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Human Rights Council

Nineteenth session

Agenda item 1

Organizational and procedural matters

**Report of the Human Rights Council on its
nineteenth session**

Vice-President and Rapporteur: Ms. Gulnara Iskakova (Kyrgyzstan)

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Part One

Resolutions, decisions and President's statements

I. Resolutions adopted by the Human Rights Council at its nineteenth session

19/1

The escalating grave human rights violations and deteriorating humanitarian situation in the Syrian Arab Republic

The Human Rights Council,

Having held an urgent debate to discuss the escalating grave human rights violations and the deteriorating humanitarian situation in the Syrian Arab Republic,

Expressing grave concern at the deterioration of the situation in the Syrian Arab Republic, in particular the ongoing human rights violations and use of violence by the Syrian authorities against its population, resulting in a humanitarian crisis,

Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic and to the principles of the Charter of the United Nations,

Recalling General Assembly resolutions 66/176 of 19 December 2011 and 66/253 of 23 February 2012, Human Rights Council resolutions S-16/1 of 29 April 2011, S-17/1 of 23 August 2011 and S-18/1 of 2 December 2011, the decisions, initiatives, efforts and measures of the League of Arab States to address all aspects of the situation in the Syrian Arab Republic, including its resolutions 7444 of 22 January 2012 and 7446 of 12 February 2012, and the final communiqué of the Executive Committee of the Organization of Islamic Cooperation after its meeting on the situation in the Syrian Arab Republic, held on 30 November 2011,

Welcoming the conclusions of the Chairman of the International Conference of the Group of Friends of the Syrian People of 24 February 2012,

1. *Strongly condemns* the continued widespread and systematic violations of human rights and fundamental freedoms by the Syrian authorities, such as the use of force against civilians, arbitrary executions, the killing and persecution of protestors, human rights defenders and journalists, including recent deaths of Syrian and foreign journalists, arbitrary detention, enforced disappearances, interference with access to medical treatment, torture, sexual violence and ill-treatment, including against children;

2. *Deplores* the brutal actions of the Syrian regime over the past 11 months, such as its use of heavy artillery and tanks to attack residential areas of cities and towns, which have led to the death of thousands of innocents civilians, caused widespread destruction, forced tens of thousands of Syrians to flee their homes and created widespread suffering among the Syrian people, resulting in a humanitarian crisis;

3. *Expresses strong concern* at the humanitarian situation in the Syrian Arab Republic, including the lack of access to basic food, medicine and fuel, as well as threats to and acts of violence against medical staff, patients and facilities;

4. *Reiterates* the need to urgently address humanitarian needs, to facilitate the effective delivery of assistance and to ensure safe access to medical treatment;

5. *Calls upon* the Government of the Syrian Arab Republic to immediately put an end to all human rights violations and attacks against civilians, to cease all violence, to allow free and unimpeded access by the United Nations and humanitarian agencies to carry out a full assessment of needs in Homs and other areas, and to permit humanitarian agencies to deliver vital relief goods and services to all civilians affected by the violence, especially in Homs, Dar'a, Zabadani and other areas under siege by the Syrian security forces;

6. *Stresses the importance* of ensuring accountability and the need to end impunity and hold to account those responsible for human rights violations, including those violations that may amount to crimes against humanity;

7. *Acknowledges* the serious and growing burden carried by the neighbours of the Syrian Arab Republic in hosting refugees from the Syrian Arab Republic and committed to provide appropriate support and assistance in this regard;

8. *Decides* to remain seized of the matter and to take further action on the situation of human rights in the Syrian Arab Republic, including after the forthcoming interactive dialogue with the commission of inquiry.

