan, Malaysia, Pakistan (on behalf of the Organization of the Islamic Conference), Qatar, Senegal, Yemen⁴² (on behalf of the Group of Arab States);

(b) Representatives of the following observer States: Algeria, Iraq, Kuwait, Lebanon, Sudan, Syrian Arab Republic, Tunisia, United Arab Emirates, United States of America, Venezuela (Bolivarian Republic of);

⁴¹ Observer of the Council speaking on behalf of States members and observer States.

⁴² Observer of the Council speaking on behalf of States members and observer States.

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

(d) Observers for the following non-governmental organizations: Arab Commission for Human Rights, Union of Arab Jurists, World Vision International.

686. At the same meeting, the Special Rapporteur on the right to food, Olivier De Schutter, answered questions and made comments and his concluding remarks.

B. Annual interactive dialogue with the special procedure

687. At the 35th meeting, on 23 March 2009, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Richard Falk, introduced his annual report (A/HRC/10/20). At the same meeting, the Special Rapporteur made a second statement.

688. At the same meeting, the representative of Israel made a statement as a concerned country; and the representative of Palestine made a statement as a concerned party.

689. During the ensuing annual interactive dialogue at the same meeting, and at the 36th meeting, on 24 March 2009, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States member of the Council: Bangladesh, Czech Republic⁴³ (on behalf of the European Union), Djibouti, Egypt (also on behalf of the Group of African States), Jordan, Malaysia, Pakistan (on behalf of the Organization of the Islamic Conference), Yemen⁴⁴ (on behalf of the Group of Arab States);

(b) Representative of the following observer States: Syrian Arab Republic, United States of America;

(c) Observers for the following non-governmental organizations: Cairo Institute for Human Rights Studies, Coordinating Board of Jewish Organizations (also on behalf of B'nai B'rith International), Nord-Sud XXI, United Nations Watch.

690. At the 36th meeting, on 24 March 2009, the Special Rapporteur answered questions and made his concluding remarks.

C. General debate on agenda item 7

691. At the 36th meeting, on 24 March 2009, the Council held a general debate on item 7, during which the following made statements:

⁴³ Observer of the Council speaking on behalf of States members and observer States.

⁴⁴ Observer of the Council speaking on behalf of States members and observer States.

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

(b) Representatives of States members of the Council: Bahrain, Brazil, Cuba (on behalf of the Non-Aligned Movement), Czech Republic⁴⁵ (on behalf of the European Union, Albania, Bosnia and Herzegovina, Croatia, Montenegro, the former Yugoslav Republic of Macedonia, Turkey and Ukraine), Egypt (also on behalf of the Group of African States), Malaysia, Pakistan (on behalf of the Organization of the Islamic Conference), Qatar, Russian Federation, Saudi Arabia, Slovenia, Switzerland, Yemen⁴⁶ (on behalf of the Group of Arab States);

(c) Representative of the following observer States: Algeria, Iceland, Iran (Islamic Republic of), Kuwait, Lebanon, Libyan Arab Jamahiriya, Morocco, Oman, Tunisia, Turkey, United States of America, Yemen;

(d) Observers for the following non-governmental organizations: Al-Hakim Foundation, Arab Commission for Human Rights, General Arab Women Federation (also on behalf of Women's International League for Peace and Freedom), Indian Movement Tupaj Amaru (also on behalf of World Peace Council), International Organization for the Elimination of all Forms of Racial Discrimination, Islamic Human Rights Commission, Mouvement Contre le Racisme et pour L'amitié entre les Peuples, Norwegian Refugee Council, Union of Arab Jurists, United Nations Watch, Women's International Zionist Organization.

692. At the same meeting, a statement in exercise of the right of reply was made by the representative of Syrian Arab Republic.

D. Consideration and action on draft proposals

Human rights in the occupied Syrian Golan

693. At the 43rd meeting, on 26 March 2009, the representative of Pakistan (on behalf of the Organization of the Islamic Conference and the Group of Arab States) introduced draft resolution A/HRC/10/L.4, sponsored by Pakistan (on behalf of the Organization of the Islamic Conference) and co-sponsored by Belarus, Bolivia, Cuba, Democratic People's Republic of Korea, Nicaragua, Yemen (on behalf of the Group of Arab States) and Zimbabwe. Subsequently, Venezuela (Bolivarian Republic of) joined the sponsors.

694. At the same meeting, the representatives of Israel and Syrian Arab Republic made statements as concerned countries.

695. Also at the same meeting, statements in explanation of vote before the vote were made by the representatives of Canada and Germany (on behalf of States members of the European Union that are members of the Council).

⁴⁵ Observer of the Council speaking on behalf of States members and observer States.

⁴⁶ Observer of the Council speaking on behalf of States members and observer States.

696. At the same meeting, at the request of the representative of Germany (on behalf of States members of the European Union that are members of the Council), a recorded vote was taken and the resolution was adopted, by 33 votes to 1, with 13 abstentions. The voting was as follows:

In favour: Angola, Argentina, Azerbaijan, Bahrain, Bangladesh, Bolivia, Brazil, Burkina Faso, Chile, China, Cuba, Djibouti, Egypt, Gabon, Ghana, India, Indonesia, Jordan, Madagascar, Malaysia, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Uruguay, Zambia;

Against: Canada;

Abstaining: Bosnia and Herzegovina, Cameroon, France, Germany, Italy, Japan, Netherlands, Republic of Korea, Slovakia, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland.

697. For the text as adopted, see A/HRC/10/L.11, resolution 10/17).

Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan

698. At the 43rd meeting, on 26 March 2009, the representative of Pakistan (on behalf of the Organization of the Islamic Conference and the Group of Arab States) introduced draft resolution A/HRC/10/L.5, sponsored by Pakistan (on behalf of the Organization of the Islamic Conference) and co-sponsored by Bolivia, Cuba, Nicaragua, Venezuela (Bolivarian Republic of) and Yemen (on behalf of the Group of Arab States). Subsequently, Belarus, Belgium, Cyprus, Finland, Greece, Iceland, Ireland, Luxembourg, Republic of Malta, Portugal, Slovenia and Sri Lanka joined the sponsors.

699. At the same meeting, the representative of Pakistan orally revised the draft resolution by modifying operative paragraphs 3 and 7.

700. Also at the same meeting, a general comment in relation to the draft resolution was made by the representative of Germany (on behalf of States members of the European Union that are members of the Council).

701. At the same meeting, the representative of Palestine made a statement in relation to the draft resolution as a concerned party.

702. Also at the same meeting, statements in explanation of vote before the vote were made by the representatives of Canada.

