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ORGANIZATIONAL AND PROCEDURAL MATTERS

Draft report of the Human Rights Council on its eleventh session*

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Resolutions and decisions adopted by the Council at its eleventh session

A. Resolutions

11/1. Open-ended Working Group on an optional protocol to the Convention on the Rights of the Child to provide a communications procedure

The Human Rights Council,

Recalling the Principles proclaimed in the Charter of the United Nations and that recognition of the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recalling also that, in the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), the World Conference reiterated the principle of “First Call for Children” and emphasized that the rights of the child should be a priority in the United Nations system-wide action on human rights,

Welcoming the almost universal ratification of the Convention on the Rights of the Child and the ratification by more than 120 States of each of the two Optional Protocols to the Convention,

Taking note of Council resolution 10/14 of 26 March 2009, in which the Council celebrated the twentieth anniversary of the Convention on the Rights of the Child, and called for effective implementation of the Convention by all States parties to ensure that all children may fully enjoy all their human rights and fundamental freedoms,

Noting with interest general comment No. 5 (2003) of the Committee on the Rights of the Child, in which the Committee emphasized that the special and dependent status of children creates real difficulties for them in pursuing remedies for breaches of their rights,

Noting that procedures allowing for individual communications have been established for other core international human rights treaties, namely, the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All

Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities,

Noting also that children and their representatives lack a communications procedure under the Convention on the Rights of the Child by which communications concerning the effective implementation of the rights set out in the Convention can be considered by an appropriate committee of independent experts,

Recalling the view of the Committee on the Rights of the Child, expressed by its Chairperson in her oral report to the General Assembly at its sixty-third session, that the development of a communications procedure for the Convention on the Rights of the Child would significantly contribute to the overall protection of children's rights,

1. *Decides* to establish an open-ended working group of the Human Rights Council to explore the possibility of elaborating an optional protocol to the Convention on the Rights of the Child to provide a communications procedure complementary to the reporting procedure under the Convention;
2. *Also decides* that the working group shall hold its first session for five working days in Geneva before the end of 2009, within existing resources;
3. *Further decides* to invite a representative of the Committee on the Rights of the Child to attend the session of the working group as a resource person and, where appropriate, relevant United Nations special procedures and other relevant independent experts, and also invites them to submit inputs to the working group for its consideration;
4. *Requests* the working group to submit a report on progress made to the Council for consideration at its thirteenth session.

*27th meeting
17 June 2009*

[Adopted without a vote. See chap. III.]

11/2. Accelerating efforts to eliminate all forms of violence against women

The Human Rights Council,

Reaffirming the obligation of all States to promote and protect all human rights and fundamental freedoms, and reaffirming also that discrimination on the basis of sex is contrary to the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women and other international human rights instruments, and that its elimination is an integral part of efforts towards the elimination of violence against women and girls,

Reaffirming also the Vienna Declaration and Programme of Action, the Declaration on the Elimination of Violence against Women, the Beijing Declaration and Platform for Action, the Cairo Programme of Action, the outcome of the twenty-third special session of the General Assembly entitled “Women 2000: gender equality, development and peace for the twenty-first century”, and the Declaration adopted at the forty-ninth session of the Commission on the Status of Women,

Reaffirming further Council resolutions 6/30 of 14 December 2007 on integrating the human rights of women throughout the United Nations system, and 7/24 of 28 March 2008 on the elimination of violence against women, all resolutions of the Commission on Human Rights on the elimination of violence against women, General Assembly resolution 63/155 of 30 January 2009 on the intensification of efforts to eliminate all forms of violence against women and all other Assembly resolutions relevant to the elimination of all forms of violence against women, and Security Council resolutions 1325 (2000) of 31 October 2000 and 1820 (2008) of 19 June 2008 on women, peace and security,

Deeply concerned that all forms of discrimination, including racism, racial discrimination, xenophobia and related intolerance and multiple or aggravated forms of discrimination and disadvantage, can lead to the particular targeting or vulnerability to violence of girls and some groups of women, such as women belonging to minority groups, indigenous women, refugee and internally displaced women, migrant women, women living in rural or remote communities,

destitute women, women in institutions or in detention, women with disabilities, elderly women, widows and women in situations of armed conflict, women who are otherwise discriminated against, including on the basis of HIV status, and victims of commercial sexual exploitation,

Recalling the inclusion of gender-related crimes and crimes of sexual violence in the Rome Statute of the International Criminal Court, and the recognition by the ad hoc international criminal tribunals that rape can constitute a war crime, a crime against humanity or a constitutive act with respect to genocide or torture,

Stressing the importance of a comprehensive, well-coordinated, effective and adequately resourced response by the United Nations system to all forms of violence against women and girls,

Stressing also the need for renewed political will and enhanced efforts to overcome obstacles and challenges faced by States in addressing, preventing, investigating, prosecuting and punishing the perpetrators of all forms of violence against women and girls,

Welcoming the holding of the Council's panel discussion on 5 June 2008 on the theme "Violence against women: identification of priorities",

Welcoming also the report of the Secretary-General on the intensification of efforts to eliminate all forms of violence against women (A/63/214),

1. *Stresses* that "violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life;

2. *Strongly condemns* all acts of violence against women and girls, whether they be perpetrated by the State, private persons or non-State actors, and calls for the elimination of all forms of gender-based violence in the family, within the general community and where perpetrated or condoned by the State, in accordance with the Declaration on the Elimination of

Violence against Women, and stresses the need to treat all forms of violence against women and girls as a criminal offence, punishable by law, and the duty to provide access to just and effective remedies and specialized assistance to victims, including medical and psychological assistance, as well as effective counselling;

3. *Stresses* that States have the obligation to promote and protect all human rights and fundamental freedoms of women and girls and must exercise due diligence to prevent, investigate, prosecute and punish the perpetrators of violence against women and girls and provide protection to the victims, and that failure to do so violates and impairs or nullifies the enjoyment of their human rights and fundamental freedoms;

4. *Calls upon* States to enact and, where necessary, reinforce or amend domestic legislation, including measures to enhance the protection of victims, to investigate, prosecute, punish and redress the wrongs done to women and girls subjected to any form of violence, whether in the home, the workplace, the community or society, in custody or in situations of armed conflict, to ensure that such legislation conforms with relevant international human rights instruments and international humanitarian law, to abolish existing laws, regulations, customs and practices which constitute discrimination against women, to remove gender bias in the administration of justice, and to take action to investigate and punish persons who perpetrate acts of violence against women and girls;

5. *Also calls upon* States to support initiatives undertaken by women's and non-governmental organizations on the elimination of violence against women and girls and to establish and/or strengthen, at the national level, collaborative relationships with relevant non-governmental and community-based organizations, and public and private sector institutions, aimed at the development and effective implementation of provisions and policies relating to violence against women and girls, including in the area of support services, assistance redress and empowerment of victims;

6. *Urges* States and the United Nations system to give attention to, and encourages greater international cooperation in, systematic research and the collection, analysis and

dissemination of data, including data disaggregated by sex, age and other relevant information, on the extent, nature and consequences of violence against women and girls and on the impact and effectiveness of policies and programmes for combating this violence, and, in this context, welcomes the establishment of the Secretary-General's coordinated database on violence against women, and urges States and the United Nations system to regularly provide information for inclusion in the database;

7. *Encourages* States to supply information on all forms of violence against women and girls in their reports submitted to the Committee on the Elimination of Discrimination against Women and other relevant treaty bodies;

8. *Also encourages* States to implement Security Council resolutions 1325 (2000) and 1820 (2008) to contribute to their efforts to eliminate all forms of violence against women and girls;

9. *Notes with appreciation* the work of the Special Rapporteur on violence against women, its causes and consequences, including her latest report on the political economy of women's human rights (A/HRC/11/6);

10. *Encourages* the Special Rapporteur to consider in future reporting the needs of women who experience multiple forms of discrimination, and to examine effective measures to respond to those situations;

11. *Stresses* the importance of accelerating efforts to eliminate all forms of violence against women and girls, its causes and consequences throughout its work, and in this regard:

(a) *Encourages* States to ensure that eliminating violence against women and girls is given due attention in the work of the Council, including relevant Council processes and debates, including the universal periodic review;

(b) *Requests* the special procedures of the Council to ensure that due consideration is given to violence against women and girls within their respective mandates;

(c) Encourages all relevant stakeholders to give due attention to all forms of violence against women and girls in their work with the Council and its mechanisms;

(d) Requests the Office of the United Nations High Commissioner for Human Rights to convene, in 2010 within existing resources, in cooperation with other relevant entities of the United Nations system, an expert workshop, open to the participation of Governments, regional organizations, relevant United Nations bodies, civil society organizations and experts from different legal systems, to discuss specific measures for overcoming obstacles and challenges that States may face in preventing, investigating, prosecuting and punishing the perpetrators of violence against women and girls, as well as measures for providing protection, support, assistance and redress for victims, and requests the Office to prepare a summary report thereon to be submitted to the Council;

(e) Invites the Office of the High Commissioner to include violence against women and girls in its reporting on integrating the human rights of women throughout the United Nations system;

12. *Requests* United Nations organs and bodies, specialized agencies and intergovernmental organizations, and encourages the human rights treaty bodies, to continue to give consideration to violence against women and girls within their respective mandates;

13. *Calls upon* relevant United Nations entities within their respective mandates to support, upon request, the follow-up by States to relevant recommendations of the special procedures, concluding observations of treaty bodies and outcomes of the universal periodic review to prevent violence against women and girls, protect victims of such violence and prosecute the perpetrators;

14. *Stresses* that challenges and obstacles remain in the implementation of international standards and norms to address the inequality between men and women, and violence against women in particular, and pledges to intensify action to ensure their full and accelerated implementation;

15. *Decides* to continue consideration of the issue of the elimination of all forms of violence against women, its causes and consequences, as a matter of high priority, in conformity with its annual programme of work.

27th meeting

17 June 2009

[Adopted without a vote. See chap. III.]

11/3. Trafficking in persons, especially women and children

The Human Rights Council,

Reaffirming all previous resolutions on the problem of trafficking in persons, especially women and children, in particular General Assembly resolutions 63/156 and 63/194 of 18 December 2008, and also its resolution 8/12 of 18 June 2008, in which the Council extended the mandate of the Special Rapporteur on trafficking in persons, especially women and children,

Recalling the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Reaffirming the principles set forth in relevant human rights instruments and declarations, including the Convention on the Rights of the Child and the Optional Protocol thereto on the sale of children, child prostitution and child pornography, and the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol thereto,

Recalling the United Nations Convention against Transnational Organized Crime and the protocols thereto, and reaffirming in particular the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention, and recalling the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others,

Recognizing that victims of trafficking are particularly exposed to racism, racial discrimination, xenophobia and related intolerance, and that women and girl victims are often

subject to multiple forms of discrimination and violence, including on the grounds of their gender, age, ethnicity, culture and religion, as well as their origins, and that these forms of discrimination may themselves fuel trafficking in persons,

Recognizing also that trafficking in persons violates human rights and impairs the enjoyment of them, continues to pose a serious challenge to humanity and requires a concerted international assessment and response and genuine multilateral cooperation among countries of origin, transit and destination for it to be eradicated,

Bearing in mind that all States have an obligation to exercise due diligence to prevent trafficking in persons, to investigate and punish perpetrators, to rescue victims and to provide for their protection, and that not doing so violates and impairs or nullifies the enjoyment of the human rights and fundamental freedoms of victims,

Recognizing the need to address the impact of globalization on the particular problem of trafficking in women and children,

Recognizing also the challenges to combating trafficking in persons, especially women and children, owing to the lack of adequate legislation and implementation of existing legislation, the lack of availability of reliable sex- and age-disaggregated data and statistics and the lack of resources,

Noting that some of the demand for prostitution and forced labour is met by trafficking in persons in some parts of the world,

Recognizing that policies and programmes for prevention, rehabilitation, return and reintegration should be developed through a gender- and age-sensitive, comprehensive and multidisciplinary approach, with concern for the security of the victims and respect for the full enjoyment of their human rights and with the involvement of all actors in countries of origin, transit and destination,

Taking note with appreciation of the report of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/10/16), presented to the Council at its tenth session,

Taking note with appreciation also of the report of the Office of the United Nations High Commissioner for Human Rights on the latest developments within the United Nations relating to combating trafficking in persons and on the relevant activities of the Office (A/HRC/10/64), and taking note of the Recommended Principles and Guidelines on Human Rights and Human Trafficking contained in that report, presented to the Council at its tenth session,

Taking note of the meeting of the Open-ended Interim Working Group on Trafficking in Persons of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, held in Vienna on 14 and 15 April 2009, and the recommendations resulting there from, and the interactive dialogue on the theme “Taking collective action to end human trafficking” of the General Assembly, held on 13 May 2009, which included a discussion on the advisability of a global plan of action against human trafficking,

Welcoming especially the efforts of Governments, United Nations bodies and agencies and intergovernmental and non-governmental organizations to address the problem of trafficking in persons, especially women and children,

Recognizing the concern expressed by the Human Rights Committee, the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child and the Committee against Torture at the persistence of trafficking and the vulnerability of victims to human rights violations,

1. *Affirms* that it is essential to place the protection of human rights at the centre of measures taken to prevent and end trafficking in persons, and to protect, assist and provide access to adequate redress to victims, including the possibility of obtaining compensation from the perpetrators;

2. *Reiterates its concern* at:

(a) The high number of people, especially women and children, in particular from developing countries and countries with economies in transition, who are being trafficked to developed countries, as well as within and between regions and States;

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

(c) The use of new information technologies, including the Internet, for the purposes of exploitation of the prostitution of others and other forms of sexual exploitation, for trafficking in women as brides and for sex tourism, child pornography, paedophilia and any other forms of sexual exploitation of children;