*10th meeting
1 March 2012*

[Adopted by a recorded vote of 37 to 3, with 3 abstentions. The voting was as follows:

In favour:

Austria, Bangladesh, Belgium, Benin, Botswana, Cameroon, Chile, Congo, Costa Rica, Czech Republic, Djibouti, Guatemala, Hungary, Indonesia, Italy, Jordan, Kuwait, Libya, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Norway, Peru, Poland, Qatar, Republic of Moldova, Romania, Saudi Arabia, Senegal, Spain, Switzerland, Thailand, United States of America, Uruguay

Against:

China, Cuba, Russian Federation

Abstaining:

Ecuador, India, Philippines]

19/2

Promoting reconciliation and accountability in Sri Lanka

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant instruments,

Recalling Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the code of conduct for special procedures mandate holders, of 18 June 2007,

Reaffirming that States must ensure that any measure taken to combat terrorism complies with their obligations under international law, in particular international human rights, refugee and humanitarian law, as applicable,

Taking note of the report of the Lessons Learnt and Reconciliation Commission of Sri Lanka and its findings and recommendations, and acknowledging its possible contribution to the process of national reconciliation in Sri Lanka,

Welcoming the constructive recommendations contained in the Commission's report, including the need to credibly investigate widespread allegations of extrajudicial killings and enforced disappearances, demilitarize the north of Sri Lanka, implement impartial land dispute resolution mechanisms, re-evaluate detention policies, strengthen formerly independent civil institutions, reach a political settlement on the devolution of power to the provinces, promote and protect the right of freedom of expression for all and enact rule of law reforms,

Noting with concern that the report does not adequately address serious allegations of violations of international law,

1. *Calls upon* the Government of Sri Lanka to implement the constructive recommendations made in the report of the Lessons Learnt and Reconciliation Commission and to take all necessary additional steps to fulfil its relevant legal obligations and commitment to initiate credible and independent actions to ensure justice, equity, accountability and reconciliation for all Sri Lankans;

2. *Requests* the Government of Sri Lanka to present, as expeditiously as possible, a comprehensive action plan detailing the steps that the Government has taken and will take to implement the recommendations made in the Commission's report, and also to address alleged violations of international law;

3. *Encourages* the Office of the United Nations High Commissioner for Human Rights and relevant special procedures mandate holders to provide, in consultation with and with the concurrence of the Government of Sri Lanka, advice and technical assistance on implementing the above-mentioned steps; and requests the Office of the High Commissioner to present a report on the provision of such assistance to the Human Rights Council at its twenty-second session.

*52nd meeting
22 March 2012*

[Adopted by a recorded vote of 24 to 15, with 8 abstentions. The voting was as follows:

In favour:

Austria, Belgium, Benin, Cameroon, Chile, Costa Rica, Czech Republic, Guatemala, Hungary, India, Italy, Libya, Mauritius, Mexico, Nigeria, Norway, Peru, Poland, Republic of Moldova, Romania, Spain, Switzerland, United States of America, Uruguay

Against:

Bangladesh, China, Congo, Cuba, Ecuador, Indonesia, Kuwait, Maldives, Mauritania, Philippines, Qatar, Russian Federation, Saudi Arabia, Thailand, Uganda

Abstaining:

Angola, Botswana, Burkina Faso, Djibouti, Jordan, Kyrgyzstan, Malaysia, Senegal]

19/3

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

The Human Rights Council,

Recalling paragraph 5 (g) of General Assembly resolution 60/251 of 15 March 2006, in which the Assembly decided that the Human Rights Council should assume the role and

responsibilities of the Commission on Human Rights relating to the work of the Office of the United Nations High Commissioner for Human Rights, as decided by the Assembly in its resolution 48/141 of 20 December 1993,

Taking note of all relevant resolutions on this issue adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council,

Taking note also of the report of the High Commissioner on the composition of the staff of the Office of the High Commissioner,¹

Recalling the reports of the Joint Inspection Unit on the follow-up to the management review of the Office of the High Commissioner² and on the funding and staffing of the Office,³

Bearing in mind that an imbalance in the composition of the staff could diminish the effectiveness of the work of the Office of the High Commissioner if it is perceived to be culturally biased and unrepresentative of the United Nations as a whole,

Reiterating its concern that, despite the repeated requests to correct the unbalanced geographical distribution of the staff, the situation remains that one region accounts for almost half of the posts of the Office of the High Commissioner,