703. At the same meeting, at the request of the representative of Canada, a recorded vote was taken on the draft resolution. The draft resolution, as orally revised, was adopted, by 46 votes to 1, with no abstentions. The voting was as follows:

In favour: Angola, Argentina, Azerbaijan, Bahrain, Bangladesh, Bolivia, Bosnia and Herzegovina, Brazil, Burkina Faso, Cameroon, Chile, China, Cuba, Djibouti, Egypt, France, Gabon, Germany, Ghana, India, Indonesia, Italy,

Japan, Jordan, Madagascar, Malaysia, Mauritius, Mexico, Netherlands, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Republic of Korea, Russian Federation, Saudi Arabia, Senegal, Slovakia, Slovenia, South Africa, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Zambia;

Against: Canada.

704. For the text as adopted, see A/HRC/10/L.11, resolution 10/18.

Human rights violations emanating from the Israeli military attacks and operations in the Occupied Palestinian Territory

705. At the 43rd meeting, on 26 March 2009, the representative of Pakistan (on behalf of the Organization of the Islamic Conference and the Group of Arab States) introduced draft resolution A/HRC/10/L.6, sponsored by Pakistan (on behalf of the Organization of the Islamic Conference) and co-sponsored by Bolivia, Cuba, Nicaragua, Venezuela (Bolivarian Republic of) and Yemen (on behalf of the Group of Arab States). Subsequently, Belarus, South Africa and Sri Lanka joined the sponsors.

706. At the same meeting, the representative of Pakistan orally revised the draft resolution by modifying the title, the seventh preambular paragraph, operative paragraphs 2 and 5 and adding a new operative paragraph 9bis.

707. Also at the same meeting, statements in explanation of vote before the vote were made by the representatives of Netherlands (also on behalf of Italy).

708. At the same meeting, at the request of the representative of Netherlands, a recorded vote was taken on the draft resolution. The draft resolution, as orally revised, was adopted, by 35 votes to 4, with 8 abstentions. The voting was as follows:

In favour: Angola, Argentina, Azerbaijan, Bahrain, Bangladesh, Bolivia, Bosnia and Herzegovina, Brazil, Burkina Faso, Chile, China, Cuba, Djibouti, Egypt, Gabon, Ghana, India, Indonesia, Jordan, Madagascar, Malaysia, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Switzerland, Uruguay, Zambia;

Against: Canada, Germany, Italy, Netherlands;

Abstaining: Cameroon, France, Japan, Republic of Korea, Slovakia, Slovenia, Ukraine, United Kingdom of Great Britain and Northern Ireland.

709. At the same meeting, statements in explanation of the vote after the vote were made by the representatives of Canada and Japan (for the text as adopted, see A/HRC/10/L.11, resolution 10/19).

Right of the Palestinian people to self-determination

710. At the 43rd meeting, on 26 March 2009, the representative of Pakistan (on behalf of the Organization of the Islamic Conference and the Group of Arab States) introduced draft resolution A/HRC/10/L.7, sponsored by Pakistan (on behalf of the Organization of the Islamic Conference) and co-sponsored by Bolivia, Cuba, Nicaragua, Switzerland, Venezuela (Bolivarian Republic of) and Yemen (on behalf of the Group of Arab States). Subsequently, Austria, Belarus, Belgium, Bulgaria, Cyprus, Finland, France, Iceland, Ireland, Luxembourg, Norway, Republic of Malta, Portugal, Slovenia, South Africa, Spain, Sri Lanka and Sweden joined the sponsors.

711. At the same meeting, general comments in relation to the draft resolution were made by the representative of Canada and Germany (on behalf of States members of the European Union that are members of the Council).

712. Also at the same meeting, the representative of Israel made a statement in relation to the draft resolution as a concerned country and the representative of Palestine made a statement in relation to the draft resolution as a concerned party.

713. At the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see A/HRC/10/L.11, resolution 10/20).

Follow-up to Council resolution S-9/1 on the grave violations of human rights in the Occupied Palestinian Territory, particularly due to the recent Israeli military attacks against the occupied Gaza Strip

714. At the 43rd meeting, on 26 March 2009, the representative of Pakistan (on behalf of the Organization of the Islamic Conference, the Group of Arab States and Cuba) introduced draft resolution A/HRC/10/L.37, sponsored by Pakistan (on behalf of the Organization of the Islamic Conference) and co-sponsored by Cuba and Yemen (on behalf of the Group of Arab States). Subsequently, Belarus, Bolivia, South Africa, Sri Lanka and Venezuela (Bolivarian Republic of) joined the sponsors.

715. At the same meeting, the representative of Israel made a statement in relation to the draft resolution as a concerned country.

716. Also at the same meeting, statements in explanation of vote before the vote were made by the representatives of Canada, Germany (on behalf of States members of the European Union that are members of the Council), Japan and Switzerland.

717. At the request of the representative of Germany (on behalf of States members of the European Union that are members of the Council), a recorded vote was taken on the draft resolution. The draft resolution, as orally revised, was adopted, by 33 votes to 1, with 13 abstentions. The voting was as follows:

In favour: Angola, Argentina, Azerbaijan, Bahrain, Bangladesh, Bolivia, Brazil, Burkina Faso, Chile, China, Cuba, Djibouti, Egypt, Gabon, Ghana, India, Indonesia, Jordan, Madagascar, Malaysia, Mauritius, Mexico, Nicaragua,

Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Uruguay, Zambia;

Against: Canada;

Abstaining: Bosnia and Herzegovina, Cameroon, France, Germany, Italy, Japan, Netherlands, Republic of Korea, Slovakia, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland.

718. For the text as adopted, see A/HRC/10/L.11, resolution 10/21).

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

General debate on agenda item 8

719. At the 37th meeting, on 24 March 2009, the Council held a general debate on item 8, during which the following made statements:

(a) Representatives of States members of the Council: Argentina, Chile (also on behalf of the Group of Latin American and Caribbean States), Czech Republic⁴⁷ (on behalf of the European Union, Albania, Armenia, Bosnia and Herzegovina, Croatia, Iceland, Montenegro, Republic of Moldova, Serbia, the former Yugoslav Republic of Macedonia, Turkey and Ukraine), Indonesia, Pakistan (on behalf of the Organization of the Islamic Conference), Russian Federation;

(b) Representatives of the following observer States: Algeria, Austria, Colombia, Denmark (also on behalf of Finland, Iceland, Norwegian and Sweden), Iran (Islamic Republic of), Kuwait, Morocco, Turkey, United States of America;

(c) Observers for national human rights institutions: European Group of National Human Rights Institutions on behalf of its A status members, International Coordinating Committee of National Human Rights Institutions, National Human Rights Commission of Korea, National Human Rights Institution of Mexico (also on behalf of national human rights institutions of Australia, India, Ireland, Republic of Korea, Malaysia and New Zealand);