(d) The high level of impunity enjoyed by traffickers and their accomplices and the denial of rights and justice to victims of trafficking;

3. *Urges Governments:*

(a) To take appropriate measures to address the root factors, including external factors, that encourage trafficking in persons for prostitution and other forms of commercialized sex, forced marriages and forced labour, slavery or practices similar to slavery, servitude or the removal of organs, including by strengthening existing legislation or by considering the enactment of anti-trafficking legislation and the adoption of national plans of action;

(b) To criminalize trafficking in persons in all its forms and to condemn and penalize traffickers, facilitators and intermediaries, including, where applicable, by imposing sanctions against legal entities involved in the process of trafficking, without making accusations by or the participation of the victims of trafficking a precondition to the prosecution of trafficking;

(c) To ensure protection and assistance to the victims of trafficking with full respect for their human rights, including, where appropriate, through legislation;

(d) To provide resources, as appropriate, for the comprehensive protection and assistance to victims of trafficking, including access to adequate social, necessary medical and psychological care and services, including those related to HIV/AIDS, as well as shelter, legal assistance in a language that they can understand and helplines, and to cooperate in this regard, as appropriate, with intergovernmental and non-governmental organizations;

(e) To take all appropriate measures to ensure that victims of trafficking are not penalized for being trafficked and that they do not suffer from revictimization as a result of actions taken by Government authorities, bearing in mind that they are victims of exploitation, and encourages Governments to provide trafficked persons with access to specialized support and assistance, regardless of their immigration status;

(f) To devise, enforce and strengthen effective gender- and age-sensitive measures to combat and eliminate all forms of trafficking, especially in women and children, including for sexual and labour exploitation, as part of a comprehensive anti-trafficking strategy that integrates a human rights perspective, and to draw up, as appropriate, national plans of action in this regard;

(g) To adopt or strengthen legislative or other measures to discourage the demand that fosters all forms of exploitation of persons and leads to trafficking in persons, including the demand created by sex tourism, especially in children, and forced labour, and to enhance, in this regard, preventive measures, including legislative measures, to deter exploiters of trafficked persons and to ensure their accountability;

(h) To establish mechanisms, where appropriate, in cooperation with the international community, to combat the use of the Internet to facilitate trafficking in persons and crimes related to sexual or other forms of exploitation, and to strengthen international cooperation to investigate and prosecute trafficking facilitated by the use of the Internet;

(i) To provide or strengthen training for law enforcement, immigration, criminal justice and other relevant officials, including personnel participating in peacekeeping operations, in preventing and responding effectively to trafficking in persons, including the identification and treatment of victims with full respect for their human rights;

(j) To conduct information campaigns for the general public, including children, aimed at promoting awareness of the dangers associated with all forms of trafficking and at encouraging the public, including the victims of trafficking themselves, to report on instances of trafficking;

(k) To support allocation of the necessary resources, as appropriate, in cooperation with intergovernmental and non-governmental organizations, to strengthen preventive action, in particular education for women and men, as well as for girls and boys, on the human rights of women and children, gender equality, self-respect and mutual respect;

(l) To consider setting up or strengthening a national coordinating mechanism, for example, a national rapporteur or an inter-agency body, with the participation of civil society, including non-governmental organizations, to encourage the exchange of information and to report on data, root causes, factors and trends in trafficking;

(m) To enhance information-sharing and data-collection capacities as a way of promoting cooperation to combat trafficking in persons, including through the systematic collection of sex- and age-disaggregated data;

(n) To enhance cooperation with each other and with relevant intergovernmental and non-governmental organizations to ensure effective prevention and countering of trafficking in people, and to consider strengthening existing regional cooperation and mechanisms aimed at combating trafficking in persons or to establish such mechanisms where they do not exist;

(o) To consider signing and ratifying, as a matter of priority, in the case of Governments that have not yet done so, and for States parties to implement relevant United Nations legal instruments, such as the United Nations Convention against Transnational Organized Crime and the Protocols thereto, in particular the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the Convention, and to take immediate steps to incorporate provisions of the Protocol into domestic legal systems;

4. *Calls upon* all Governments to continue to cooperate with the Special Rapporteur on trafficking in persons, especially women and children, and to consider responding favourably to requests to visit their countries, and to provide all necessary information related to the mandate to enable the mandate holder to fulfil the duties of the mandate effectively and, in this regard, expresses its appreciation to the large number of Governments that provided responses to the initial questionnaire on trafficking developed by the Special Rapporteur;

5. *Invites* Governments to include information on measures and best practices to combat trafficking in persons, especially women and children, in their national reports submitted for the universal periodic review;

6. *Encourages* Governments to take into account, as a useful tool to integrate a human rights-based approach, the Recommended Principles and Guidelines on Human Rights and Human Trafficking (E/2002/68/Add.1) developed by the Office of the United Nations High Commissioner for Human Rights, including, as appropriate, in the formulation, review and implementation of legislation, policies and programmes aimed at preventing and eradicating trafficking in persons, especially women and children, and providing assistance to victims;

7. *Encourages* the Office of the High Commissioner to provide or to support, within existing resources, training at the national level for all stakeholders on the integration of a human rights approach into the prevention and response to trafficking in persons, including the identification and treatment of victims with full respect for their human rights;

8. *Requests* the Office of the High Commissioner to enhance its efforts within the Inter-Agency Coordination Group against Trafficking to promote and integrate a human rights-based approach into efforts to combat human trafficking;

9. *Also requests* the Office of the High Commissioner to organize, within existing resources, and in close coordination with the Special Rapporteur, a two-day seminar aimed at identifying opportunities and challenges in the development of rights-based responses to trafficking in persons with a view to acknowledging emerging good practices and further promoting the practical application of the Recommended Principles and Guidelines on Human Rights and Human Trafficking, with the participation of Governments, the Special Rapporteur and other relevant special procedures, treaty bodies, United Nations specialized agencies and programmes, regional, intergovernmental and non-governmental organizations, national human rights institutions, academics, medical experts and representatives of victims, and to submit a report on the proceedings of the seminar to the Council;

10. *Further requests* the Office of the High Commissioner to disseminate the Recommended Principles and Guidelines on Human Rights and Human Trafficking, and to

collect the views of stakeholders, including Governments, observers of the United Nations, relevant United Nations bodies, specialized agencies and programmes, regional bodies, non-governmental organizations and national human rights institutions, on the Recommended Principles and Guidelines, as well as on experiences and emerging good practices while applying them, and to make available to the Council a compilation of these views as an addendum to the above-mentioned report;

11. *Requests* the Secretary-General to provide the Office of the High Commissioner with sufficient resources to fulfil its mandate in relation to combating trafficking in persons, especially women and children;

12. *Decides* to continue consideration of this matter under the same agenda item according to its annual programme of work.

27th meeting

17 June 2009

[Adopted without a vote. See chap. III.]

11/4. Promotion of the right of peoples to peace

The Human Rights Council,

Recalling all previous resolutions on the promotion of the right of peoples to peace adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council,

Taking note of General Assembly resolution 39/11 of 12 November 1984, entitled “Declaration of the Right of Peoples to Peace”, and the United Nations Millennium Declaration,

Determined to foster strict respect for the Purposes and Principles enshrined in the Charter of the United Nations,

Bearing in mind that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and to promote and encourage respect for human rights and fundamental freedoms for all without distinction of race, sex, language or religion,

Underlining, in accordance with the purposes and principles of the United Nations, its full and active support for the Organization and the enhancement of its role and effectiveness in strengthening international peace, security and justice and in promoting the solution of international problems, and the development of friendly relations and cooperation among States,

Reaffirming the obligation of all States to settle their international disputes by peaceful means in such a manner that international peace, security, human rights and justice are not endangered,

Emphasizing its objective of promoting better relations among all States and contributing to creating conditions in which their people can live in true and lasting peace, free from any threat to or attack against their security,

Reaffirming the obligation of all States to refrain, in their international relations, from the threat or use of force against the territorial integrity or political independence of any State, or from acting in any other manner inconsistent with the purposes of the United Nations,

Reaffirming also its commitment to peace, security and justice, respect for human rights and the continuing development of friendly relations and cooperation among States,

Rejecting the use of violence in the pursuit of political aims, and stressing that only peaceful political solutions can assure a stable and democratic future for all peoples around the world,

Reaffirming the importance of ensuring respect for the Purposes and Principles of the Charter and international law, including sovereignty, territorial integrity and political independence of States,

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

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

Recognizing that peace and security, development and human rights are mutually interlinked and reinforcing,

Affirming that human rights include social, economic and cultural rights and the right to peace, a healthy environment and development, and that development is, in fact, the realization of these rights,

Underlining that the subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental rights, is contrary to the Charter and an impediment to the promotion of world peace and cooperation,

Recalling that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights can be fully realized,

Convinced of the aim of creating conditions of stability and well-being, which are necessary for peaceful and friendly relations among nations based on respect for the principle of the equal rights and self-determination of peoples,

Convinced also that life without war is the primary international prerequisite for the material well-being, development and progress of countries and for the full implementation of the rights and fundamental human freedoms proclaimed by the United Nations,

Convinced further that international cooperation in the field of human rights contributes to the creation of an international environment of peace and stability,

1. *Reaffirms* that the peoples of our planet have a sacred right to peace;
2. *Also reaffirms* that the preservation of the right of peoples to peace and the promotion of its implementation constitute a fundamental obligation of all States;
3. *Stresses* the importance of peace for the promotion and protection of all human rights for all;
4. *Also stresses* that the deep fault line that divides human society between the rich and the poor and the ever-increasing gap between the developed world and the developing world pose a major threat to global prosperity, peace, human rights, security and stability;

5. *Further stresses* that peace and security, development and human rights are the pillars of the United Nations system and the foundations for collective security and well-being;
6. *Emphasizes* that ensuring the exercise of the right of peoples to peace and its promotion demand that the policies of States be directed towards the elimination of the threat of war, particularly nuclear war, the renunciation of the use or threat of use of force in international relations and the settlement of international disputes by peaceful means on the basis of the Charter of the United Nations;
7. *Affirms* that all States should promote the establishment, maintenance and strengthening of international peace and security and an international system based on respect for the Principles enshrined in the Charter and the promotion of all human rights and fundamental freedoms, including the right to development and the right of peoples to self-determination;
8. *Urges* all States to respect and to put into practice the Principles and Purposes of the Charter in their relations with all other States, irrespective of their political, economic or social systems or of their size, geographical location or level of economic development;
9. *Reaffirms* the duty of all States, in accordance with the Principles of the Charter, to use peaceful means to settle any dispute to which they are parties and the continuance of which is likely to endanger the maintenance of international peace and security, and encourages States to settle their disputes as early as possible, as an important contribution to the promotion and protection of all human rights of everyone and all peoples;
10. *Underlines* the vital importance of education for peace as a tool to foster the realization of the right of peoples to peace, and encourages States, United Nations specialized agencies and intergovernmental and non-governmental organizations to contribute actively to this endeavour;
11. *Reiterates its request* to the United Nations High Commissioner for Human Rights to convene, before February 2010, and taking into account previous practices, a workshop on the right of peoples to peace, with the participation of experts from all regions of the world, in order to:

- (a) Clarify further the content and scope of this right;
- (b) Propose measures that raise awareness of the importance of realizing this right;
- (c) Suggest concrete actions to mobilize States, intergovernmental and non-governmental organizations in the promotion of the right of peoples to peace;

12. *Requests* the High Commissioner to report on the outcome of the workshop to the Council at its fourteenth session;

13. *Invites* States and relevant United Nations human rights mechanisms and procedures to continue to pay attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of all human rights;

14. *Decides* to continue considering the issue at its fourteenth session under the same agenda item.

*27th meeting
17 June 2009*

[Adopted by a recorded vote of 32 to 13, with 1 abstention (see chap. III). The voting was as follows:

In favour: Angola, Argentina, Azerbaijan, Bahrain, Bolivia (Plurinational State of), Brazil, Burkina Faso, Cameroon, Chile, China, Cuba, Djibouti, Egypt, Gabon, Ghana, 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, Republic of Korea, Slovakia, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland;

Abstaining: India.]