Reaffirming the importance of continuing ongoing efforts to address the imbalance regarding the regional representation of the staff of the Office of the High Commissioner, including in the senior management positions,

Underlining that the paramount consideration for employing staff at every level is the need for the highest standards of efficiency, competence and integrity, and taking into account Article 101, paragraph 3, of the Charter of the United Nations, expressing its conviction that this objective is compatible with the principle of equitable geographical distribution,

Reaffirming that the Fifth Committee is the appropriate Main Committee of the General Assembly entrusted with responsibilities for administrative and budgetary matters,

1. *Expresses* its serious concern at the fact that, despite the measures taken by the Office of the United Nations High Commissioner for Human Rights, the imbalance in the geographical representation of its composition continues to be prominent, and that a single region occupies almost half of the posts of the Office of the High Commissioner;

2. *Welcomes* the statement made by the High Commissioner in her report that achieving geographical balance in the staff of her Office will remain one of her priorities, and requests the High Commissioner to continue to take all measures needed to redress the current imbalance in geographical distribution of the staff of the Office;

3. *Notes* the increase in the past four years in the percentage of staff from regions identified as requiring better representation and the various measures proposed and already taken to address the imbalance in geographical distribution of the staff, while noting with concern the small increase in 2011 and no change in the status of the prominent region, and stresses the need to implement additional measures to redress the prominent imbalance in a more expeditious way;

4. *Takes note* of the progress achieved in improving the geographic diversity of the staff of the Office, and takes note also of the commitment of the High Commissioner to

¹ A/HRC/19/24.

² A/59/65-E/2004/48 and Add.1

³ JIU/REP/2007/8.

remain attentive to the need to maintain the emphasis on the broadest possible geographic diversity of her Office, as stated in the conclusion of her report;

5. *Requests* the High Commissioner to work on the broadest geographical diversity of her staff by enhancing the implementation of measures to achieve a better representation of countries and regions that are unrepresented or underrepresented, particularly from the developing world, while considering applying a zero-growth cap on the representation of countries and regions already overrepresented in the Office of the High Commissioner;

6. *Welcomes* the efforts made towards the achievement of a gender balance in the composition of the staff and the decision to continue to pay special attention to this issue;

7. *Requests* future High Commissioners to continue to enhance the ongoing efforts made in the fulfilment of the goal of a geographical balance in the composition of the staff of the Office;

8. *Underlines* the importance of continuing to promote geographical diversity in recruitment and promotion to high-level and Professional posts, including senior managers, as a principle of the staffing policies of the Office of the High Commissioner;

9. *Affirms* the vital importance of geographical balance in the composition of the staff of the Office of the High Commissioner, taking into account the significance of national and regional specificities and various historic, cultural and religious backgrounds, as well as of different political, economic and legal systems, to the promotion and protection of the universality of human rights;

10. *Recalls* the provisions contained in section X, paragraph 3, of General Assembly resolution 55/258 of 14 June 2001, on human resources management, in which the Assembly reiterated its request to the Secretary-General to increase further his efforts to improve the composition of the Secretariat by ensuring a wide and equitable geographical distribution of staff in all departments, and also recalls the request that he submit to the General Assembly proposals for a comprehensive review of the system of desirable ranges, with a view to establishing a more effective tool to ensure equitable geographical distribution in relation to the total number of staff of the Secretariat;

11. *Encourages* the General Assembly to consider further measures to promote desirable ranges of geographical balance in the staff of the Office of the High Commissioner representing national and regional specificities and various historic, cultural and religious backgrounds, as well as the diversity of political, economic and legal systems;

12. *Welcomes* the increase in the human and financial resources allocated to the activities of the Office of the High Commissioner and the impact it should have on the geographic composition of the Office;

13. *Recognizes* the importance of the follow-up to and implementation of General Assembly resolution 61/159 of 19 December 2006, and underlines the priority importance that the Assembly continue to provide support and guidance to the High Commissioner in the ongoing process of improvement of the geographical balance in the composition of the staff of the Office of the High Commissioner;

14. *Requests* the High Commissioner to submit a comprehensive and updated report to the Human Rights Council at its twenty-second session, in accordance with its annual programme of work, following the structure and scope of her report and with a special focus on further measures taken to correct the imbalance in the geographical composition of the staff of the Office.