(d) Observers for the following non-governmental organizations: Arab Commission for Human Rights, Centrist Democratic International, European Region of the International Lesbian and Gay Association (also on behalf of Canadian HIV/AIDS Legal Network, Danish National Organisation for Gay Men and Lesbians, Public Services International, Federatie Van Netherlandse Verenigingen Tot Integratie Van Homoseksualiteit Coc Nederland and Swedish Federation of Lesbian, Gay, Bisexual and Transgender Rights), Indian Council of South America, International Federation of University Women (also on behalf of Brahma Kumaris World Spiritual University, Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos, Federation of American Women's Clubs Overseas, Federation of Associations of Former International Civil Servants, Femmes Africa Solidarite, General Board of Church and Society of the United Methodist Church, International Alliance of Women, International Federation of Business and Professional Women, International Network for the Prevention of Elder Abuse, Pan Pacific and South East Asia Women's Association, Soka Gakkai International, Women's International League for Peace and Freedom, Women's International Zionist Organization, Women's World Summit Foundation, World Federation for Mental Health and World Wide Organization for Women, Zonta International), International Humanist and Ethical Union, Union de l'action feminine.

⁴⁷ Observer of the Council speaking on behalf of States members and observer States.

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

A. Reports presented under agenda item 9 and general debate on that item

Implementation of the Durban Declaration and Programme of Action and elaboration of Complementary Standards

720. At the 37th meeting, on 24 March 2009, Idriss Jazaïry, in his capacity as Chairperson-Rapporteur of the Ad Hoc Committee on the elaboration of Complementary Standards, presented the report on the first session of the Ad Hoc Committee, held from 11 to 22 February 2008 (A/HRC/10/88).

721. At the same meeting, Dayan Jayatileka, in his capacity as Chairperson-Rapporteur of the Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action, presented the report of the Intergovernmental Working Group (A/HRC/10/87).

Working Group of Experts on People of African Descent

722. At the 37th meeting, on 24 March 2009, the Chairperson-Rapporteur of the Working Group of Experts on People of African Descent, Joe Frans, presented his report (A/HRC/10/66).

General debate

723. At its 37th and 38th meetings, on 24 March 2009, the Council held a general debate on the above-mentioned reports and on item 9, during which the following made statements:

(a) Representatives of States members of the Council: Angola, Brazil, Burkina Faso, China, Cuba (on behalf of the Non-Aligned Movement), Czech Republic⁴⁸ (on behalf of the European Union), Egypt, India, Indonesia, Malaysia, Nigeria, Pakistan (on behalf of the Organization of the Islamic Conference), Qatar, Republic of Korea, Russian Federation, Senegal, Slovakia, Slovenia, South Africa (on behalf of the Group of African States), Switzerland, Yemen⁴⁹ (on behalf of the Group of Arab States);

(b) Representatives for the following observer States: Algeria, Iran (Islamic Republic of), Kuwait, Libyan Arab Jamahiriya, Morocco, Syrian Arab Republic, Turkey, Venezuela (Bolivarian Republic of);

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

⁴⁸ Observer of the Council speaking on behalf of States members and observer States.

⁴⁹ Observer of the Council speaking on behalf of States members and observer States.

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

(e) Observers for non-governmental organizations: Amnesty International, Arab Commission for Human Rights, Bechet Fund for Religious Liberty, Center for Inquiry International, Cercle de la Recherche sur les Droits et les Devoirs de la Personne Humaine, December Twelfth Movement International Secretariat (also on behalf of International Associate against Torture), Defence for Children International, Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos (on behalf of other 164 non-governmental organizations, see A/HRC/10/NGO/113), Indian Council of South America, International Federation of Human Rights Leagues, International Human Rights Association of American Minorities, International Humanist and Ethical Union, International Institute for Non-Aligned Studies, International Institute for Peace, Indian Movement Tupaj Amaru, International Youth and Student Movement for the United Nations, Mbororo Social and Cultural Development Association, Mouvement Contre Le Racisme Et Pour L'amitié Entre Les Peuples, Nord-Sud XXI, Rencontre Africaine pour la Défense des Droits de l'homme (also on behalf Al-Hakim Foundation and Interfaith International), United Nations Watch.

B. Consideration and action on draft proposals

Combating defamation of religions

724. At the 43rd meeting, on 26 March 2009, the representative of Pakistan (on behalf of the Organization of the Islamic Conference and co-sponsors) introduced draft resolution A/HRC/10/L.2/Rev.1, sponsored by Pakistan (on behalf of the Organization of the Islamic Conference). Subsequently, Belarus and Venezuela (Bolivarian Republic of) joined the sponsors.

725. At the same meeting, statements in explanation of the vote before the vote in connection with the draft resolution were made by the representatives of Angola, Canada, Chile, Germany (on behalf of States members of the European Union that are members of the Council) and India.

726. Also at the same meeting, at the request of the representative of Germany (on behalf of States members of the European Union that are members of the Council), a recorded vote was taken on the draft resolution. The draft resolution was adopted, by 23 votes to 11, with 13 abstentions. The voting was as follows:

In favour: Angola, Azerbaijan, Bahrain, Bangladesh, Bolivia, Cameroon, China, Cuba, Djibouti, Egypt, Gabon, Indonesia, Jordan, Malaysia, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa;

Against: Canada, Chile, France, Germany, Italy, Netherlands, Slovakia, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland;

Abstaining: Argentina, Brazil, Bosnia and Herzegovina, Burkina Faso, Ghana, India, Japan, Madagascar, Mauritius, Mexico, Republic of Korea, Uruguay, Zambia.

727. For the text as adopted, see A/HRC/10/L.11, resolution 10/22).

X. Technical assistance and capacity-building

A. Interactive dialogue with the special procedure

Somalia

728. At the 40th meeting, on 25 March 2009, the Independent Expert on the situation of human rights in Somalia, Shamsul Bari, introduced the human rights situation in Somalia.

729. At the same meeting, the representative of Somalia made a statement as the concerned country.

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

(a) Representatives of States members of the Council: Bahrain, Bangladesh, Canada, Czech Republic⁵⁰ (on behalf of the European Union), Djibouti, Egypt (on behalf of the Group of African States), Italy, United Kingdom of Great Britain and Northern Ireland, Yemen⁵¹ (on behalf of the Group of Arab States);

(b) Representatives of the following observer States: Algeria, Ethiopia, Norway, Sweden, Yemen;

(c) Observer for Palestine;

(d) Observer for the following non-governmental organizations: Cercle de la Recherche sur les Droits et les Devoirs de la Personne Humaine, Human Rights Watch.