11/5. The effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action and other relevant international human rights instruments,

Reaffirming all resolutions and decisions adopted by the Commission on Human Rights on the effects of structural adjustment and economic reform policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights, including Commission resolutions 1998/24 of 17 April 1998, 1999/22 of 23 April 1999, 2000/82 of 26 April 2000, 2004/18 of 16 April 2004 and 2005/19 of 14 April 2005, as well as Council resolution 7/4 of 27 March 2008,

Reaffirming also its resolution S-10/1 of 23 February 2009 on the impact of the global economic and financial crises on the universal realization and effective enjoyment of human rights,

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

Stressing that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character,

Emphasizing that the World Conference on Human Rights agreed to call upon the international community to make all efforts to help alleviate the external debt burden of developing countries in order to supplement the efforts of the Governments of such countries to attain the full realization of economic, social and cultural rights of their people,

Stressing the determination expressed in the United Nations Millennium Declaration to deal comprehensively and effectively with the debt problems of low- and middle-income developing countries, through various national and international measures designed to make their debt sustainable in the long term,

Noting with concern that the total external debt of low- and middle-income countries had risen to 2,983 billion United States dollars by 2006, from 1,951 billion dollars in 1995, and that, by 2007, the total debt service payments of developing countries had risen to 523 billion dollars, from 220 billion in 1995,

Acknowledging that there is greater acceptance that the increasing debt burden faced by the most indebted developing countries, in particular the least developed countries, is unsustainable

and constitutes one of the principal obstacles to achieving progress in people-centred sustainable development and poverty eradication and that, for many developing countries and countries with economies in transition, excessive debt servicing has severely constrained their capacity to promote social development and to provide basic services to realize economic, social and cultural rights,

Expressing its concern that, despite repeated rescheduling of debt, developing countries continue to pay out more each year than the actual amount they receive in official development assistance,

Affirming that debt burden further complicates the numerous problems facing developing countries, contributes to extreme poverty and is an obstacle to sustainable human development, and is thus a serious impediment to the realization of all human rights,

1. *Welcomes* the report of the independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights (A/HRC/11/10);

2. *Takes note with appreciation* of the proposed elements for a conceptual framework for understanding the relationship between foreign debt and human rights, and encourages the independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of human rights, particularly economic, social and cultural rights to continue to develop them with a view to addressing the debt crisis in a just, equitable and sustainable manner;

3. *Welcomes* the areas of focus identified by the independent expert for the period 2009-2010, in particular the development of the draft general guidelines on foreign debt and human rights and the issue of illegitimate debt, and, in that regard, calls on the Office of the United Nations High Commissioner for Human Rights to assist the independent expert in the organization and holding of regional consultations on these issues, including through the allocation of sufficient budgetary resources;

4. *Recalls* that every State has the primary responsibility to promote the economic, social and cultural development of its people, and, to that end, has the right and responsibility to choose its means and goals of development and should not be subject to external specific prescriptions for economic policy;
5. *Recognizes* that structural-adjustment reform programmes limit public expenditure, impose fixed expenditure ceilings and give inadequate attention to the provision of social services, and that only a few countries manage to achieve sustainable higher growth under these programmes;
6. *Affirms* that the current global financial and economic crises should not result in a decrease in debt relief, nor should they be used as an excuse to stop debt relief measures, as that would have negative implications for the enjoyment of human rights in affected countries;
7. *Expresses* its concern that the level of implementation and the reduction of overall debt stock under the enhanced Heavily Indebted Poor Countries Initiative are still low, and that the Initiative is not intended to offer a comprehensive solution to the long-term debt burden;
8. *Reiterates* its conviction that, for heavily indebted poor countries to achieve debt sustainability, long-term growth and poverty reduction goals, the debt relief under the above-mentioned Initiative will not be sufficient and that additional resource transfers, in the form of grants and concessional loans and the removal of trade barriers and better prices for their exports, would be required to ensure sustainability and permanent exit from debt overhang;
9. *Regrets* the absence of mechanisms to find appropriate solutions to the unsustainable foreign debt burden of middle- and low-income heavily indebted countries, and that, to date, little headway has been made in redressing the unfairness of the current system of debt resolution, which continues to place the interests of the lenders above those of indebted countries and the poor in them, and therefore calls for an intensification of efforts to devise effective and equitable mechanisms to cancel or reduce substantially the foreign debt burden of all developing countries, in particular those severely affected by the devastation of natural disasters, such as tsunamis and hurricanes, and by armed conflicts;

10. *Acknowledges* that, in least developed countries and in several low- and middle-income countries, unsustainable levels of external debt continue to create a considerable barrier to economic and social development and increase the risk that the Millennium Development Goals for development and poverty reduction will not be attained;

11. *Recognizes* that debt relief can play a key role in liberating resources that should be directed towards activities consistent with attaining sustainable growth and development, including poverty reduction and the achievement of the development goals, including those set out in the United Nations Millennium Declaration, and therefore that debt relief measures, where appropriate, should be pursued vigorously and expeditiously, ensuring that they do not replace alternative sources of financing and that they are accompanied by an increase in official development assistance;

12. *Recalls once again* the call on industrialized countries, as expressed in the Millennium Declaration, to implement the enhanced programme of debt relief for the heavily indebted poor countries without further delay and to agree to cancel all official bilateral debts of those countries in return for their making demonstrable commitments to poverty reduction;

13. *Urges* the international community, including the United Nations system, the Bretton Woods institutions and the private sector, to take appropriate measures and actions for the implementation of the pledges, commitments, agreements and decisions of the major United Nations conferences and summits, including the Millennium Summit, the World Conference on Human Rights, the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the World Conference on Sustainable Development and the International Conference on Financing for Development, in particular those relating to the question of the external debt problem of developing countries, in particular of heavily indebted poor countries, least developed countries and countries with economies in transition;

14. *Recalls* the pledge contained in the Political Declaration annexed to General Assembly resolution S-24/2, adopted on 1 July 2000 by the Assembly, to find effective, equitable, development-oriented and durable solutions to the external debt and debt-servicing burdens of developing countries;

15. *Stresses* the need for the economic reform programmes arising from foreign debt to be country-driven and for any negotiations and conclusion of debt relief and new loan agreements to be formulated with public knowledge and transparency, with legislative frameworks, institutional arrangements and mechanisms for consultation being established to ensure the effective participation of all components of society, including people's legislative bodies and human rights institutions, and particularly of the most vulnerable or disadvantaged, in the design, application and evaluation of strategies, policies and programmes, as well as in the follow-up to and systematic national supervision of their implementation, and for macroeconomic and financial policy issues to be integrated, on an equal footing and in a consistent way, in the realization of broader social development goals, taking into account the national context and the priorities and needs of the debtor countries to allocate resources in a way that ensures balanced development conducive to the overall realization of human rights;

16. *Also stresses* that the economic reform programmes arising from foreign debt should maximize the policy space of developing countries in pursuing their national development efforts, taking into account the views of relevant stakeholders in a way that ensures balanced development conducive to the overall realization of all human rights;

17. *Further stresses* that the economic programmes arising from foreign debt relief and cancellation must not reproduce past structural adjustment policies that have not worked, such as dogmatic demands for privatization and reduced public services;

18. *Calls upon* States, the International Monetary Fund and the World Bank to continue to cooperate closely to ensure that additional resources made available through the Heavily Indebted Poor Countries Initiative, the Global Fund to Fight AIDS, Tuberculosis and Malaria and other new initiatives are absorbed in the recipient countries without affecting ongoing programmes;

19. *Calls upon* creditors, particularly international financial institutions, and debtors alike to consider the preparation of human rights impact assessments with regard to development projects, loan agreements or Poverty Reduction Strategy Papers;

20. *Reaffirms* that the exercise of the basic rights of the people of debtor countries to food, housing, clothing, employment, education, health services and a healthy environment cannot be subordinated to the implementation of structural adjustment policies, growth programmes and economic reforms arising from the debt;

21. *Urges* States, international financial institutions and the private sector to take urgent measures to alleviate the debt problem of those developing countries particularly affected by HIV/AIDS, so that more financial resources can be released and used for health care, research and treatment of the population in the affected countries;

22. *Reiterates* its view that, in order to find a durable solution to the debt problem and for the consideration of any new debt resolution mechanism, there is a need for a broad political dialogue between creditor and debtor countries and the multilateral financial institutions, within the United Nations system, based on the principle of shared interests and responsibilities;

23. *Reiterates* its request to the United Nations High Commissioner for Human Rights to pay more attention to the problem of the debt burden of developing countries, in particular of least developed countries, and especially the social impact of the measures arising from foreign debt;

24. *Requests* the independent expert to continue to explore the interlinkages with trade and other issues, including HIV/AIDS, when examining the impact of structural adjustment and foreign debt, and also to contribute, as appropriate, to the process entrusted with the follow-up to the International Conference on Financing for Development, with a view to bringing to its attention the issue of the effects of structural adjustment and foreign debt on the enjoyment of human rights, particularly economic, social and cultural rights;

25. *Also requests* the independent expert to continue to seek the views and suggestions of States, international organizations, United Nations agencies, funds and programmes, regional economic commissions, international and regional financial institutions and non-governmental organizations on the draft general guidelines and his proposal of possible elements for consideration, and urges them to respond to his requests;

26. *Encourages* the independent expert to continue to cooperate, in accordance with his mandate, with the Committee on Economic, Social and Cultural Rights, special rapporteurs, independent experts and members of the expert working groups of the Council and its Advisory Committee on issues relating to economic, social and cultural rights and the right to development in his work towards the elaboration of the draft general guidelines;

27. *Requests* the independent expert to report to the General Assembly on the issue of the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights;

28. *Requests* the Secretary-General to provide the independent expert with all necessary assistance, in particular all the staff and resources required to carry out his functions;

29. *Urges* Governments, international organizations, international financial institutions, non-governmental organizations and the private sector to cooperate fully with the independent expert in the discharge of his mandate;

30. *Requests* the independent expert to submit an analytical report on the implementation of the present resolution to the Council in 2009 in accordance with its annual programme of work, and to submit a progress report thereon to the General Assembly at its sixty-fourth session;

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

*27th meeting
17 June 2009*

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

In favour: Angola, Argentina, Azerbaijan, Bahrain, Bolivia (Plurinational State of), 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, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland;

Abstaining: Chile, Mexico.]

**11/6. The right to education: follow-up to Human Rights
Council resolution 8/4**

The Human Rights Council,

Reaffirming its resolution 8/4 of 18 June 2008, and recalling the resolutions adopted by the Commission on Human Rights on the right to education,

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

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

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

1. *Calls upon* all States to take all measures to implement Council resolution 8/4 with a view to ensuring the full realization of the right to education for all;
2. *Welcomes* the work of the Special Rapporteur on the right to education, in particular his report on the right to education of persons in detention in the criminal justice system (A/HRC/11/8);
3. *Also welcomes* the work of the United Nations treaty bodies in the promotion of the right to education, and notes with interest the holding, by the Committee on the Rights of the Child, of a general discussion day on the theme “The right of the child to education in emergency situations”;

4. *Further welcomes* the contribution of the United Nations Children's Fund and that of the United Nations Educational, Scientific and Cultural Organization towards attaining the Millennium Development Goals of achieving universal primary education and eliminating gender disparity in education and the goals of the Education for All initiative, agreed upon at the World Education Forum;

5. *Welcomes* the convening by the United Nations Educational, Scientific and Cultural Organization of four major conferences on education in 2008 and 2009, including the 48th International Conference on Education, held from 25 to 28 November 2008, in Geneva, the World Conference on Education for Sustainable Development, held from 31 March to 2 April 2009, in Bonn, the Sixth International Conference on Adult Education, held in 2009 in Belém, Brazil, and the World Conference on Higher Education, held from 5 to 8 July 2009, in Paris;

6. *Notes with interest* the activities of the joint expert group of the Committee on Economic, Social and Cultural Rights and the Committee on Conventions and Recommendations of the United Nations Educational, Scientific and Cultural Organization on the monitoring of the right to education;

7. *Welcomes* the work undertaken by the Office of the United Nations High Commissioner for Human Rights in the promotion of the right to education at the country, regional and headquarters levels;

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

9. *Stresses* the need for cultural and educational programmes to be developed with a view to raise awareness on human rights, and urges States to intensify their efforts in this regard;

10. *Urges* all States to ensure the right to education, an imperative in its own right, of persons in detention in the criminal justice system, and to provide appropriate education to foster reintegration into society and help reduce recidivism, including by making every effort:

- (a) To ensure equal access to education for all female and male detainees;
- (b) To develop a coherent policy for education in detention;
- (c) To remove barriers to education in detention, including its possible negative impact on opportunities for remuneration in prison;
- (d) To make available to all detainees comprehensive education programmes aimed at the development of the full potential of each detainee;
- (e) To incorporate human rights education in the programmes;
- (f) To develop individual education plans with the full participation of the detainee, taking into account the diverse backgrounds and needs of persons in detention, including women, persons belonging to minority and indigenous groups, persons of foreign origin and persons with physical, learning and psychosocial disabilities, while recalling that a detainee may belong to more than one of these groups;
- (g) To integrate education programmes into the public school system in order to allow for the continuation of education upon release;
- (h) To ensure appropriate professional training and working conditions and a safe working environment for teachers in places of detention;
- (i) To evaluate and monitor all education programmes in places of detention, and to undertake multidisciplinary and detailed research in this regard;
- (j) To share best practices concerning education programmes in detention;
- (k) To produce and deliver adequate pedagogical materials for persons in detention, including appropriate opportunities to receive education and training in the use of new information technologies;
- (l) To ensure that primary education is compulsory, accessible and available free to all, including to all children in detention or living in prisons;

(m) To ensure curricula and educational practices that are gender-sensitive but not gender-stereotypical in places of detention, in order to fulfil the right to education of women and girls;

11. *Encourages* the Office of the High Commissioner, the treaty bodies, the special procedures of the Council and other relevant United Nations bodies and mechanisms, specialized agencies or programmes, within their respective mandates, to continue their efforts to promote the realization of the right to education worldwide and to enhance their cooperation in this regard;

12. *Notes with appreciation* the Special Rapporteur's intention to focus his 2010 annual report on the right to education of migrants, refugees and asylum-seekers;

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

*27th meeting
17 June 2009*

[Adopted without a vote. See chap. III.]

11/7. Guidelines for the Alternative Care of Children

The Human Rights Council,

Reaffirming the Universal Declaration of Human Rights and the Convention on the Rights of the Child, and celebrating the twentieth anniversary of the Convention in 2009,

Reaffirming also all previous resolutions on the rights of the child of the Council, the Commission on Human Rights and the General Assembly, the most recent being Council resolutions 7/29 of 28 March 2008, 9/13 of 24 September 2008 and 10/8 of 26 March 2009 and Assembly resolution 63/241 of 24 December 2008,

Considering that the Guidelines for the Alternative Care of Children, the text of which is annexed to the present resolution, set out desirable orientations for policy and practice with the

intention of enhancing the implementation of the Convention on the Rights of the Child and of relevant provisions of other international instruments regarding the protection and well-being of children deprived of parental care or who are at risk of being so,

1. *Welcomes* the accomplishment of the Guidelines for the Alternative Care of Children;

2. *Decides* to submit the Guidelines to the General Assembly for consideration with a view to their adoption on the twentieth anniversary of the Convention on the Rights of the Child.