52nd session

22 March 2012

[Adopted by a recorded vote of 33 to 12, with 2 abstentions. The voting was as follows:

In favour:

Angola, Bangladesh, Benin, Botswana, Burkina Faso, Cameroon, China, Costa Rica, Cuba, Djibouti, Ecuador, Guatemala, India, Indonesia, Jordan, Kuwait, Kyrgyzstan, Libya, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, Thailand, Uganda, Uruguay

Against:

Austria, Belgium, Czech Republic, Hungary, Italy, Norway, Poland, Republic of Moldova, Romania, Spain, Switzerland, United States of America

Abstaining:

Chile, Congo]

19/4

Adequate housing as a component of the right to an adequate standard of living in the context of disaster settings

The Human Rights Council,

Reaffirming all previous resolutions of the Human Rights Council, as well as those adopted by the Commission on Human Rights on the issue of adequate housing as a component of the right to an adequate standard of living, including Council resolution 15/8 of 30 September 2010,

Recalling all previous resolutions adopted by the Commission on Human Rights on the issue of women's equal rights to ownership of, access to and control over land and the equal rights to own property and to adequate housing, including resolution 2005/25 of 15 April 2005,

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

Reaffirming also the principles and commitments with regard to adequate housing enshrined in the relevant provisions of declarations and programmes adopted by major United Nations conferences and summits and at special sessions of the General Assembly and at their follow-up meetings, inter alia, the Istanbul Declaration on Human Settlements and the Habitat Agenda,⁴ and the Declaration on Cities and Other Human Settlements in the New Millennium, adopted at the twenty-fifth special session of the Assembly and annexed to its resolution S-25/2 of 9 June 2001,

Reaffirming further the importance of implementing the Hyogo Declaration⁵ and the Hyogo Framework for Action 2005-2015: Building the Resilience of Nations and

⁴ A/CONF.165/14.

⁵ A/CONF.206/6 and Corr.1, chap. I, resolution 1.

Communities to Disasters,⁶ adopted at the World Conference on Disaster Reduction, held in Kobe, Hyogo, Japan, from 18 to 22 January 2005,

Concerned that any deterioration in the general housing situation disproportionately affects persons living in conditions of poverty, low-income earners, women, children, persons belonging to minorities and indigenous peoples, migrants, internally displaced persons, tenants, the elderly and persons with disabilities, and increases the need for them to be supported against extreme natural disasters,

Noting the work of the United Nations treaty bodies, in particular the Committee on Economic, Social and Cultural Rights, in the promotion of the rights relating to adequate housing, including its general comments Nos. 4, 7, 9, 16 and 20,

Expressing its deep concern at the number and scale of natural disasters and extreme climate and weather events and their increasing impact in the context of climate change and urbanization, as well as other factors that might affect the exposure, vulnerability and capacity to respond to such disasters, which have resulted in massive loss of life, homes and livelihoods, together with forced displacement and long-term negative social, economic and environmental consequences for all societies throughout the world,

Recognizing that vulnerable persons are disproportionately susceptible to recurring displacement, evictions without adequate remedies and exclusion from meaningful consultation and participation during disaster risk reduction, prevention and preparedness, as well as in all phases of disaster response and recovery, to the detriment of their enjoyment of the right to adequate housing,

Recognizing also that the integration of a human rights-based approach into the framework of disaster risk reduction, prevention and preparedness, as well as in all phases of disaster response and recovery, represents an important factor into the progressive realization of the right to adequate housing, and underlining in this regard the principles of participation and empowerment,

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

2. *Welcomes* the reports presented by the Special Rapporteur to the General Assembly⁷ and to the Human Rights Council,⁸ and takes note with appreciation of the framework presented to comprehensively respect, protect and fulfil the right to adequate housing in the context of post-disaster settings;

3. *Encourages* States and relevant actors to respect, protect and fulfil the right to adequate housing as a component of the right to an adequate standard of living in their broader disaster risk reduction, prevention and preparedness initiatives, as well as in all phases of disaster response and recovery;

4. *Urges* States, in the context of post-disaster settings, and recognizing that short-term humanitarian response and early recovery phases are based on needs, to respect, protect and fulfil the right to adequate housing without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and, in this regard:

⁶ Ibid., resolution 2.