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

B. General debate on agenda item 10

732. At the 41st meeting, on 25 March 2009, the Council held a general debate on item 10, during which the following made statements:

(a) Representatives of State members of the Council: Brazil, Czech Republic⁵² (on behalf of the European Union, Albania, Armenia, Bosnia and Herzegovina, Croatia, Georgia, Iceland, Montenegro, Republic of Moldova, the former Yugoslav Republic of Macedonia, Turkey and Ukraine);

⁵⁰ Observer of the Council speaking on behalf of States members and observer States.

⁵¹ Observer of the Council speaking on behalf of States members and observer States.

⁵² Observer of the Council speaking on behalf of States members and observer States.

(b) Representatives of the following observer States: Democratic Republic of the Congo, Kuwait, United States of America;

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

(d) Observer for a non-governmental organization: Arab Commission of Human Rights, Cercle de la Recherche sur les Droits et les Devoirs de la Personne Humaine, Nord-Sud XXI, Union of Arab Jurists, United Nations Watch.

733. At the same meeting, statements in exercise of the right of reply were made by the representatives of Iraq and Sri Lanka.

C. Consideration and action on draft proposals

ANNEXES

ANNEX I

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 and implementation of the Durban Declaration and Programme of Action
- Item 10. Technical assistance and capacity-building

ANNEX II

**Administrative and programme budget implications of
Council resolutions adopted at the tenth session**

ANNEX III

Attendance

ANNEX IV

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<i>Symbol</i>	<i>Agenda item</i>	
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A/HRC/10/6	3	Report of the independent expert on access to safe drinking water and sanitation, Ms. Catarina De Albuquerque
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A/HRC/10/11	3	Report of the independent expert on minorities, Ms. Gay McDougal
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A/HRC/10/12	3	Report of the Special Rapporteur on human rights defenders, Ms. Margaret Sekaggya
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A/HRC/10/12/Add.3	3	Report of the then Special Representative of the Secretary General on the situation of human rights defenders, Ms Hina Jilani on her country visit to Guatemala in Feb 2008-11-19
A/HRC/10/13	3	Report of the Representative of the Secretary-General on Internally Displaced Persons, Mr. Walter Kälin
A/HRC/10/13/Add.1	3	Report on the protection of Internally Displaced Persons in situations of natural disasters
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A/HRC/10/15	7	Human rights in the occupied Syrian Golan
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enjoyment of the highest attainable standard of physical and mental health, the Special Representative of the Secretary-General for Children and Armed Conflict, the Special Rapporteur on violence against women, its causes and consequences, the Representative of the Secretary-General on the human rights of internally displaced persons, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, the Special Rapporteur on the right to food, the Special Rapporteur on extrajudicial, arbitrary or summary executions, the Special Rapporteur on the right to education, and the Independent Expert on the question of human rights and extreme poverty

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A/HRC/10/24	3	Note by the High Commissioner for Human Rights transmitting to the Human Rights Council the report of the fifteenth meeting of special rapporteurs /representatives, independent experts and chairpersons of working groups
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A/HRC/10/87	9	Report of the Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action on its sixth session

A/HRC/10/88	9	Report of the Ad Hoc Committee on the elaboration of complementary standards on its first session
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A/HRC/10/L.7	7	Right of the Palestinian people to self-determination
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A/HRC/10/L.27	4	Situation of human rights in the Democratic People's Republic of Korea

A/HRC/10/L.28	4	Situation of human rights in Myanmar
A/HRC/10/L.29	3	Implementation of the Convention on the Rights of the Child and its Optional Protocols
A/HRC/10/L.30	3	Human Rights and Climate Change
A/HRC/10/L.31	3	Protection of human rights and fundamental freedoms while countering terrorism
A/HRC/10/L.32	3	Torture and other cruel, inhuman or degrading treatment or punishment: the role and responsibilities of medical and other personnel
A/HRC/10/L.33/Rev.1	5	Publication of reports completed by the Subcommission on the Promotion and Protection of Human Rights
A/HRC/10/L.34	3	Discrimination based on religion or belief and its impact on the enjoyment of economic, social and cultural rights
A/HRC/10/L.35	3	Human rights and arbitrary deprivation of nationality
A/HRC/10/L.36	3	Forensic genetics and human rights
A/HRC/10/L.37	7	Follow-up to Council resolution S-9/1 on the grave violations of human rights in the Occupied Palestinian Territory, particularly due to the recent Israeli military attacks against the occupied Gaza Strip

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A/HRC/10/G/2	3	Response of the Spanish Government and observations concerning the report on Spain of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Martin Scheinin

A/HRC/10/G/3	3	Observations du Gouvernement togolais sur le projet de rapport de Mme Sekaggya, Rapporteuse spéciale sur la situation des défenseurs des droits de l'homme concernant sa mission au Togo (24 juillet-4 août 2008)
A/HRC/10/G/4	2	Nota verbal con fecha de 2 de febrero de 2009 de la Misión de Colombia ante la Oficina de las Naciones Unidas y los Organismos Internacionales en Ginebra
A/HRC/10/G/5	3	Comments of the Greek Government on the report of the Independent Expert on Minority Issues following her visit to Greece, Gay McDougall Geneva, 6 March 2009
A/HRC/10/G/6	4	Letter from the Democratic People's Republic of Korea concerning the report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, Geneva, 29 January 2009

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<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/10/NGO/1	3	Written statement submitted by Europe – Third World Centre (CETIM), a non-governmental organization in general consultative status
A/HRC/10/NGO/2	3	Written statement* submitted by International Organization for the Elimination of all Forms of Racial Discrimination (EAFORD), a non-governmental organization in special consultative status
A/HRC/10/NGO/3	7	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
A/HRC/10/NGO/4	3	Written statement submitted by Pax Christi International, International Catholic Peace Movement a non-governmental organization in special consultative status

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A/HRC/10/NGO/5	3	Written statement submitted by Fondation Ostad Elahi – éthique et solidarité humaine, a non-governmental organization in special consultative status
A/HRC/10/NGO/6	3	Written statement submitted by Human Rights Advocates Inc. (HRA), a non-governmental organization in special consultative status
A/HRC/10/NGO/7	3	Idem
A/HRC/10/NGO/8	3	Idem
A/HRC/10/NGO/9	3	Idem
A/HRC/10/NGO/10	3	Written statement submitted by World Federation of Trade Unions (WFTU), a non-governmental organization in general consultative status
A/HRC/10/NGO/11	7	Written statement submitted by Badil Resource Center for Palestinian Residency and Refugee Rights, a non-governmental organizations in special consultative status
A/HRC/10/NGO/12	3	Written statement submitted by Himalayan Research And Cultural Foundation (HRCF), a non-governmental organization in special consultative status
A/HRC/10/NGO/13	6	Exposé écrit par Fédération Internationale de l'Action des Chrétiens pour l'Abolition de la Torture (FIACAT), organisation non gouvernementale dotée du statut consultatif spécial
A/HRC/10/NGO/14	3	Exposé écrit par l'Union Internationale du Notariat Latin (UINL), organisation non gouvernementale dotée du statut consultatif spécial
A/HRC/10/NGO/15	3	Written statement submitted by International Association of Schools of Social Work (IASSW), a non-governmental in special consultative status