27th meeting

17 June 2009

[Adopted without a vote. See chap. III.]

Annex

GUIDELINES FOR THE ALTERNATIVE CARE OF CHILDREN

I. PURPOSE

1. The present Guidelines are intended to enhance the implementation of the Convention on the Rights of the Child and of relevant provisions of other international instruments regarding the protection and well-being of children who are deprived of parental care or who are at risk of being so.

2. Against the background of these international instruments and taking account of the developing body of knowledge and experience in this sphere, the Guidelines set out desirable orientations for policy and practice. They are designed for wide dissemination among all sectors directly or indirectly concerned with issues relating to alternative care, and seek in particular to:

(a) Support efforts to keep children in, or return them to, the care of their family or, failing this, to find another appropriate and permanent solution, including adoption and *kafala* of Islamic law;

(b) Ensure that, while such permanent solutions are being sought, or in cases where they are not possible or are not in the best interests of the child, the most suitable forms of alternative care are identified and provided, under conditions that promote the child's full and harmonious development;

(c) Assist and encourage governments to better implement their responsibilities and obligations in these respects, bearing in mind the economic, social and cultural conditions prevailing in each State; and

(d) Guide policies, decisions and activities of all concerned with social protection and child welfare in both the public and private sectors, including civil society.

II. GENERAL PRINCIPLES AND PERSPECTIVES

A. The child and the family

3. The family being the fundamental group of society and the natural environment for the growth, well-being and protection of children, efforts should primarily be directed to enabling

the child to remain in or return to the care of his/her parents, or when appropriate, other close family members. The State should ensure that families have access to forms of support in the care-giving role.

4. Every child and young person should live in a supportive, protective and caring environment that promotes his/her full potential. Children with inadequate or no parental care are at special risk of being denied such a nurturing environment.

5. Where the child's own family is unable, even with appropriate support, to provide adequate care for the child, or abandons or relinquishes the child, the State is responsible for protecting the rights of the child and ensuring appropriate alternative care, with or through competent local authorities and duly authorized civil society organizations. It is the role of the State, through its competent authorities, to ensure the supervision of the safety, well-being and development of any child placed in alternative care and the regular review of the appropriateness of the care arrangement provided.

6. All decisions, initiatives and approaches falling within the scope of the present Guidelines should be made on a case-by-case basis, with a view notably to ensuring the child's safety and security, and must be grounded in the best interests and rights of the child concerned, in conformity with the principle of non-discrimination and taking due account of the gender perspective. They should respect fully the child's right to be consulted and to have his/her views duly taken into account in accordance with his/her evolving capacities, and on the basis of his/her access to all necessary information. Every effort should be made to enable such consultation and information provision to be carried out in the child's preferred language.

6.bis In applying the present Guidelines, determination of the best interests of the child shall be designed to identify courses of action for children deprived of parental care, or at risk of being so, that are best suited to satisfying their needs and rights, taking into account the full and personal development of their rights in their family, social and cultural environment and their status as subjects of rights, both at the time of the determination and in the longer term. The determination process should take account of, *inter alia*, the right of the child to be heard and to have his/her views taken into account in accordance with his/her age and maturity.

7. States should develop and implement comprehensive child welfare and protection policies within the framework of their overall social and human development policy, with attention to the improvement of existing alternative care provision, reflecting the principles contained in the present Guidelines.

8. As part of efforts to prevent separation of children from their parents, States should seek to ensure appropriate and culturally sensitive measures:

(a) To support family care-giving environments whose capacities are limited by factors such as disabilities; drug and alcohol misuse; discrimination against families with indigenous or minority backgrounds; and those living in armed conflict regions or under foreign occupation;

(b) To provide appropriate care and protection for vulnerable children, such as child victims of abuse and exploitation; abandoned children; children living on the street; children born out of wedlock; unaccompanied and separated children; internally displaced and refugee children; children of migrant workers; children of asylum-seekers; or children living with or affected by HIV/AIDS and other serious illnesses.

9. Special efforts should be made to tackle discrimination on the basis of any status of the child or parents, including poverty, ethnicity, religion, sex, mental and physical disability, HIV/AIDS status or other serious illnesses, whether physical or mental, birth out of wedlock, and socio-economic stigma, and all other statuses and circumstances that can give rise to relinquishment, abandonment and/or removal of a child.

B. Alternative care

10. All decisions concerning alternative care should take full account of the desirability, in principle, of maintaining the child as close as possible to his/her habitual place of residence, in order to facilitate contact and potential reintegration with his/her family and to minimize disruption of his/her educational, cultural and social life.

11. Decisions regarding children in alternative care, including those in informal care, should have due regard for the importance of ensuring children a stable home and of meeting their basic need for safe and continuous attachment to their caregivers, with permanency generally being a key goal.

12. Children must be treated with dignity and respect at all times and must benefit from effective protection from abuse, neglect and all forms of exploitation, whether on the part of care providers, peers or third parties, in whatever care setting they may find themselves.

13. Removal of a child from the care of the family should be seen as a measure of last resort and should be, whenever possible, temporary and for the shortest possible duration. Removal decisions should be regularly reviewed and the child's return to parental care, once the original causes of removal have been resolved or have disappeared, should be in the child's best interests, in keeping with the assessment foreseen in paragraph 48 below.

14. Financial and material poverty, or conditions directly and uniquely imputable to such poverty, should never be the only justification for the removal of a child from parental care, for receiving a child into alternative care, or for preventing his/her reintegration, but should be seen as a signal for the need to provide appropriate support to the family.

15. Attention must be paid to promoting and safeguarding all other rights of special pertinence to the situation of children without parental care, including, but not limited to, access to education, health and other basic services, the right to identity, freedom of religion or belief, language and protection of property and inheritance rights.

16. Siblings with existing bonds should in principle not be separated by placements in alternative care unless there is a clear risk of abuse or other justification in the best interests of the child. In any case, every effort should be made to enable siblings to maintain contact with each other, unless this is against their wishes or interests.

17. Recognizing that, in most countries, the majority of children without parental care are looked after informally by relatives or others, States should seek to devise appropriate means, consistent with the present Guidelines, to ensure their welfare and protection while in such informal care arrangements, with due respect for cultural, economic, gender and religious differences and practices that do not conflict with the rights and best interests of the child.

18. No child should be without the support and protection of a legal guardian or other recognized responsible adult or competent public body at any time.

19. The provision of alternative care should never be undertaken with a prime purpose of furthering the political, religious or economic goals of the providers.
20. Use of residential care should be limited to cases where such a setting is specifically appropriate, necessary and constructive for the individual child concerned and in his/her best interests.
21. In accordance with the predominant opinion of experts, alternative care for young children, especially those under the age of 3 years, should be provided in family-based settings. Exceptions to this principle may be warranted in order to prevent the separation of siblings and in cases where the placement is of an emergency nature or is for a predetermined and very limited duration, with planned family reintegration or other appropriate long-term care solution as its outcome.
22. While recognizing that residential care facilities and family-based care complement each other in meeting the needs of children, where large residential care facilities (institutions) remain, alternatives should be developed in the context of an overall deinstitutionalization strategy, with precise goals and objectives, which will allow for their progressive elimination. To this end, States should establish care standards to ensure the quality and conditions that are conducive to the child's development, such as individualized and small-group care, and should evaluate existing facilities against these standards. Decisions regarding the establishment of, or permission to establish, new residential care facilities, whether public or private, should take full account of this deinstitutionalization objective and strategy.

Measures to promote application

23. States should, to the maximum extent of their available resources and, where appropriate, in the framework of development cooperation, allocate human and financial resources to ensure the optimal and progressive implementation of the present Guidelines throughout their respective territories in a timely manner. States should facilitate active cooperation among all relevant authorities and the mainstreaming of child and family welfare issues within all ministries directly or indirectly concerned.
24. States are responsible for determining any need for, and requesting, international cooperation in implementing the present Guidelines. Such requests should be given due

consideration and should receive a favourable response wherever possible and appropriate. The enhanced implementation of the present Guidelines should figure in development cooperation programmes. When providing assistance to a State, foreign entities should abstain from any initiative inconsistent with the Guidelines.

25. Nothing in the present Guidelines should be interpreted as encouraging or condoning lower standards than those that may exist in given States, including in their legislation. Similarly, competent authorities, professional organizations and others are encouraged to develop national or professionally-specific guidelines that build upon the letter and spirit of the present Guidelines.

III. SCOPE OF THE GUIDELINES

26. The present Guidelines apply to the appropriate use and conditions of alternative formal care for all persons under the age of 18 years, unless under the law applicable to the child majority is attained earlier. Only where indicated do the Guidelines also apply to informal care settings, having due regard for both the important role played by the extended family and community and the obligations of States for all children not in the care of their parents or legal and customary caregivers, as set out in the Convention on the Rights of the Child.

27. Principles in the present Guidelines are also applicable, as appropriate, to young persons already in alternative care and who need continuing care or support for a transitional period after reaching the age of majority under applicable law.

28. For the purposes of the present Guidelines, and subject notably to the exceptions listed in paragraph 29 below, the following definitions shall apply:

(a) Children without parental care: all children not in the overnight care of at least one of their parents, for whatever reason and under whatever circumstances. Children without parental care who are outside their country of habitual residence or victims of emergency situations may be designated as:

- (i) “Unaccompanied” if they are not cared for by another relative or an adult who by law or custom is responsible for doing so; or

- (ii) “Separated” if they are separated from a previous legal or customary primary caregiver, but who may nevertheless be accompanied by another relative.
- (b) Alternative care may take the form of:
- (i) Informal care: any private arrangement provided in a family environment, whereby the child is looked after on an ongoing or indefinite basis by relatives or friends (informal kinship care) or by others in their individual capacity, at the initiative of the child, his/her parents or other person without this arrangement having been ordered by an administrative or judicial authority or a duly accredited body;
 - (ii) Formal care: all care provided in a family environment which has been ordered by a competent administrative body or judicial authority, and all care provided in a residential environment, including in private facilities, whether or not as a result of administrative or judicial measures.
- (c) With respect to the environment where it is provided, alternative care may be:
- (i) Kinship care: family-based care within the child’s extended family or with close friends of the family known to the child, whether formal or informal in nature;
 - (ii) Foster care: situations where children are placed by a competent authority for the purpose of alternative care in the domestic environment of a family other than the children’s own family, that has been selected, qualified, approved and supervised for providing such care;
 - (iii) Other forms of family-based or family-like care placements;
 - (iv) Residential care: care provided in any non-family-based group setting, such as places of safety for emergency care, transit centres in emergency situations, and all other short and long-term residential care facilities including group homes;

(v) Supervised independent living arrangements for children.

(d) With respect to those responsible for alternative care:

(i) Agencies are the public or private bodies and services that organize alternative care for children;

(ii) Facilities are the individual public or private establishments that provide residential care for children.

29. The scope of alternative care as foreseen in the present Guidelines does not extend, however, to:

(a) Persons under the age of 18 years who are deprived of their liberty by decision of a judicial or administrative authority as a result of being alleged as, accused of or recognized as having infringed the law, and whose situation is covered by the United Nations Standard Minimum Rules for the Administration of Juvenile Justice and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty;

(b) Care by adoptive parents from the moment the child concerned is effectively placed in their custody pursuant to a final adoption order, as of which moment, for the purposes of the present Guidelines, the child is considered to be in parental care. The Guidelines are, however, applicable to pre-adoption or probationary placement of a child with the prospective adoptive parents, as far as they are compatible with requirements governing such placements as stipulated in other relevant international instruments;

(c) Informal arrangements whereby a child voluntarily stays with relatives or friends for recreational purposes and reasons not connected with the parents' general inability or unwillingness to provide adequate care.

30. Competent authorities and others concerned are also encouraged to make use of the present Guidelines, as applicable, at boarding schools, hospitals, centres for children with mental and physical disabilities or other special needs, camps, the workplace and other places which may be responsible for the care of children.

IV. PREVENTING THE NEED FOR ALTERNATIVE CARE

A. Promoting parental care

31. States should pursue policies that ensure support for families in meeting their responsibilities towards the child and promote the right of the child to have a relationship with both parents. These policies should address the root causes of child abandonment, relinquishment and separation of the child from his/her family by ensuring, inter alia, the right to birth registration, access to adequate housing and to basic health, education and social welfare services, as well as by promoting measures to combat poverty, discrimination, marginalization, stigmatization, violence, child maltreatment and sexual abuse, and substance abuse.

32. States should develop and implement consistent and mutually reinforcing family-oriented policies designed to promote and strengthen parents' ability to care for their children.

33. States should implement effective measures to prevent child abandonment, relinquishment and separation of the child from his/her family. Social policies and programmes should, inter alia, empower families with attitudes, skills, capacities and tools to enable them to provide adequately for the protection, care and development of their children. The complementary capacities of the State and civil society, including non-governmental and community-based organizations, religious leaders and the media should be engaged to this end. These social protection measures should include:

(a) Family strengthening services, such as parenting courses and sessions, the promotion of positive parent-child relationships, conflict resolution skills, opportunities for employment, income-generation and, where required, social assistance;

(b) Supportive social services, such as day care, mediation and conciliation services, substance abuse treatment, financial assistance, and services for parents and children with disabilities. Such services, preferably of an integrated and non-intrusive nature, should be directly accessible at community level and should actively involve the participation of families as partners, combining their resources with those of the community and the carer;

(c) Youth policies aiming at empowering youth to face positively the challenges of everyday life, including when they decide to leave the parental home, and preparing future parents to make informed decisions regarding their sexual and reproductive health and to fulfil their responsibilities in this respect.