⁷ A/66/270.

⁸ A/HRC/16/42.

(a) To ensure that all affected persons, irrespective of their pre-disaster tenure status and without discrimination of any kind, have equal access to housing that fulfils the requirements of adequacy, namely the criteria of accessibility, affordability, habitability, security of tenure, cultural adequacy, suitability of location, access to essential services and respect for safety standards aimed at reducing damage in cases of future disasters;

(b) To integrate, in post-disaster settings, including where temporary shelter is required as an interim response, the right to adequate housing as a key component of planning and implementation of humanitarian, reconstruction and development responses;

(c) To give due priority to the realization of the right to adequate housing for the most disadvantaged and vulnerable persons through housing reconstruction and the provision of alternative housing, especially by respecting the principles of non-discrimination and gender equality, and by integrating a gender perspective into policies, strategies and programmes for disaster risk reduction, prevention and preparedness, as well as into all phases of disaster response and recovery;

(d) To ensure that accessibility for persons with disabilities is taken into account during all phases of reconstruction, in accordance with international law and standards;

(e) To aim to ensure access to information and meaningful consultation and participation of affected persons and communities in the planning and implementation of shelter and housing assistance;

(f) To ensure that the tenure rights of those without individual or formally registered property ownership are recognized in restitution, compensation, reconstruction and recovery programmes, giving particular consideration to the most vulnerable persons and by taking measures to support their repossession of or alternative access to adequate housing or land;

(g) To support the voluntary return of displaced persons or groups to their former homes, lands or places of habitual residence, in safety and dignity, based on a free, informed choice, and to ensure that relocation and local integration conditions for displaced persons are in accordance with international human rights law and standards as reflected in the guidelines pertaining to adequate housing, evictions and displacement, in particular the Guiding Principles on Internal Displacement and the Operational Guidelines on the Protection of Persons in Situations of Natural Disasters adopted by the Inter-Agency Standing Committee;

(h) To ensure that cases of permanent relocation are kept to a minimum and are only carried out after all alternative and less disruptive options have been exhausted, and, where there is a clear issue of public safety, that the relocation is done in accordance with international law;

(i) To ensure that appropriate measures are taken to make available adequate alternative shelter to those unable to provide for themselves;

(j) To make accessible appropriate remedies, including access to legal counsel and legal aid, and to guarantee a fair hearing to all persons threatened with or subject to eviction;

5. *Welcomes* the cooperation extended to the Special Rapporteur by States and other relevant actors in the context of post-disaster response and recovery, and calls upon them to continue to cooperate with her on this issue, to share good practices in this regard and to respond favourably to her requests for information and visits;

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

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

52nd meeting
22 March 2012

[Adopted without a vote.]

19/5

Question of the realization in all countries of economic, social and cultural rights

The Human Rights Council,

Guided by the principles relating to economic, social and cultural rights enshrined in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling that the Vienna Declaration and Programme of Action,⁹ the 2005 World Summit Outcome¹⁰ and General Assembly resolution 60/251 of 15 March 2006, in which the Assembly established the Human Rights Council, all affirm that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing and must be treated in a fair and equal manner, on the same footing and with the same emphasis, and recalling also that the promotion and protection of one category of rights should never exempt States from the promotion and protection of the other rights,

Recalling also previous resolutions of the Human Rights Council and of the Commission on Human Rights on the realization of economic, social and cultural rights, as well as Council resolution 4/7 of 30 March 2007,

Welcoming ongoing efforts, including by the Human Rights Council, towards the realization of economic, social and cultural rights, and encouraging additional efforts to ensure the realization of economic, social and cultural rights and the removal of obstacles thereto at all levels,

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,

Recognizing that the early entry into force of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, through its ratification by ten States, will be an important tool to help to strengthen the promotion and protection of economic, social and cultural rights worldwide, and noting with interest the fact that thirty-nine States have signed the Optional Protocol and eight have ratified it since it was opened for signature on 24 September 2009,

1. *Affirms:*

(a) That the Universal Declaration of Human Rights and the International Covenants on Human Rights recognize that the ideal of free human beings enjoying freedom from fear and want can be achieved only if conditions are created whereby everyone may enjoy civil, cultural, economic, political and social rights;

⁹ A/CONF.157/24 (Part I), chap. III.