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A/HRC/10/NGO/16	3	Written statement submitted by the Organization for Defending Victims of Violence (ODVV), a non-governmental organization in special consultative status
A/HRC/10/NGO/17	3	Written statement submitted by the Organization for Defending Victims of Violence (ODVV), a non-governmental organization in special consultative status
A/HRC/10/NGO/18	3	Written statement submitted by the Organization for Defending Victims of Violence (ODVV), a non-governmental organization in special consultative status
A/HRC/10/NGO/19	7	Idem
A/HRC/10/NGO/20	9	Idem
A/HRC/10/NGO/21	3	Exposé écrit par le Cercle de Recherche sur les Droits et les Devoirs de la Personne Humaine, organisation non gouvernementale dotée du statut consultatif spécial
A/HRC/10/NGO/22	3	Idem
A/HRC/10/NGO/23	3	Written statement submitted by France Libertés: Fondation Danielle Mitterrand, a non-governmental organization in special consultative status
A/HRC/10/NGO/24	3	Written statement submitted by the Federation of Western Thrace Turks in Europe (ABTTF), a non-governmental organization in special consultative status
A/HRC/10/NGO/25	3	Exposición escrita presentada por la Asamblea Permanente por los Derechos Humanos (APDH), organización no gubernamental reconocida como entidad consultiva especial
A/HRC/10/NGO/26	3	Idem
A/HRC/10/NGO/27	9	Idem

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A/HRC/10/NGO/28	3	Written statement submitted by the European Bureau for Lesser Used Languages (EBLUL), a non-governmental organization in special consultative status
A/HRC/10/NGO/29	9	Joint written statement submitted by the Association for World Education (AWE) and the World Union for Progressive Judaism (WUPJ), non-governmental organizations on the Roster
A/HRC/10/NGO/30	3	Written statement submitted by Fundación para la Libertad, a non-governmental organization in special consultative status
A/HRC/10/NGO/31	4	Written statement submitted by International Educational Development (IED), Inc., a non-governmental organization on the Roster
A/HRC/10/NGO/32	4	Idem
A/HRC/10/NGO/33	4	Written statement submitted by the Asian Legal Resource Centre (ALRC), a non-governmental organisation with general consultative status
A/HRC/10/NGO/34	3, 4	Idem
A/HRC/10/NGO/35	4	Idem
A/HRC/10/NGO/36	3, 4	Idem
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A/HRC/10/NGO/39	4	Idem
A/HRC/10/NGO/40	4	Idem
A/HRC/10/NGO/41	4	Idem
A/HRC/10/NGO/42	4	Idem
A/HRC/10/NGO/43	4	Idem

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A/HRC/10/NGO/44	3	Written statement submitted by Human Rights Advocates, Inc. (HRA), a non-governmental organization in special consultative status
A/HRC/10/NGO/45	3	Idem
A/HRC/10/NGO/46	3	Idem
A/HRC/10/NGO/47	3	Idem
A/HRC/10/NGO/48	3	Written statement submitted by the Japanese Workers' Committee for Human Rights (JWCHR), a non-governmental organization with special consultative status
A/HRC/10/NGO/49	3	Written statement submitted by International Society for Human Rights (ISHR), a non-governmental organization on the Roster
A/HRC/10/NGO/50	3	Joint written statement submitted by Defence for Children International (DCI) and the World Organisation against Torture (OMCT), non-governmental organisations in special consultative status
A/HRC/10/NGO/51	3	Written statement submitted by Interfaith International, a non-governmental organisation with special consultative status
A/HRC/10/NGO/52	4	Exposé écrit par la Fédération Internationale de l'ACAT (Action des Chrétiens pour l'Abolition de la Torture-FIACAT), organisation non gouvernementale dotée du statut consultatif spécial
A/HRC/10/NGO/53	6	Idem
A/HRC/10/NGO/54	7	Written statement submitted by the Bahrain Women Association (BWA), a non-governmental organization in special consultative status
A/HRC/10/NGO/55	7	Joint written statement submitted by Al-Haq, Law in the Service of Man and Defence for Children International (DCI), non-governmental

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		organisations in special consultative status
A/HRC/10/NGO/56	3	Written statement submitted by International Save the Children Alliance, a non-governmental organization in general consultative status
A/HRC/10/NGO/57	3	Written statement submitted by the Cairo Institute for Human Rights Studies (CIHRS), a non-governmental organization in special consultative status
A/HRC/10/NGO/58	4	Written statement submitted by the Cairo Institute for Human Rights Studies (CIHRS), a non-governmental organization in special consultative status
A/HRC/10/NGO/59	3	Written statement submitted by the Jammu and Kashmir Council for Human Rights (JKCHR), a non-governmental organization in special consultative status
A/HRC/10/NGO/60	4	Written statement submitted by the Jammu and Kashmir Council for Human Rights (JKCHR), a non-governmental organization in special consultative status
A/HRC/10/NGO/61	3	Written statement submitted by the Foodfirst Information and Action Network (FIAN), a non-governmental organization on the Roster
A/HRC/10/NGO/62	4	Written statement submitted by the Society Studies Centre (SSC), a non-governmental organization in special consultative status
A/HRC/10/NGO/63	7	Written statement submitted by Society Studies Centre (SSC), a non-governmental organization in special consultative status