34. Various complementary methods and techniques should be used for family support, varying throughout the process of support, such as home visits, group meetings with other families, case conferences and securing commitments by the family concerned. They should be directed towards both facilitating intrafamilial relationships and promoting the family's integration within its community.

35. Special attention should be paid, in accordance with local laws, to the provision and promotion of support and care services for single and adolescent parents and their children, whether or not born out of wedlock. States should ensure that adolescent parents retain all rights inherent to their status both as parents and as children, including access to all appropriate services for their own development, allowances to which parents are entitled, and their inheritance rights. Measures should be adopted to ensure the protection of pregnant adolescents and to guarantee that they do not interrupt their studies. Efforts should also be made to reduce stigma attached to single and adolescent parenthood.

36. Support and services should be available to siblings who have lost their parents or caregivers and choose to remain together in their household, to the extent that the eldest sibling is both willing and deemed capable of acting as the household head. States should ensure, including through the appointment of a legal guardian, a recognized responsible adult or, where appropriate, a public body legally mandated to act as guardian, as stipulated in paragraph 18 above, that such households benefit from mandatory protection from all forms of exploitation and abuse, and supervision and support on the part of the local community and its competent services, such as social workers, with particular concern for the children's health, housing, education and inheritance rights. Special attention should be given to ensuring the head of such a household retains all rights inherent to his/her child status, including access to education and leisure, in addition to his/her rights as a household head.

37. States should ensure opportunities for day care, including all-day schooling, and respite care which would enable parents better to cope with their overall responsibilities towards the family, including additional responsibilities inherent in caring for children with special needs.

Preventing family separation

38. Proper criteria based on sound professional principles should be developed and consistently applied for assessing the child's and family's situation, including the family's actual and potential capacity to care for the child, in cases where the competent authority or agency has reasonable grounds to believe that the well-being of the child is at risk.

39. Decisions regarding removal or reintegration should be based on this assessment and made by suitably qualified and trained professionals, on behalf of or authorized by a competent authority, in full consultation with all concerned and bearing in mind the need to plan for the child's future.

40. States are encouraged to adopt measures for the integral protection and guarantee of rights during pregnancy, birth and the breastfeeding period, in order to ensure conditions of dignity and equality for the adequate development of the pregnancy and care of the child. Therefore, support programmes should be provided to future mothers and fathers, particularly adolescent parents, who have difficulties in exercising their parental responsibilities. Such programmes should aim at empowering mothers and fathers to exercise their parental responsibilities in conditions of dignity, and at avoiding their being induced to surrender their child because of their vulnerability.

41. When a child is relinquished or abandoned, States should ensure that this may take place in conditions of confidentiality and safety for the child, respecting his/her right to access information on his/her origins where appropriate and possible under the law of the State.

42. States should formulate clear policies to address situations where a child has been abandoned anonymously, which indicate whether and how family tracing should be undertaken and reunification or placement within the extended family pursued. Policies should also allow for timely decision-making on the child's eligibility for permanent family placement and for arranging such placements expeditiously.

43. When a public or private agency or facility is approached by a parent or legal guardian wishing to relinquish a child permanently, the State should ensure that the family receives counselling and social support to encourage and enable them to continue to care for the child. If this fails, a social worker or other appropriate professional assessment should be undertaken to determine whether there are other family members who wish to take permanent responsibility for the child, and whether such arrangements would be in the child's best interests. Where such arrangements are not possible or in the child's best interests, efforts should be made to find a permanent family placement within a reasonable period.

44. When a public or private agency or facility is approached by a parent or caregiver wishing to place a child in care for a short or indefinite period, the State should ensure the availability of counselling and social support to encourage and enable them to continue to care for the child. A child should be admitted to alternative care only when such efforts have been exhausted and acceptable and justified reasons for entry into care exist.

45. Specific training should be provided to teachers and others working with children, in order to help them to identify situations of abuse, neglect, exploitation or risk of abandonment and to refer such situations to competent bodies.

46. Any decision to remove a child against the will of his/her parents must be made by competent authorities, in accordance with applicable law and procedures and subject to judicial review, the parents being assured the right of appeal and access to appropriate legal representation.

47. When the child's sole or main carer may be the subject of deprivation of liberty as a result of preventive detention or sentencing decisions, non-custodial remand measures and sentences should be taken in appropriate cases wherever possible, the best interests of the child being given due consideration. States should take into account the best interests of the child when deciding whether to remove children born in prison and children living in prison with a parent. The removal of such children should be treated in the same way as other instances where separation is considered. Best efforts should be made to ensure that children remaining in custody with their parent benefit from adequate care and protection, while guaranteeing their own status as free individuals and access to activities in the community.

B. Promoting family reintegration

48. In order to prepare and support the child and the family for his/her possible return to the family, his/her situation should be assessed by a duly designated individual or team with access to multidisciplinary advice, in consultation with the different actors involved (the child, the family, the alternative caregiver), so as to decide whether the reintegration of the child in the family is possible and in the best interests of the child, which steps this would involve and under whose supervision.

49. The aims of the reintegration and the family's and alternative caregiver's principal tasks in this respect should be set out in writing and agreed on by all concerned.

50. Regular and appropriate contact between the child and his/her family specifically for the purpose of reintegration should be developed, supported and monitored by the competent body.

51. Once decided, reintegration of the child in his/her family should be designed as a gradual and supervised process, accompanied by follow-up and support measures that take account of the child's age, needs and evolving capacities, as well as the cause of the separation.

V. FRAMEWORK OF CARE PROVISION

52. In order to meet the specific psychoemotional, social and other needs of each child without parental care, States should take all necessary measures to ensure that the legislative, policy and financial conditions exist to provide for adequate alternative care options, with priority to family- and community-based solutions.

53. States should ensure the availability of a range of alternative care options, consistent with the general principles of the present Guidelines, for emergency, short-term and long-term care.

54. States should ensure that all entities and individuals engaged in the provision of alternative care for children receive due authorization to do so from a competent authority and be subject to the latter's regular monitoring and review in keeping with the present Guidelines. To this end, these authorities should develop appropriate criteria for assessing the professional and ethical fitness of care providers and for their accreditation, monitoring and supervision.

55. With regard to informal care arrangements for the child, whether within the extended family, with friends or with other parties, States should, where appropriate, encourage such carers to notify the competent authorities accordingly so that they and the child may receive any necessary financial and other support that would promote the child's welfare and protection. Where possible and appropriate, States should encourage and enable informal caregivers, with the consent of the child and parents concerned, to formalize the care arrangement after a suitable lapse of time, to the extent that the arrangement has proved to be in the child's best interests to date and is expected to continue in the foreseeable future.

VI. DETERMINATION OF THE MOST APPROPRIATE FORM OF CARE

56. Decision-making on alternative care in the best interests of the child should take place through a judicial, administrative or other adequate and recognized procedure, with legal safeguards, including, where appropriate, legal representation on behalf of children in any legal proceedings. It should be based on rigorous assessment, planning and review, through established structures and mechanisms, and carried out on a case-by-case basis, by suitably qualified professionals in a multidisciplinary team, wherever possible. It should involve full consultation at all stages with the child, according to his/her evolving capacities, and with his/her parents or legal guardians. To this end, all concerned should be provided with the necessary information on which to base their opinion. States should make every effort to provide adequate resources and channels for the training and recognition of the professionals responsible for determining the best form of care so as to facilitate compliance with these provisions.

57. Assessment should be carried out expeditiously, thoroughly and carefully. It should take into account the child's immediate safety and well-being, as well as his/her longer-term care and development, and should cover the child's personal and developmental characteristics, ethnic, cultural, linguistic and religious background, family and social environment, medical history and any special needs.

58. The resulting initial and review reports should be used as essential tools for planning decisions from the time of their acceptance by the competent authorities onwards, with a view to, inter alia, avoiding undue disruption and contradictory decisions.

59. Frequent changes in care setting are detrimental to the child's development and ability to form attachments, and should be avoided. Short-term placements should aim at enabling an appropriate permanent solution to be arranged. Permanency for the child should be secured without undue delay through reintegration in his/her nuclear or extended family or, if this is not possible, in an alternative stable family setting or, where paragraph 20 above applies, in stable and appropriate residential care.
60. Planning for care provision and permanency should be carried out from the earliest possible time, ideally before the child enters care, taking into account the immediate and longer-term advantages and disadvantages of each option considered, and should comprise short- and long-term propositions.
61. Planning for care provision and permanency should be based on, notably, the nature and quality of the child's attachment to his/her family; the family's capacity to safeguard the child's well-being and harmonious development; the child's need or desire to feel part of a family; the desirability of the child remaining within his/her community and country; his/her cultural, linguistic and religious background; and relationships with siblings, with a view to avoiding their separation.
62. The plan should clearly state, inter alia, the goals of the placement and the measures to achieve them.
63. The child and his/her parents or legal guardians should be fully informed about the alternative care options available, the implications of each option and their rights and obligations in the matter.
64. The preparation, enforcement and evaluation of a protective measure for a child should be carried out, to the greatest extent possible, with the participation of his/her parents or legal guardians and potential foster carers and caregivers, with respect to his/her particular needs, convictions and special wishes. At the request of the child, parents or legal guardians, other important persons in the child's life may also be consulted in any decision-making process, at the discretion of the competent authority.

65. States should ensure that any child who has been placed in alternative care by a properly constituted court, tribunal or administrative or other competent body, as well as his/her parents or others with parental responsibility, are given the opportunity to make representations on the placement decision before a court, are informed of their rights to make such representations and are assisted in doing so.

66. States should ensure the right of any child who has been placed in temporary care to regular and thorough review - preferably at least every three months - of the appropriateness of his/her care and treatment, taking into account notably his/her personal development and any changing needs, developments in his/her family environment, and the adequacy and necessity of the current placement in these lights. The review should be carried out by duly qualified and authorized persons, and fully involve the child and all relevant persons in the child's life.

67. The child should be prepared for all changes of care settings resulting from the planning and review processes.

VII. PROVISION OF ALTERNATIVE CARE

A. Policies

68. It is a responsibility of the State or appropriate level of government to ensure the development and implementation of coordinated policies regarding formal and informal care for all children who are without parental care. Such policies should be based on sound information and statistical data. They should define a process for determining who has responsibility for a child, taking into account the role of the child's parents or principal caregivers in his/her protection, care and development. Presumptive responsibility, unless shown to be otherwise, is with the child's parents or principal caregivers.

69. All State entities involved in the referral of, and assistance to, children without parental care, in cooperation with civil society, should adopt policies and procedures which favour information-sharing and networking between agencies and individuals in order to ensure effective care, aftercare and protection for these children. The location and/or design of the agency responsible for the oversight of alternative care should be established so as to maximize its accessibility to those who require the services provided.

70. Special attention should be paid to the quality of alternative care provision, both in residential and family-based care, in particular with regard to the professional skills, selection, training and supervision of carers. Their role and functions should be clearly defined and clarified with respect to those of the child's parents or legal guardians.
71. In each country, the competent authorities should draw up a document setting out the rights of children in alternative care in keeping with the present Guidelines. Children in alternative care should be enabled to understand fully the rules, regulations and objectives of the care setting and their rights and obligations therein.
72. All alternative care provision should be based on a written statement of the provider's aims and objectives in providing the service and the nature of their responsibilities to the child that reflects the standards set by the Convention on the Rights of the Child, the present Guidelines and applicable law. All providers should be appropriately qualified or approved in accordance with legal requirements to provide alternative care services.
73. A regulatory framework should be established to ensure a standard process for the referral or admission of a child to an alternative care setting.
74. Cultural and religious practices regarding provision of alternative care, including those related to gender perspectives, should be respected and promoted to the extent that they can be shown to be consistent with the children's rights and best interests. The process of considering whether such practices should be promoted should be carried out in a broadly participatory way, involving the cultural and religious leaders concerned, professionals and those caring for children without parental care, parents and other relevant stakeholders, as well as the children themselves.

1. Informal care

75. With a view to ensuring that appropriate conditions of care are met in informal care provided by individuals or families, States should recognize the role played by this type of care and take adequate measures to support its optimal provision on the basis of an assessment of which particular settings may require special assistance or oversight.

76. Competent authorities should, where appropriate, encourage informal carers to notify the care arrangement and should seek to ensure their access to all available services and benefits likely to assist them in discharging their duty to care for and protect the child.

77. The State should recognize the de facto responsibility of informal carers for the child.

78. States should devise special and appropriate measures designed to protect children in informal care from abuse, neglect, child labour and all other forms of exploitation, with particular attention to informal care provided by non-relatives, by relatives previously unknown to the child or far from the child's habitual place of residence.

2. General conditions applying to all forms of formal alternative care arrangements

79. The transfer of a child into alternative care should be carried out with the utmost sensitivity and in a child-friendly manner, in particular involving specially trained and, in principle, non-uniformed personnel.

80. When a child is placed in alternative care, contact with his/her family, as well as with other persons close to him or her, such as friends, neighbours and previous carers, should be encouraged and facilitated, in keeping with the child's protection and best interests. The child should have access to information on the situation of his/her family members in the absence of contact with them.

81. States should pay special attention to ensuring that children in alternative care because of parental imprisonment or prolonged hospitalization have the opportunity to maintain contact with their parents and receive any necessary counselling and support in that regard.

82. Carers should ensure that children receive adequate amounts of wholesome and nutritious food in accordance with local dietary habits and relevant dietary standards, as well as with the child's religious beliefs. Appropriate nutritional supplementation should also be provided when necessary.

83. Carers should promote the health of the children for whom they are responsible and make arrangements to ensure that medical care, counselling and support are made available as required.