¹⁰ General Assembly resolution 60/1.

(b) That all persons in all countries are entitled to the realization of their economic, social and cultural rights, which are indispensable to their dignity and the free development of their personality;

(c) The universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the obligation of all States to ensure the full promotion, protection and realization of all human rights;

(d) The importance of international cooperation in assisting Governments to fulfil their obligation to protect and promote all human rights, including economic, social and cultural rights, while emphasizing that the primary responsibility for promoting and protecting human rights lies with States;

(e) The inextricable link between full respect for the rights contained in the International Covenant on Economic, Social and Cultural Rights and the process of development;

2. *Calls upon* all States:

(a) To give full effect to economic, social and cultural rights;

(b) To consider signing and ratifying, and States parties to implement, the International Covenant on Economic, Social and Cultural Rights, as well as other international instruments relating to the realization of economic, social and cultural rights;

(c) To guarantee that economic, social and cultural rights shall be exercised without discrimination of any kind;

(d) To secure progressively, through national development policies and with international assistance and cooperation, as appropriate, the full realization of economic, social and cultural rights, paying particular attention to individuals and communities living in extreme poverty;

(e) To promote the meaningful and wide participation of civil society in decision-making processes relating to the promotion and protection of economic, social and cultural rights, including through efforts to identify and strengthen good governance practices;

3. *Encourages* all States that have not yet signed and ratified the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights to consider doing so with a view to its early entry into force;

4. *Calls upon* the States parties to the Covenant:

(a) To withdraw reservations incompatible with the object and purpose of the Covenant, and to consider reviewing other reservations with a view to withdrawing them;

(b) To submit their reports to the Committee on Economic, Social and Cultural Rights in a regular and timely manner;

(c) To promote a concerted national effort to ensure the participation of civil society in the preparation of their periodic reports for the Committee on Economic, Social and Cultural Rights and in the implementation of the recommendations of the Committee;

(d) To ensure that the Covenant is taken into account in all their relevant national and international policymaking processes;

5. *Reiterates* that respect for and the promotion and protection of human rights are an integral part of effective work towards achieving the Millennium Development Goals, and emphasizes the central role of the United Nations in enhancing global

partnerships for development, with a view to creating a supportive global environment for the attainment of the Millennium Development Goals;

6. *Recalls* General Assembly resolution 64/292 of 28 July 2010, in which the Assembly recognized the right to safe and clean drinking water and sanitation as a human right that is essential for the full enjoyment of life and all human rights, and Human Rights Council resolution 15/9 of 30 September 2010, in which the Council affirmed that the human right to safe drinking water and sanitation is derived from the right to an adequate standard of living and inextricably related to the right to the highest attainable standard of physical and mental health, as well as the right to life and human dignity;

7. *Also recalls* that international cooperation in solving international problems of an economic, social and cultural character and in promoting and encouraging respect for human rights and fundamental freedoms for all is one of the purposes of the United Nations, and affirms that wider international cooperation should contribute to lasting progress in implementing economic, social and cultural rights;

8. *Notes with interest* the work carried out by the Committee on Economic, Social and Cultural Rights to assist States parties in fulfilling their obligations, including through the submission of general comments;

9. *Encourages* the Committee on Economic, Social and Cultural Rights to continue its efforts towards the promotion, protection and full realization of the rights enshrined in the International Covenant on Economic, Social and Cultural Rights at the national and international levels, including by making the experience gained through the examination of States parties' reports available for the benefit of all States parties, and by organizing regional workshops to promote follow-up to its concluding observations;