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<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/10/NGO/64	3	Exposé écrit conjoint présenté par New Humanity, organisation non gouvernementale dotée du statut consultatif général, le Bureau International Catholique de l'Enfance (BICE), Mouvement International ATD Quart Monde, la Communauté Internationale Baha'ie, Dominicains pour Justice et Paix-Ordre des Frères Prêcheurs, Organisation Internationale pour le Droit à l'Education et à la Liberté d'Enseignement (OIDE), Institution Teresiana, Association Points-Cœur, organisations non gouvernementales dotées du statut consultatif spécial
A/HRC/10/NGO/65	6	Written statement submitted by Amnesty International, a non-governmental organization in special consultative status
A/HRC/10/NGO/66	4	Written statement submitted by Amnesty International, a non-governmental organization in special consultative status
A/HRC/10/NGO/67	9	Written statement submitted by the Center for Inquiry-International (CFI), a non-governmental organization in special consultative status
A/HRC/10/NGO/68	3	Written statement submitted by Conscience and Peace Tax International (CPTI), a non-governmental organization in special consultative status
A/HRC/10/NGO/69	9	Joint written statement submitted by Freedom House and the Becket Fund for Religious Liberty, non-governmental organizations in special consultative status
A/HRC/10/NGO/70	3	Written statement submitted by the International Union of Latin Notariat, a non-governmental organization in special consultative status
A/HRC/10/NGO/71	4	Written statement submitted by the Pasumai Thaayagam Foundation, a non-governmental organization in special consultative status
A/HRC/10/NGO/72	4	Exposé écrit par Pax Romana (Mouvement

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		International des Intellectuels Catholiques) (Mouvement International des Etudiants Catholiques), organisation non gouvernementale dotée du statut consultatif spécial
A/HRC/10/NGO/73	3	Exposé écrit par le Bureau International Catholique de l'Enfance (BICE), organisation non gouvernementale dotée du statut consultatif spécial
A/HRC/10/NGO/74	3	Written statement submitted by the Hawa Society for Women (HSW), a non-governmental organization in special consultative status
A/HRC/10/NGO/75	3	Exposición escrita presentada por la Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos, organización no gubernamental reconocida como entidad consultiva especial
A/HRC/10/NGO/76	7	Written statement submitted by Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos, a non-governmental organization in special consultative status
A/HRC/10/NGO/78	7	Joint written statement submitted by the Sudan Council of Voluntary Agencies (SCOVA), a non- governmental organization in special consultative status and the African American Society for Humanitarian Aid & Development (ASHAD), a non-governmental organization on the Roster
A/HRC/10/NGO/79	3	Joint written statement submitted by World Vision International (WVI) and the International Save the Children Alliance, non-governmental organizations in general consultative status, Kindernothilfe, Help for Children in Need, SOS-Kinderdorf International (SOS-KDI), World Organization Against Torture (OMCT), and the Youth Empowerment Alliance, non-governmental organizations in special consultative status, and Plan International, Inc., a non-governmental organization on the Roster

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<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/10/NGO/81	3	Joint written statement submitted by World Blind Union (WBU), International Save the Children Alliance, non-governmental organizations in general consultative status, Disabled Peoples' International (DPI), European Disability Forum (EDF), Handicap International, Inclusion International (International League of Societies for Persons with Mental Handicap), International Federation of Hard of Hearing People (IHFOH), Rehabilitation International (RI), Survivor Corps (ex-Landmine Survivors Network), World Federation of the Deaf (WFD), World Federation of the Deafblind (WFDB), World Network of Users and Survivors of Psychiatry (WNUSP), non-governmental organizations in special consultative status, Mindfreedom International, a non-governmental organization on the Roster
A/HRC/10/NGO/83	3	Written statement submitted by the World Alliance of Young Men's Christian Associations (YMCA), a non-governmental organisation in special consultative status
A/HRC/10/NGO/84	4	Written statement submitted by Sign of Hope E.V. - Hoffnungszeichen, a non-governmental organization in special consultative status
A/HRC/10/NGO/85	4	Written statement submitted by International Educational Development (IED), Inc., a non-governmental organization on the Roster
A/HRC/10/NGO/86	3	Joint written statement submitted by the Assembly of First Nations- National Indian Brotherhood (AFN), the International Indian Treaty Council (IITC), the International Organization of Indigenous Resource Development (IOIRD) and the Union of British Columbia Indian Chiefs (UBCIC), non-governmental organizations in special consultative status
A/HRC/10/NGO/87	3	Written statement submitted by the Charitable Institute for Protecting Social Victims, a non-governmental organization in special consultative

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A/HRC/10/NGO/88	4	Written statement submitted by the Asian Legal Resource Centre (ALRC), a non-governmental organisation in general consultative status
A/HRC/10/NGO/89	3, 4	Idem
A/HRC/10/NGO/90	3, 4	Idem
A/HRC/10/NGO/91	7	Written statement submitted by Centre on Housing Rights and Evictions (COHRE) a non-governmental organization in special consultative status
A/HRC/10/NGO/92	3	Joint written statement submitted by the International Humanist and Ethical Union (IHEU) and the World Population Foundation (WPF), non-governmental organizations in special consultative status
A/HRC/10/NGO/93	3, 4	Written statement submitted by the International NGO Forum on Indonesian Development (INFID), a non-governmental organization in special consultative status
A/HRC/10/NGO/94	3, 4	Written statement submitted by the Women's International League for Peace and Freedom (WILPF), a non-governmental organization in special consultative status
A/HRC/10/NGO/96	3	Written statement submitted by the International Human Rights Association of American Minorities (IHRAAM), a non-governmental organization on the Roster
A/HRC/10/NGO/97	3	Joint written statement submitted by International Youth and Student Movement for the United Nations (ISMUN), a non-governmental organization in general consultative status, Union of Arab Jurists, The International Organization for the Elimination of All forms of Racial Discrimination (EAFORD), General Arab Women Federation, North-South XXI, Women's International League for Peace and Freedom (WILPF), Arab Lawyers

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	Union, The Indian Movement (TUPAJ AMARU), General Federation of Iraqi Women(GFIW), United Towns Agency for the North-South Cooperation, The International Association of Democratic Lawyers, International Educational Development - Humanitarian Law Project, Women International Democratic Federation (WIDF), Association of Humanitarian Lawyers, non-governmental organizations in special consultative status
A/HRC/10/NGO/98	3 Joint written statement submitted by the International Youth and Student Movement for the United Nations (ISMUN), a non-governmental organization in general consultative status, the Union of Arab Jurists, the International Organization for the Elimination of All forms of Racial Discrimination (EAFORD), the General Arab Women Federation, North-South XXI, the Women's International League for Peace and Freedom (WILPF), the Arab Lawyers Union, the Indian Movement (TUPAJ AMARU), General Federation of Iraqi Women(GFIW), United Towns Agency for the North-South Cooperation, The International Association of Democratic Lawyers, International Educational Development - Humanitarian Law Project, Women International Democratic Federation (WIDF), Association of Humanitarian Lawyers, non-governmental organizations in special consultative status
A/HRC/10/NGO/99	4 Joint written statement submitted by International Youth and Student Movement for the United Nations (ISMUN), a non-governmental organization in general consultative status, Union of Arab Jurists, The International Organization for the Elimination of All forms of Racial Discrimination (EAFORD), General Arab Women Federation, North-South XXI, Women's International League for Peace and Freedom (WILPF), Arab Lawyers Union, The Indian Movement (TUPAJ AMARU), General Federation of Iraqi Women(GFIW), United Towns Agency for the North-South Cooperation, The International Association of Democratic