84. Children should have access to formal, non-formal and vocational education in accordance with their rights, to the maximum extent possible in educational facilities in the local community.
85. Carers should ensure that the right of every child, including children with disabilities, living with or affected by HIV/AIDS or having any other special needs, to develop through play and leisure activities is respected and that opportunities for such activities are created within and outside the care setting. Contacts with the children and others in the local community should be encouraged and facilitated.
86. The specific safety, health, nutritional, developmental and other needs of babies and young children, including those with special needs, should be catered for in all care settings, including ensuring their ongoing attachment to a specific carer.
87. Children should be allowed to satisfy the needs of their religious and spiritual life, including by receiving visits from a qualified representative of their religion, and to freely decide to participate or not in religious services, religious education or counselling. The child's own religious background should be respected, and no child should be encouraged or persuaded to change his/her religion or belief during a care placement.
88. All adults responsible for children should respect and promote the right to privacy, including appropriate facilities for hygiene and sanitary needs, respecting gender differences and interaction, and adequate, secure and accessible storage space for personal possessions.
89. Carers should understand the importance of their role in developing positive, safe and nurturing relationships with children, and be able to do so.
90. Accommodation in all alternative care settings should meet the requirements of health and safety.
91. States must ensure through their competent authorities that accommodation provided to children in alternative care, and their supervision in such placements, enable them to be effectively protected against abuse. Particular attention needs to be paid to the age, maturity and degree of vulnerability of each child in determining his/her living arrangements. Measures aimed

at protecting children in care should be in conformity with the law and not involve unreasonable constraints on their liberty and conduct in comparison with children of similar age in their community.

92. All alternative care settings should provide adequate protection to children from abduction, trafficking, sale and all other forms of exploitation. Any consequent constraints on their liberty and conduct should be no more than are strictly necessary to ensure their effective protection from such acts.

93. All carers should promote and encourage children and young people to develop and exercise informed choices, taking account of acceptable risks and the child's age, and according to his/her evolving capacities.

94. States, agencies and facilities, schools and other community services should take appropriate measures to ensure that children in alternative care are not stigmatized during or after their placement. This should include efforts to minimize the identification of the child as being looked after in an alternative care setting.

95. All disciplinary measures and behaviour management constituting torture, cruel, inhuman or degrading treatment, including closed or solitary confinement or any other forms of physical or psychological violence that are likely to compromise the physical or mental health of the child, must be strictly prohibited in conformity with international human rights law. States must take all necessary measures to prevent such practices and ensure that they are punishable by law. Restriction of contact with members of the child's family and other persons of special importance to the child should never be used as a sanction.

96. Use of force and restraints of whatever nature should not be authorized unless strictly necessary for safeguarding the child's or others' physical or psychological integrity, in conformity with the law and in a reasonable and proportionate manner and with respect for the fundamental rights of the child. Restraint by means of drugs and medication should be based on therapeutic needs and should never be employed without evaluation and prescription by a specialist.

97. Children in care should be offered access to a person of trust in whom they may confide in total confidentiality. This person should be designated by the competent authority with the agreement of the child concerned. The child should be informed that legal or ethical standards may require breaching confidentiality under certain circumstances.

98. Children in care should have access to a known, effective and impartial mechanism whereby they can notify complaints or concerns regarding their treatment or conditions of placement. Such mechanisms should include initial consultation, feedback, implementation and further consultation. Young people with previous care experience should be involved in this process, due weight being given to their opinions. This process should be conducted by competent persons trained to work with children and young people.

99. To promote the child's sense of self-identity, a life story book comprising appropriate information, pictures, personal objects and mementoes regarding each step of the child's life should be maintained with the child's participation and made available to the child throughout his/her life.

B. Legal responsibility for the child

100. In situations where the child's parents are absent or are incapable of making day-to-day decisions in the best interests of the child, and the child's placement in alternative care has been ordered or authorized by a competent administrative body or judicial authority, a designated individual or competent entity should be vested with the legal right and responsibility to make such decisions in the place of parents, in full consultation with the child. States should ensure that a mechanism is in place for designating such an individual or entity.

101. Such legal responsibility should be attributed by the competent authorities and be supervised directly by them or through formally accredited entities, including non-governmental organizations. Accountability for the actions of the individual or entity concerned should lie with the designating body.

102. Persons exercising such legal responsibility should be reputable individuals with relevant knowledge of children's issues, an ability to work directly with children, and an understanding of any special and cultural needs of the children to be entrusted to them. They should receive

appropriate training and professional support in this regard. They should be in a position to make independent and impartial decisions that are in the best interests of the children concerned and that promote and safeguard each child's welfare.

103. The role and specific responsibilities of the designated person or entity should include:

(a) Ensuring that the rights of the child are protected and that, in particular, the child has appropriate care, accommodation, health-care provision, developmental opportunities, psychosocial support, education and language support;

(b) Ensuring that the child has access to legal and other representation where necessary, consulting with the child so that the child's views are taken into account by decision-making authorities, and advising and keeping the child informed of his/her rights;

(c) Contributing to the identification of a stable solution in the child's best interests;

(d) Providing a link between the child and various organizations that may provide services to the child;

(e) Assisting the child in family tracing;

(f) Ensuring that, if repatriation or family reunification is carried out, it is done in the best interests of the child;

(g) Helping the child to keep in touch with his/her family, when appropriate.

1. Agencies and facilities responsible for formal care

104. Legislation should stipulate that all agencies and facilities must be registered and authorized to operate by social welfare services or another competent authority, and that failure to comply with such legislation constitutes an offence punishable by law. Authorization should be granted and regularly reviewed by the competent authorities on the basis of standard criteria covering, at a minimum, the agency's or facility's objectives, functioning, staff recruitment and qualifications, conditions of care and financial resources and management.

105. All agencies and facilities should have written policy and practice statements consistent with the present Guidelines, setting out clearly their aims, policies, methods and the standards applied for the recruitment, monitoring, supervision and evaluation of qualified and suitable carers to ensure that those aims are met.
106. All agencies and facilities should develop a staff code of conduct, consistent with the present Guidelines, that defines the role of each professional and of the carers in particular and includes clear reporting procedures on allegations of misconduct by any team member.
107. The forms of financing care provision should never be such as to encourage a child's unnecessary placement or prolonged stay in care arrangements organized or provided by an agency or facility.
108. Comprehensive and up-to-date records should be maintained regarding the administration of alternative care services, including detailed files on all children in their care, staff employed and financial transactions.
109. The records on children in care should be complete, up to date, confidential and secure, and include information on their admission and departure and the form, content and details of the care placement of each child, together with any appropriate identity documents and other personal information. Information on the child's family should be included in the child's file as well as in the reports based on regular evaluations. This record should follow the child throughout the alternative care period and be consulted by duly authorized professionals responsible for his/her current care.
110. The above-mentioned records could be made available to the child, as well as to the parents or guardians, within the limits of the child's right to privacy and confidentiality, as appropriate. Appropriate counselling should be provided before, during and after consultation of the record.
111. All alternative care services should have a clear policy on maintaining the confidentiality of information pertaining to each child, which all carers are aware of and adhere to.

112. As a matter of good practice, all agencies and facilities should systematically ensure that, prior to employment, carers and other staff in direct contact with children undergo an appropriate and comprehensive assessment of their suitability to work with children.

113. Conditions of work, including remuneration, for carers employed by agencies and facilities should be such as to maximize motivation, job satisfaction and continuity, and hence their disposition to fulfil their role in the most appropriate and effective manner.

114. Training should be provided to all carers on the rights of children without parental care and on the specific vulnerability of children, in particularly difficult situations, such as emergency placements or placements outside their area of habitual residence. Cultural, social, gender and religious sensitization should also be assured. States should also provide adequate resources and channels for the recognition of these professionals in order to favour the implementation of these provisions.

115. Training in dealing appropriately with challenging behaviour, including conflict resolution techniques and means to prevent acts of harm or self-harm, should be provided to all care staff employed by agencies and facilities.

116. Agencies and facilities should ensure that, wherever appropriate, carers are prepared to respond to children with special needs, notably those living with HIV/AIDS or other chronic physical or mental illnesses, and children with physical or mental disabilities.

2. Foster care

117. The competent authority or agency should devise a system, and should train concerned staff accordingly, to assess and match the needs of the child with the abilities and resources of potential foster carers and to prepare all concerned for the placement.

118. A pool of accredited foster carers should be identified in each locality, who can provide children with care and protection while maintaining ties to family, community and cultural group.

119. Special preparation, support and counselling services for foster carers should be developed and made available to carers at regular intervals, before, during and after the placement.

120. Carers should have, within fostering agencies and other systems involved with children without parental care, the opportunity to make their voice heard and to influence policy.

121. Encouragement should be given to the establishment of associations of foster carers that can provide important mutual support and contribute to practice and policy development.

C. Residential care

122. Facilities providing residential care should be small and organized around the rights and needs of the child, in a setting as close as possible to a family or small group situation. Their objective should generally be to provide temporary care and to contribute actively to the child's family reintegration or, if this is not possible, to secure his/her stable care in an alternative family setting, including through adoption or *kafala* of Islamic law, where appropriate.

123. Measures should be taken so that, where necessary and appropriate, a child solely in need of protection and alternative care may be accommodated separately from children who are subject to the criminal justice system.

124. The competent national or local authority should establish rigorous screening procedures to ensure that only appropriate admissions to such facilities are made.

125. States should ensure that there are sufficient carers in residential care settings to allow individualized attention and to give the child, where appropriate, the opportunity to bond with a specific carer. Carers should also be deployed within the care setting in such a way as to implement effectively its aims and objectives and ensure child protection.

126. Laws, policies and regulations should prohibit the recruitment and solicitation of children for placement in residential care by agencies, facilities or individuals.

D. Inspection and monitoring

127. Agencies, facilities and professionals involved in care provision should be accountable to a specific public authority, which should ensure, inter alia, frequent inspections comprising both scheduled and unannounced visits, involving discussion with and observation of the staff and the children.

128. To the extent possible and appropriate, inspection functions should include a component of training and capacity-building for care providers.

129. States should be encouraged to ensure that an independent monitoring mechanism is in place, with due consideration for the Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights (Paris Principles). The monitoring mechanism should be easily accessible to children, parents and those responsible for children without parental care. The functions of the monitoring mechanism should include:

(a) Consulting in conditions of privacy with children in all forms of alternative care, visiting the care settings in which they live and undertaking investigations into any alleged situation of violation of children's rights in those settings, on complaint or on its own initiative;

(b) Recommending relevant policies to appropriate authorities with the aim of improving the treatment of children deprived of parental care and ensuring that it is in keeping with the preponderance of research findings on child protection, health, development and care;

(c) Submitting proposals and observations concerning draft legislation;

(d) Contributing independently to the reporting process under the Convention on the Rights of the Child, including to periodic State party reports to the Committee on the Rights of the Child with regard to the implementation of the present Guidelines.

E. Support for aftercare

130. Agencies and facilities should have a clear policy and carry out agreed procedures relating to the planned and unplanned conclusion of their work with children to ensure appropriate aftercare and/or follow-up. Throughout the period of care, they should systematically aim at preparing the child to assume self-reliance and to integrate fully in the community, notably through the acquisition of social and life skills, which are fostered by participation in the life of the local community.

131. The process of transition from care to aftercare should take into consideration the child's gender, age, maturity and particular circumstances and include counselling and support, notably

to avoid exploitation. Children leaving care should be encouraged to take part in the planning of aftercare life. Children with special needs, such as disabilities, should benefit from an appropriate support system, ensuring, inter alia, avoidance of unnecessary institutionalization. Both the public and private sectors should be encouraged, including through incentives, to employ children from different care services, particularly children with special needs.

132. Special efforts should be made to allocate to each child, whenever possible, a specialized person who can facilitate his/her independence when leaving care.

133. Aftercare should be prepared as early as possible in the placement and, in any case, well before the child leaves the care setting.

134. Ongoing educational and vocational training opportunities should be imparted as part of life skill education to young people leaving care in order to help them to become financially independent and generate their own income.

135. Access to social, legal and health services, together with appropriate financial support, should also be provided to young people leaving care and during aftercare.

VIII. CARE PROVISION FOR CHILDREN OUTSIDE THEIR COUNTRY OF HABITUAL RESIDENCE

A. Placement of a child for care abroad

136. The present Guidelines should apply to all public and private entities and all persons involved in arrangements for a child to be sent for care to a country other than his/her country of habitual residence, whether for medical treatment, temporary hosting, respite care or any other reason.

137. States concerned should ensure that a designated body has responsibility for determining specific standards to be met regarding, in particular, the criteria for selecting carers in the host country and the quality of care and follow-up, as well as for supervising and monitoring the operation of such schemes.

138. To ensure appropriate international cooperation and child protection in such situations, States are encouraged to ratify or accede to the Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children.

B. Provision of care for a child already abroad

139. The present Guidelines, as well as other relevant international provisions, should apply to all public and private entities and all persons involved in arrangements for a child needing care while in a country other than his/her country of habitual residence, for whatever reason.

140. Unaccompanied or separated children already abroad should in principle enjoy the same level of protection and care as national children in the country concerned.

141. In determining appropriate care provision, the diversity and disparity of unaccompanied or separated children (such as ethnic and migratory background or cultural and religious diversity) should be taken into consideration on a case-by-case basis.

142. Unaccompanied or separated children, including those who arrive irregularly in a country, should not be, in principle, deprived of their liberty solely for having breached any law governing access to and stay within the territory.

143. Child victims of trafficking should neither be detained in police custody nor subjected to penalties for their involvement under compulsion in unlawful activities.

144. As soon as an unaccompanied child is identified, States are strongly encouraged to appoint a guardian or, where necessary, representation by an organization responsible for his/her care and well-being to accompany the child throughout the status determination and decision-making process.

145. As soon as an unaccompanied or separated child is taken into care, all reasonable efforts should be made to trace his/her family and re-establish family ties, when this is in the best interests of the child and would not endanger those involved.

146. In order to assist in planning the future of an unaccompanied or separated child in a manner that best protects his/her rights, relevant State and social service authorities should make all reasonable efforts to procure documentation and information in order to conduct an assessment of the child's risk and social and family conditions in his/her country of habitual residence.

147. Unaccompanied or separated children must not be returned to their country of habitual residence:

(a) If, following the risk and security assessment, there are reasons to believe that the child's safety and security are in danger;

(b) Unless, prior to the return, a suitable caregiver, such as a parent, other relative, other adult caretaker, a Government agency or an authorized agency or facility in the country of origin, has agreed and is able to take responsibility for the child and provide him/her with appropriate care and protection;

(c) If, for other reasons, it is not in their best interests, according to the assessment of the competent authorities.

148. With the above aims in mind, cooperation among States, regions, local authorities and civil society associations should be promoted, strengthened and enhanced.

149. The effective involvement of consular services or, failing that, legal representatives of the country of origin should be foreseen, when this is in the best interests of the child and would not endanger the child or his/her family.

150. Those responsible for the welfare of an unaccompanied or separated child should facilitate regular communication between the child and his/her family, except where this is against the child's wishes or is demonstrably not in his/her best interests.

151. Placement with a view to adoption or *kafala* of Islamic law should not be considered a suitable initial option for an unaccompanied or separated child. States are encouraged to consider this option only after efforts to determine the location of his/her parents, extended family or habitual carers have been exhausted.

IX. CARE IN EMERGENCY SITUATIONS

A. Application of the Guidelines

152. The present Guidelines should continue to apply in situations of emergency arising from natural and man-made disasters, including international and non-international armed conflicts, as well as foreign occupation. Individuals and organizations wishing to work on behalf of children without parental care in emergency situations are strongly encouraged to operate in accordance with the Guidelines.

153. In such circumstances, the State or de facto authorities in the region concerned, the international community and all local, national, foreign and international agencies providing or intending to provide child-focused services should pay special attention:

- (a) To ensure that all entities and persons involved in responding to unaccompanied or separated children are sufficiently experienced, trained, resourceful and equipped to do so in an appropriate manner;
- (b) To develop, as necessary, temporary and long-term family-based care;
- (c) To use residential care only as a temporary measure until family-based care can be developed;
- (d) To prohibit the establishment of new residential facilities structured to provide simultaneous care to large groups of children on a permanent or long-term basis;
- (e) To prevent the cross-border displacement of children, except under the circumstances described in paragraph 159 below;
- (f) To make cooperation with family tracing and reintegration efforts mandatory.

Preventing separation

154. Organizations and authorities should make every effort to prevent the separation of children from their parents or primary caregivers, unless the best interests of the child so require, and ensure that their actions do not inadvertently encourage family separation by providing services and benefits to children alone rather than to families.

155. Separations initiated by the child's parents or other primary caregivers should be prevented by:

(a) Ensuring that all households have access to basic food and medical supplies and other services, including education;

(b) Limiting the development of residential care options and restricting their use to those situations where it is absolutely necessary.

B. Care arrangements

156. Communities should be supported to play an active role in monitoring and responding to care and protection issues facing children in their local context.

157. Care within a child's own community, including fostering, should be encouraged, as it provides continuity in socialization and development.

158. As unaccompanied or separated children may be at heightened risk of abuse and exploitation, monitoring and specific support to carers should be foreseen to ensure their protection.

159. Children in emergency situations should not be moved to a country other than that of their habitual residence for alternative care except temporarily for compelling health, medical or safety reasons. In that case, this should be as close as possible to their home, they should be accompanied by a parent or caregiver known to the child, and a clear return plan should be established.

160. Should family reintegration prove impossible within an appropriate period or be deemed contrary to the child's best interests, stable and definitive solutions, such as *kafala* of Islamic law or adoption, should be envisaged; failing this, other long-term options should be considered, such as foster care or appropriate residential care, including group homes and other supervised living arrangements.

C. Tracing and family reintegration

161. Identifying, registering and documenting unaccompanied or separated children are priorities in any emergency and should be carried out as quickly as possible.

162. Registration activities should be conducted by or under the direct supervision of State authorities and explicitly mandated entities with responsibility for and experience in this task.

163. The confidential nature of the information collected should be respected and systems put in place for safe forwarding and storage of information. Information should only be shared among duly mandated agencies for the purpose of tracing, family reintegration and care.

164. All those engaged in tracing family members or primary legal or customary caregivers should operate within a coordinated system, using standardized forms and mutually compatible procedures, wherever possible. They should ensure that the child and others concerned would not be endangered by their actions.

165. The validity of relationships and the confirmation of the willingness of the child and family members to be reunited must be verified for every child. No action should be taken that may hinder eventual family reintegration, such as adoption, change of name, or movement to places far from the family's likely location, until all tracing efforts have been exhausted.

166. Appropriate records of any placement of a child should be made and kept in a safe and secure manner so that reunification can be facilitated in the future.

11/8. Preventable maternal mortality and morbidity and human rights

Reaffirming the Beijing Declaration and Platform for Action, the Programme of Action of the International Conference on Population and Development and their Review Conferences and the targets and commitments regarding the reduction of maternal mortality and universal access to reproductive health, including those contained in the 2000 Millennium Declaration (General Assembly resolution 55/2) and the 2005 World Summit Outcome (General Assembly resolution 60/1),

Reaffirming also the Millennium Development Goals, in particular the Goals on improving maternal health, promoting gender equality and empowering women, reducing child and infant mortality and the development of a global partnership,¹

Recalling the obligations of States parties to the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Protection of the Rights of All Migrant Workers and Their Families,

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

Recognizing the leading role of the World Health Organization in maternal health and the work under the annual World Health Assembly agenda item on the monitoring of the achievement of the health-related Millennium Development Goals,

Recognizing also that the unacceptably high global rate of preventable maternal mortality and morbidity is a health, development and human rights challenge, and that a human rights analysis of preventable maternal mortality and morbidity and the integration of a human rights perspective in international and national responses to maternal mortality and morbidity could contribute positively to the common goal of reducing this rate, with a view to eliminating preventable maternal mortality and morbidity,

Welcoming the ongoing efforts of the United Nations human rights treaty bodies to highlight the human rights aspects of preventable maternal mortality and morbidity, including those of the Committee on the Elimination of Discrimination against Women, the Human Rights Committee, the Committee on the Rights of the Child, the Committee on Economic, Social and

¹ Millennium Development Goals 5, 3, 4 and 8 respectively.

Cultural Rights, and of the special procedures, in particular those described in the report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (A/61/338),

Recognizing that the Council has a constructive role to play in raising awareness of the human rights aspects of the unacceptably high global rate of maternal mortality and morbidity and in supporting, promoting and enhancing existing national and international efforts to reduce this rate,

Welcoming its initiative to hold an interactive dialogue at its eighth regular session on maternal mortality and the human rights of women, on 5 June 2008,

Recognizing that preventable maternal mortality and morbidity affects women and their families in all regions and cultures, and that it is exacerbated by factors such as poverty, gender inequality, age and multiple forms of discrimination, as well as factors such as lack of access to adequate health facilities and technology, and lack of infrastructure,

1. *Expresses grave concern* at the unacceptably high global rate of preventable maternal mortality and morbidity, noting in this regard that the World Health Organization has assessed that over 1,500 women and girls die every day as a result of preventable complications occurring before, during and after pregnancy and childbirth, and that, globally, maternal mortality is the leading cause of death among women and of girls of reproductive age;

2. *Recognizes* that most instances of maternal mortality and morbidity are preventable, and that preventable maternal mortality and morbidity is a health, development and human rights challenge that also requires the effective promotion and protection of the human rights of women and girls, in particular their rights to life, to be equal in dignity, to education, to be free to seek, receive and impart information, to enjoy the benefits of scientific progress, to freedom from discrimination, and to enjoy the highest attainable standard of physical and mental health, including sexual and reproductive health;

3. *Requests* all States to renew their political commitment to eliminating preventable maternal mortality and morbidity at the local, national, regional and international levels, and to

redouble their efforts to ensure the full and effective implementation of their human rights obligations, the Beijing Declaration and Platform for Action, the Programme of Action of the International Conference on Population and Development and their review conferences, and the Millennium Declaration and the Millennium Development Goals, in particular the Goals on improving maternal health and promoting gender equality and empowering women,² including through the allocation of necessary domestic resources to health systems;

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

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

6. *Requests* the Office of the United Nations High Commissioner for Human Rights to prepare a thematic study on preventable maternal mortality and morbidity and human rights, in consultation with States, the World Health Organization, the United Nations Population Fund, the United Nations Children's Fund, the World Bank and all other relevant stakeholders, and requests that the study include identification of the human rights dimensions of preventable maternal mortality and morbidity in the existing international legal framework; an overview of initiatives and activities within the United Nations system to address all causes of preventable maternal mortality and morbidity; identification of how the Council can add value to existing initiatives through a human rights analysis, including efforts to achieve the Millennium

² Millennium Development Goals 5 and 3.

Development Goal on improving maternal health,³ and recommended options for better addressing the human rights dimension of preventable maternal mortality and morbidity throughout the United Nations system;

7. *Decides* to address the thematic study requested in paragraph 6 above within the programme of work of its fourteenth session, and to consider taking further possible action on preventable maternal mortality and morbidity and human rights at that session, and invites the Office of the High Commissioner, the World Health Organization, the United Nations Population Fund and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health to participate in an interactive dialogue on the study in the Council.

27th meeting

17 June 2009

[Adopted without a vote. See chap. III.]

11/9. The human rights of migrants in detention centres

The Human Rights Council,

Recalling previous resolutions of the General Assembly, the Commission on Human Rights and the Council on the protection of the human rights of migrants and the work of various special mechanisms of the Council that have reported on the situation of human rights and fundamental freedoms of migrants, particularly those held in detention centres,

Aware of the report of the Special Rapporteur on the human rights of migrants (A/HRC/11/7), which focuses on the protection of children in the context of migration,

Aware also of the report of the Working Group on Arbitrary Detention (A/HRC/7/4),

Emphasizing the importance of addressing the situation of migrants in detention centres and in administrative detention, which creates conditions for the potential violation of their human rights, through a comprehensive, integrated, concerted and balanced approach,

³ Millennium Development Goal 5.

1. *Decides* to hold a panel discussion on the matter at its twelfth session, with equitable geographic and gender participation of Governments, relevant experts and representatives of civil society, including national institutions;
2. *Invites* the members of the above-mentioned panel:
 - (a) To discuss the current trends, good practices, challenges and possible approaches to address the issue of the detention of migrants and to explore ways to promote and protect their human rights;
 - (b) To elaborate on how to reduce the recourse to and duration of detention of persons who enter or remain in a country in an irregular manner, as well as on how to provide them with appropriate access to due legal process;
3. *Requests* the Office of the United Nations High Commissioner for Human Rights to provide the necessary assistance and support for holding the panel.

*29th meeting
18 June 2009*

[Adopted without a vote. See chap. III.]

11/10. Situation of human rights in the Sudan

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and other relevant human rights instruments,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable international human rights instruments,

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

Reaffirming Commission on Human Rights resolution 2005/82 of 21 April 2005, and Council resolutions 6/34 and 6/35 of 14 December 2007, 7/16 of 27 March 2008 and 9/17 of 24 September 2008, and calling on the Government of the Sudan to continue and intensify its efforts to implement them,

Recalling that, in its resolution 5/1, the Council stipulated that the review, rationalization and improvement of mandates, as well as the creation of new ones, must be guided by the principles of universality, impartiality, objectivity and non-selectivity, thereupon leading to constructive international dialogue and cooperation, with a view to enhancing the promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development,

Stressing that resolution 5/1 also provides that every effort should be made to avoid unnecessary duplication,

Recalling that the founding principles of the Council are objectivity, non-selectivity and the elimination of double standards and politicization,

1. *Takes note* of the reports of the Special Rapporteur of the situation of human rights in the Sudan (A/HRC/11/14) and on the status of implementation of the recommendations compiled by the Group of Experts on Darfur (A/HRC/11/14/Add.1);

2. *Acknowledges* the progress made in the implementation of the Comprehensive Peace Agreement and the steps taken by the Government of National Unity to strengthen the human rights legal and institutional framework, principally in law reform, and urges the Government to intensify those efforts;

3. *Also acknowledges* the decision of the Government of National Unity to hold general elections in February 2010, in accordance with the provisions of the Comprehensive Peace Agreement, and expresses its hope that the elections will lead to the democratic and peaceful devolution of power;

4. *Calls on* the Government of National Unity to continue and intensify its efforts for the promotion and protection of human rights by taking all possible concrete steps to improve the human rights situation;

5. *Stresses* the primary responsibility of the Government of National Unity to protect all its citizens;
6. *Welcomes* the initial measures taken by the Government of National Unity to implement the recommendations of the Group of Experts and to address human rights concerns, including the deployment of police personnel in Darfur and the sentencing of several perpetrators of serious violations of human rights, but notes that a number of the recommendations have not yet been implemented;
7. *Reiterates* its call upon the signatories of the Darfur Peace Agreement to comply with their obligations under the Agreement, and calls upon non-signatory parties to join in and to commit themselves to the peace process in compliance with relevant United Nations resolutions;
8. *Recalls* that the Darfur Peace Agreement stipulates the principles of enhancing accountability and preventing impunity;
9. *Commends* the completion of the nation-wide population census as a prerequisite condition for holding national general elections;
10. *Welcomes* the submission by the Government of National Unity on the Abyei dispute to the Permanent Court of Arbitration;
11. *Notes with appreciation* that the Government of National Unity has approved the deployment of more than seventy-five human rights monitors all over the country;
12. *Welcomes* the invitation of the Government of National Unity to the United Nations High Commissioner for Human Rights to visit the country;
13. *Takes note* of the press statement on the consultative meeting between the Government of National Unity, the African Union, the League of Arab States and the Organization of the Islamic Conference, in which they took note of, inter alia, the reports of the African Union-United Nations Hybrid Operation in Darfur;