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		Lawyers, International Educational Development - Humanitarian Law Project, Women International Democratic Federation (WIDF), Association of Humanitarian Lawyers, non-governmental organizations in special consultative status
A/HRC/10/NGO/100	3	Joint written statement submitted by International Youth and Student Movement for the United Nations (ISMUN), a non-governmental organization in general consultative status, Union of Arab Jurists, The International Organization for the Elimination of All forms of Racial Discrimination (EAFORD), General Arab Women Federation, North-South XXI, Women's International League for Peace and Freedom (WILPF), Arab Lawyers Union, The Indian Movement (TUPAJ AMARU), General Federation of Iraqi Women(GFIW), United Towns Agency for the North-South Cooperation, The International Association of Democratic Lawyers, International Educational Development - Humanitarian Law Project, Women International Democratic Federation (WIDF), Association of Humanitarian Lawyers, non-governmental organizations in special consultative status
A/HRC/10/NGO/101	7	Joint written statement submitted by Union of Arab Jurists, the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), General Arab Women Federation, Nord-Sud XXI, Arab Lawyers Union, the Indian Movement Tupaj Amaru (IMTA), General Federation of Iraqi Women (GFIW), United Towns Agency for the North-South Cooperation, The International Association of Democratic Lawyers, International Educational Development - Humanitarian Law Project, Women International Democratic Federation (WIDF), Association of Humanitarian Lawyers, non-governmental organizations in special consultative status
A/HRC/10/NGO/102	7	Joint written statement submitted by Union of Arab Jurists, the International Organization for the Elimination of All Forms of Racial Discrimination

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		(EAFORD), General Arab Women Federation, Arab Lawyers Union, the Indian Movement Tupaj Amaru (IMTA), General Federation of Iraqi Women (GFIW), United Towns Agency for the North-South Cooperation, the International Association of Democratic Lawyers, International Educational Development - Humanitarian Law Project, Women International Democratic Federation (WIDF), Association of Humanitarian Lawyers, non-governmental organizations in special consultative status
A/HRC/10/NGO/103	7	Written statement submitted by International Federation for Human rights (FIDH), a non-governmental organization in special consultative status
A/HRC/10/NGO/104	4	Exposé écrit par la Fédération Internationale des Ligues des Droits de l'Homme (FIDH), organisation non gouvernementale dotée du statut consultatif spécial
A/HRC/10/NGO/105	4	Joint written statement submitted by Franciscans International (FI), a non-governmental organization in general consultative status and Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs and International Movement of Catholic Students), a non-governmental organization in special consultative status
A/HRC/10/NGO/106	4	Exposé écrit présenté par Franciscain International (FI), organisation non gouvernementale dotée du statut consultatif général
A/HRC/10/NGO/107	4	Written statement submitted by the International Commission of Jurists (ICJ), a non-governmental organization in special consultative status
A/HRC/10/NGO/108	3	Joint written statement submitted by International Youth and Student Movement for the United Nations (ISMUN), a non-governmental organization in general consultative status, Union of Arab Jurists, The International Organization for the

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		Elimination of All forms of Racial Discrimination (EAFORD), General Arab Women Federation, North-South XX1, Arab Lawyers Union, The Indian Movement (TUPAJ AMARU), General Federation of Iraqi Women (GFIW), United Towns Agency for the North-South Cooperation, The International Association of Democratic Lawyers, International Educational Development - Humanitarian Law Project, Women International Democratic Federation (WIDF), Association of Humanitarian Lawyers, non-governmental organization in special consultative status
A/HRC/10/NGO/109	3	Written statement submitted by the Asian Forum for Human Rights and Development (FORUM-ASIA), a non-governmental organisation in special consultative status
A/HRC/10/NGO/110	3, 4	Written statement submitted by the Asian Forum for Human Rights and Development (FORUM-ASIA), a non-governmental organisation in special consultative status
A/HRC/10/NGO/112	3	Joint written statement submitted by CIVICUS (World Alliance for Citizen Participation), International Alliance of Women (IAW), International Association for Religious Freedom (IARF), International Council of Women (ICW-CIF), Soroptimist International (SI), World Federation of United Nations Associations (WFUNA) and Asian Legal Resource Centre (ALRC), non-governmental organizations in general consultative status, Pax Romana, International Organization for the Development of Freedom of Education (OIDEF), International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), International Federation of Social Workers (IFSW), International Network for the Prevention of Elder Abuse (INPEA), Anti-Racism Information Service (ARIS), Equitas-International Centre for Human Rights Education, Pax Christi International, International Federation of University Women (IFUW), World

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Federation For Mental Health (WFMH), Association Points Cœur, Institut Arabe des Droits de l'Homme, Myochikai (Arigatou Foundation), International Catholic Child Bureau (ICCB), Lutheran World Federation (LWF), Village Suisse ONG, Sovereign Military Order of the Temple of Jerusalem (OSMTH), Planetary Association for Clean Energy, Inc. (PACE), International Council of Jewish Women (ICJW), Al-Hakim Foundation, Women's World Summit Foundation (WWSF), Ius Primi Viri International Association (IPV), Worldwide Organization for Women (WOW), World Student Christian Federation (WSCF), Disabled People's International (DPI), International Indian Treaty Council (IITC), International Volunteerism Organization for Women, Education and Development-VIDES, Istituto Internazionale Maria Ausiliatrice (IIMA), Netherlands Centre for Indigenous Peoples (NCIV), Organization for Defending Victims of Violence (ODVV), the Advocates for Human Rights, Latin American Committee for the Defence of Women's Rights (CLADEM), Amman Center for Human Rights Studies (ACHRS), Cairo Institute for Human Rights Studies (CIHRS), Centre for Organization Research and Education (CORE), Dignity International, Helsinki Foundation for Human Rights, International Bureau for Children's Rights, SOS-Kinderdorf International (SOS-KDI), Aldet Centre-Saint Lucia and International Association of Schools of Social Work (IASSW), non-governmental organizations in special consultative status, Soka Gakkai International (SGI), Servas International, UNESCO Centre Basque Country (UNESCO Etxea), Association of World Citizens (AWC), Association for World Education (AWE), Institute for Planetary Synthesis (IPS), Asia Pacific Forum on Women, Law and Development (APWLD), International Movement Against All Forms of Discrimination and Racism (IMADR), non-governmental organizations on the Roster