14. *Also takes note* of the communications, requests, statements and reports issued by the High Commissioner for Human Rights, the Office of the High Commissioner and thematic mandate holders concerning human rights in the Sudan;

15. *Notes* that the terms of reference of the Human Rights Forum include:

(a) To inform the Government of National Unity in a systematic and timely manner on human rights violations in Darfur identified by the Human Rights Component of the African Union-United Nations Hybrid Operation in Darfur;

(b) To seek the best possible means to end human rights violations in Darfur and to identify ways and means to improve the human rights situation in Darfur;

(c) To provide a forum to discuss projects, activities or initiatives undertaken by the African Union-United Nations Hybrid Operation in Darfur, the Government of National Unity and other actors which support the Government in addressing human rights concerns;

(d) To provide an open and constructive forum for the discussion of the Government's implementation of the recommendations of the Group of Experts on Darfur;

(e) To obtain support for initiatives aimed at addressing human rights concerns;

16. *Invites* the Office of the High Commissioner to engage itself through the appropriate components of the Forum in following and verifying the human rights situation in Darfur in order to inform the Council on the situation of human rights in the Sudan, as appropriate;

17. *Requests* the Office of the High Commissioner to identify specific priority areas for technical assistance and to evaluate where the Government of National Unity needs technical and financial assistance;

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

19. *Decides* to create the mandate of independent expert on the situation of human rights in the Sudan for a period of one year, who shall assume the mandate and responsibilities set out by the Council in its resolutions 6/34, 6/35, 7/16 and 9/17, requests the independent expert to

engage with the newly created human rights forums in the Sudan as well as the human rights sections of the African Union, the United Nations Mission in the Sudan and the African Union-United Nations Hybrid Operation in Darfur and to submit a report to the Council for consideration at its fourteenth session, and requests the Secretary-General to provide the independent expert with all necessary assistance to discharge the mandate fully.

20. *Expresses* its conviction that various human rights mechanisms, by securing the cooperating and fostering dialogue with the Government of National Unity, can effectively and sustainably realize the objective of promotion and protection of human rights in the country, and notes in this context the value of the mechanisms of the universal periodic review.

*29th meeting
18 June 2009*

[Adopted by a recorded vote of 20 to 18, with 9 abstentions (see chap. IV). The voting was as follows:

In favour: Argentina, Bosnia and Herzegovina, Brazil, Canada, Chile, France, Germany, Italy, Japan, Mauritius, Mexico, Netherlands, Republic of Korea, Slovakia, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Zambia;

Against: Azerbaijan, Bahrain, Bangladesh, Cameroon, China, Cuba, Djibouti, Egypt, Indonesia, Jordan, Malaysia, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, South Africa;

Abstaining: Angola, Bolivia (Plurinational State of), Burkina Faso, Gabon, Ghana, India, Madagascar, Nicaragua, Senegal.]

11/11. System of special procedures

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action and all other relevant international human rights instruments,

Bearing in mind General Assembly resolution 60/251 of 15 March 2006 establishing the Human Rights Council,

Recalling its resolutions 5/1 and 5/2 of 18 June 2007 and the annexes thereto on the institution-building of the Council, General Assembly resolution 62/219 of 22 December 2007 and President's statement 8/2 of 18 June 2008,

Expressing its appreciation for the valuable contribution of all special procedures to the promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development, and the need for all mandate holders to act in an objective, independent, non-selective, impartial and non-politicized manner, and recalling the need for all States to cooperate with and assist the special procedures in the performance of their tasks, to provide all information in a timely manner and to respond without undue delay to communications transmitted to them by the special procedures,

1. *Reaffirms* that the code of conduct for special procedures mandate holders is aimed at strengthening the capacity of mandate holders to exercise their functions while enhancing their moral authority and credibility, and that it requires supportive action by all stakeholders, and in particular by States;

2. *Recalls* that it is incumbent on special procedures mandate holders to exercise their functions with full respect for and strict observance of their mandates, as outlined in the relevant Council resolutions providing such mandates, and to comply fully with the provisions of the code of conduct;

3. *Requests* the Office of the United Nations High Commissioner for Human Rights, in accordance with Council resolution 5/2, to assist the special procedures further with a view to contributing to their awareness of and full compliance with the code of conduct;

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

*29th meeting
18 June 2009*

[Adopted without a vote. See chap. V.]

11/12. Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action

The Human Rights Council,

Recalling Commission on Human Rights resolutions 2002/68 of 25 April 2002 and 2003/30 of 23 April 2003,

Recalling also Council resolution 1/5 of 30 June 2006,

Stressing that the Durban Declaration and Programme of Action, adopted on 8 September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, provides a solid basis for combating racism, racial discrimination, xenophobia and related intolerance,

Acknowledging with appreciation the outcome document of the Durban Review Conference, held in the framework of the General Assembly from 20 to 24 April 2009, including paragraph 124 thereof,

1. *Decides* to extend the mandate of the Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action for a period of three years;
2. *Also decides* to remain seized of this matter under the relevant agenda item.

*29th meeting
18 June 2009*

[Adopted without a vote. See chap. IX.]

B. Decisions

Decision 11/101. Outcome of the universal periodic review: Germany

The Human Rights Council,

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

Having conducted the review of Germany on 2 February 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Germany which is constituted of the report of the Working Group on the review of Germany (A/HRC/11/15), together with the views of Germany concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/11/37, chap. VI and A/HRC/11/15/Add.1).

14th meeting

9 June 2009

[Adopted without a vote. See chap. VI.]

Decision 11/102. Outcome of the universal periodic review: Djibouti

The Human Rights Council,

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

Having conducted the review of Djibouti on 2 February 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Djibouti which is constituted of the report of the Working Group on the review of Djibouti (A/HRC/11/16), together with the views of Djibouti concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/11/37, chap. VI).

14th meeting

9 June 2009

[Adopted without a vote. See chap. VI.]

Decision 11/103. Outcome of the universal periodic review: Canada

The Human Rights Council,

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

Having conducted the review of Canada on 3 February 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Canada which is constituted of the report of the Working Group on the review of Canada (A/HRC/11/17), together with the views of Canada concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/11/37, chap. VI and A/HRC/11/17/Add.1).

*14th meeting
9 June 2009*

[Adopted without a vote. See chap. VI.]

Decision 11/104. Outcome of the universal periodic review: Bangladesh

The Human Rights Council,

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

Having conducted the review of Bangladesh on 3 February 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Bangladesh which is constituted of the report of the Working Group on the review of Bangladesh (A/HRC/11/18), together with the views of Bangladesh concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/11/37, chap. VI and A/HRC/11/18/Add.1).

*15th meeting
10 June 2009*

[Adopted without a vote. See chap. VI.]

Decision 11/105. Outcome of the universal periodic review: Russian Federation

The Human Rights Council,

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

Having conducted the review of the Russian Federation on 4 February 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on the Russian Federation which is constituted of the report of the Working Group on the review of the Russian Federation (A/HRC/11/19), together with the views of the Russian Federation concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/11/37, chap. VI and A/HRC/11/19/Add.1/Rev.1).

*15th meeting
10 June 2009*

[Adopted without a vote. See chap. VI.]

Decision 11/106. Outcome of the universal periodic review: Cameroon

The Human Rights Council,

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

Having conducted the review of Cameroon on 5 February 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Cameroon which is constituted of the report of the Working Group on the review of Cameroon (A/HRC/11/21), together with the views of Cameroon concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/11/37, chap. VI and A/HRC/11/21/Add.1).

*16th meeting
10 June 2009*

[Adopted without a vote. See chap. VI.]

Decision 11/107. Outcome of the universal periodic review: Cuba

The Human Rights Council,

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

Having conducted the review of Cuba on 5 February 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Cuba which is constituted of the report of the Working Group on the review of Cuba (A/HRC/11/22), together with the views of Cuba concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/11/37, chap. VI and the additional written information submitted by Cuba).

*16th meeting
10 June 2009*

[Adopted without a vote. See chap. VI.]

Decision 11/108. Outcome of the universal periodic review: Saudi Arabia

The Human Rights Council,

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

Having conducted the review of Saudi Arabia on 6 February 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Saudi Arabia which is constituted of the report of the Working Group on the review of Saudi Arabia (A/HRC/11/23), together with the views of Saudi Arabia concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/11/37, chap. VI and A/HRC/11/23/Add.1).

*16th meeting
10 June 2009*

[Adopted without a vote. See chap. VI.]

Decision 11/109. Outcome of the universal periodic review: Senegal

The Human Rights Council,

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

Having conducted the review of Senegal on 6 February 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Senegal which is constituted of the report of the Working Group on the review of Senegal (A/HRC/11/24), together with the views of Senegal concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/11/37, chap. VI and A/HRC/11/24/Add.1).

*17th meeting
11 June 2009*

[Adopted without a vote. See chap. VI.]

Decision 11/110. Outcome of the universal periodic review: China

The Human Rights Council,

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

Having conducted the review of China on 9 February 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on China which is constituted of the report of the Working Group on the review of China (A/HRC/11/25), together with the views of China concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/11/37, chap. VI).

*17th meeting
11 June 2009*

[Adopted without a vote. See chap. VI.]

Decision 11/111. Outcome of the universal periodic review: Azerbaijan

The Human Rights Council,

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

Having conducted the review of Azerbaijan on 4 February 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Azerbaijan which is constituted of the report of the Working Group on the review of Azerbaijan (A/HRC/11/20), together with the views of Azerbaijan concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/11/37, chap. VI and A/HRC/11/20/Add.1).

*18th meeting
11 June 2009*

[Adopted without a vote. See chap. VI.]

Decision 11/112. Outcome of the universal periodic review: Nigeria

The Human Rights Council,

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

Having conducted the review of Nigeria on 9 February 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Nigeria which is constituted of the report of the Working Group on the review of Nigeria (A/HRC/11/26), together with the views of Nigeria concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/11/37, chap. VI).

*18th meeting
11 June 2009*

[Adopted without a vote. See chap. VI.]

Decision 11/113. Outcome of the universal periodic review: Mexico

The Human Rights Council,

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

Having conducted the review of Mexico on 10 February 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Mexico which is constituted of the report of the Working Group on the review of Mexico (A/HRC/11/27), together with the views of Mexico concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/11/37, chap. VI and the additional written information submitted by Mexico).

*18th meeting
11 June 2009*

[Adopted without a vote. See chap. VI.]

Decision 11/114. Outcome of the universal periodic review: Mauritius

The Human Rights Council,

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

Having conducted the review of Mauritius on 10 February 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Mauritius which is constituted of the report of the Working Group on the review of Mauritius (A/HRC/11/28), together with the views of Mauritius concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/11/37, chap. VI and A/HRC/11/28/Add.1).

*18th meeting
11 June 2009*

[Adopted without a vote. See chap. VI.]

Decision 11/115. Outcome of the universal periodic review: Jordan

The Human Rights Council,

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

Having conducted the review of Jordan on 11 February 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Jordan which is constituted of the report of the Working Group on the review of Jordan (A/HRC/11/29), together with the views of Jordan concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/11/37, chap. VI).

*19th meeting
11 June 2009*

[Adopted without a vote. See chap. VI.]

Decision 11/116. Outcome of the universal periodic review: Malaysia

The Human Rights Council,

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

Having conducted the review of Malaysia on 11 February 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Malaysia which is constituted of the report of the Working Group on the review of Malaysia (A/HRC/11/30), together with the views of Malaysia concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/11/37, chap. VI and A/HRC/11/30/Add.1).

*19th meeting
12 June 2009*

[Adopted without a vote. See chap. VI.]

11/117. Issuance of reports of the Working Group on the Universal Periodic Review in all official languages of the United Nations

At its 18th meeting, on 18 June 2009, the Human Rights Council decided to adopt the following text and to submit it to the General Assembly as a matter of urgency, for its implementation:

“Bearing in mind General Assembly resolutions 60/251 of 15 March 2006 and 62/219 of 22 December 2007, Human Rights Council resolution 5/1 of 18 June 2007 and 8/1 of 18 June 2008, Council decision 9/103 of 24 September 2008 and President’s statements 8/1 of 24 September 2008 and 9/2 of 9 April 2008,

Stressing that the Working Group on the Universal Periodic Review of the Human Rights Council adopted the reports on the review of 32 Member States at its fourth and fifth sessions,

Concerned that 13 of the reports adopted by the Working Group at its fourth session were not issued as official documents of the United Nations in the six official languages prior to their consideration and adoption by the Council at its eleventh session, and that the processing and issuance of two of the reports adopted by the Working Group at its fifth session remains delayed,

Recalling the importance of multilingualism in the work of the United Nations and the need to issue all reports of the Working Group in all official languages of the Organization,

1. *Decides* that all the reports adopted by the Working Group on the Universal Periodic Review at its fourth and fifth sessions and the additional information submitted by the States under review before the adoption of the outcome by the Council shall be issued as official documents in all official languages of the United Nations prior to the twelfth session of the Council, and requests the Secretary-General to take the necessary measures to that effect;

2. *Recalls* that the Working Group should endeavour to apply in its reports the word limits established in the annex to President's statement 9/2, bearing in mind that the Working Group is entrusted with the authority to decide on the adoption of reports that exceptionally exceed those word limits;

3. *Decides* that all reports adopted by the Working Group shall be issued as official documents in all official languages of the United Nations, in a timely manner before their consideration by the Council, and requests the Secretary-General to ensure the necessary support to that effect.”

[See chapter VI.]