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A/HRC/10/NGO/113	9 Joint written statement submitted by International Alliance of Women (IAW), Commission of the Churches on International Affairs of the World Council of Churches (CCIA/WCC), Brahma Kumaris World Spiritual University (BKWSU), International Association of Soldiers for Peace, Zonta International, International Federation of Settlements and Neighbourhood Centres (IFS), International Council of Women (ICW-CIF), International Women's Tribune Centre, International Federation of Business and Professional Women (BPWI), International Youth and Student Movement for the United Nations (ISMUN), International Association for Religious Freedom (IARF), Soroptimist International (SI), World Movement of Mothers, Asian Legal Resource Centre (ALRC), Women's Federation for World Peace International (WFWPI), CIVICUS: World Alliance for Citizen Participation, World Vision International (WVI), Buddha's Light International Association, International Council on Social Welfare (ICSW), World Young Women's Christian Association (World YWCA), Association for Progressive Communications (APC), non-governmental organizations in special consultative status, Conscience and Peace Tax International (CPTI), Dominicans for Justice and Peace (Order of Preachers), Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos (España), Interfaith International, Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs and International Movement of Catholic Students), Temple of Understanding (TOU), Women's International League for Peace and Freedom (WILPF), Women's World Summit Foundation (WWSF), International Society for Human Rights (ISHR), International Federation of University Women (IFUW), Femmes Africa Solidarité (FAS), Lutheran World Federation (LWF), Worldwide Organization for Women (WOW), Anglican Consultative Council (ACC), Union of Arab Jurists, Rencontre Africaine pour la Defense des Droits de l'Homme (RADDHO),

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Foundation for the Refugee Education Trust (RET), International Bridges to Justice (IBJ), Inter-African Committee on Traditional Practices Affecting the Health of Women and Children (IAC), American Association of Jurists (AAJ), Lassalle-Institut, UNESCO Centre of Catalonia, Anti-Racism Information Service (ARIS), Colombian Commission of Jurists (CCJ), Pan Pacific and South East Asia Women's Association (PPSEAWA), Ius Primi Viri International Association (IPV), Permanent Assembly for Human Rights (APDH), International Movement for Fraternal Union Among Races and Peoples (UFER), Women's International Zionist Organization (WIZO), International Federation of Women Lawyers (FIDA), International Federation of Women in Legal Careers (FIFCJ), Canadian Federation of University Women (CFUW), International Association for Women's Mental Health (IAWMH), European Union of Women (EUW), European Women's Lobby, International Women's Year Liaison Group (IWYLG), African Services Committee, Inc., International Federation of Family Associations of Missing Persons from Armed Conflict (IFFAMPAC), Institute of International Social Development, African Action on AIDS, International Society for Traumatic Stress Studies (ISTSS), Lama Gangchen World Peace Foundation (LGWPF), Pax Christi International, International Catholic Peace Movement, Tandem Project, Al-Hakim Foundation, Canadian Voice of Women for Peace (VOW), Organization for Defending Victims of Violence (ODVV), Solar Cookers International (SCI), Medical Women's International Association (MWIA), World Federation for Mental Health (WFMH), United States Federation for Middle East Peace, Susila Dharma International Association, Network Women in Development Europe, Nord - Sud XXI, General Arab Women Federation, United Towns Agency for North-South Cooperation, World Association for the School as an Instrument of Peace, International Organization for the Elimination of All Forms of Racial Discrimination,

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item*

Latin American Committee for the Defense of Women's Rights (CLADEM), African Women's Association (AWA), United Nations Association of Spain (ANUE), Maryknoll Fathers and Brothers, Maryknoll Sisters of St. Dominic, International Forum for Child Welfare, BADIL Resource Center for Palestinian Residence and Refugee Rights, Virginia Gildersleeve International Fund, African Commission on Health and Human Rights Promoters, Arab Lawyers Union, General Federation of Iraqi Women, Wittenberg Center for Alternative Resources, International Federation of Social Workers (IFSW), International Association of Peace Messenger Cities (IAPMC), Interreligious and International Federation for World Peace (IIFWP), Committee for Hispanic Children and Families, Peace Boat, Prison Fellowship International (PFI), MYOCHIKAI (Arigatou Foundation), International Association of Charities (AIC), National Council of Women of Great Britain (NCWGB), Indian Movement Tupaj Amaru (MITA), Peter Hesse Stiftung Foundation, The Salvation Army, Action Internationale pour la Paix et Developpement dans la Region des Grands Lacs (AIPD), Federation for Peace and Conciliation (FPC), National Council of Women of the United States of America, Cairo Institute for Human Rights Studies (CIHRS), Comite International pour le Respect et l'Application de la Charte Africaine des Droits de l'Homme et des Peuples (CIRAC), World for the World Organisation (WFWO), Education International (EI), Universal Esperanto Association, National Council of German Women's Organisations, Associated Country Women of the World (ACWW), International Grail, Council of American Overseas Research Centres, ICVolunteers (ICV), International Association for the Defence of Religious Liberty (AIDLR), Zenab for Women in Development, The Grail, non-governmental organization in general consultative status, Institute for Planetary Synthesis (IPS), International Peace Bureau (IPB), UNESCO Centre Basque Country (UNESCO ETXEA), 3HO

Documents issued in the non-governmental organizations series (continued)

<i>Symbol</i>	<i>Agenda item</i>	
		Foundation (Healthy, Happy, Holy Organization), Dzeno Association, Country Women Association of Nigeria (COWAN), International Movement against all Forms of Discrimination and Racism (IMADR), Association Nigérienne des Scouts de l'Environnement (ANSEN), International Peace Research Association (IPRA), International Association of Gerontology and Geriatrics (IAGG), Asia Pacific Forum on Women, Law and Development (APWLD), International Progress Organization (IPO), non-governmental organizations on the roster
A/HRC/10/NGO/114	9	Written statement submitted by Nord-Sud XXI, a non-governmental organization in special consultative status
A/HRC/10/NGO/116	3	Written statement submitted by Cairo Institute For Human Rights Studies (CIHRS) a non-governmental organization in special consultative status
A/HRC/10/NGO/117	3, 7	Idem
A/HRC/10/NGO/118	3	Joint written statement submitted by People's Solidarity For Participatory Democracy (PSPD) and Asian Forum For Human Rights And Development (FORUM-ASIA), non-governmental organisations in special consultative status
A/HRC/10/NGO/120	3	Written statement submitted by Physicians for Human Rights (PHR), a non-governmental organization in special consultative status

Documents issued in the national institutions series

<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/10/NI/1	3	Information presented by the National Human Rights Commission of Korea - Note by the Secretariat
A/HRC/10/NI/6	3	Information presented by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) and its A status accredited National Human Rights Institutions - Note by the Secretariat

ANNEX V

**List of Advisory Committee members and duration
of terms of membership**