10. *Expresses its appreciation for and encourages* the continuation of the work relating to the promotion, protection and full realization of economic, social and cultural rights carried out by other human rights treaty bodies working on issues that bear upon the Covenant and United Nations bodies, specialized agencies or programmes;

11. *Also expresses its appreciation for and encourages* the continuation of the work relating to the promotion, protection and full realization of economic, social and cultural rights carried out by all relevant special procedures of the Human Rights Council;

12. *Encourages* enhanced cooperation and, as appropriate, increased coordination between the Committee on Economic, Social and Cultural Rights and United Nations bodies, specialized agencies or programmes, mechanisms of the Human Rights Council, and other human rights treaty bodies whose activities have a bearing on economic, social and cultural rights, in a manner that respects their distinctive mandates and promotes their policies, programmes and projects;

13. *Welcomes* the inclusion of the issue of the realization of economic, social and cultural rights in the Durban Declaration and Programme of Action,¹¹ in which States underscored, inter alia, the need to design, promote and implement, at the national, regional and international levels, strategies, programmes and policies, and adequate legislation, which may include special and positive measures, for furthering equal social development and the realization of the civil and political, economic, social and cultural rights of all victims of racism, racial discrimination, xenophobia and related intolerance;

14. *Welcomes and encourages* regional initiatives to promote the further realization of economic, social and cultural rights;

¹¹ See A/CONF.189/12 and Corr.1, chap. I.

15. *Recognizes and encourages* the important contributions of national human rights institutions and non-governmental organizations to the question of the realization and enjoyment of economic, social and cultural rights;

16. *Expresses its appreciation* for the activities carried out by the Office of the United Nations High Commissioner for Human Rights on the promotion of economic, social and cultural rights, mainly through technical cooperation, the work of its field offices, its relevant reports to United Nations bodies, the development of in-house expertise and its publications and studies on related issues;

17. *Encourages* the Office of the High Commissioner:

(a) To continue to provide or facilitate practical support aimed at building capacities for the full realization of economic, social and cultural rights;

(b) To continue its cooperation with other United Nations agencies as part of the integration of economic, social and cultural rights within the United Nations system;

(c) To strengthen its research and analytical capacities in the field of economic, social and cultural rights, and to share its expertise through, inter alia, the holding of expert meetings;

(d) To strengthen support for the Committee on Economic, Social and Cultural Rights;

(e) To continue its activities on the promotion and awareness-raising of economic, social and cultural rights, including by supporting regional initiatives relating to the implementation of the International Covenant on Economic, Social and Cultural Rights;

18. *Takes note with interest* of the report of the High Commissioner on the question of the realization in all countries of economic, social and cultural rights¹² and its recommendations, submitted pursuant to Human Rights Council resolution 14/13 of 18 June 2010;

19. *Decides* to focus on the issue of economic, social and cultural rights of women and the empowerment of women in this regard, including in the context of the achievement of Millennium Development Goals, in consultation with States, relevant special procedures and United Nations bodies and agencies and other stakeholders, in its annual discussion on the integration of a gender perspective, to be held at the twenty-first session of the Human Rights Council, and requests the Office of the High Commissioner to prepare and disseminate a report on the proceedings;

20. *Requests* the Secretary-General to submit to the Human Rights Council, at its twenty-second session, a report on the implementation of the present resolution, with a special focus on economic, social and cultural rights of women and the empowerment of women in this regard, including in the context of the achievement of the Millennium Development Goals;

21. *Decides* to remain seized of this issue and to consider taking further actions in order to implement the present resolution.

*52nd meeting
22 March 2012*

[Adopted without a vote.]

¹² A/HRC/17/24 and Corr.1.

19/6 Special Rapporteur in the field of cultural rights

The Human Rights Council,

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

Recalling the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Vienna Declaration and Programme of Action and all other relevant human rights instruments,

Recalling also all relevant resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council, including Assembly resolutions 62/155 of 18 December 2007 and 63/22 of 13 November 2008, and Council resolutions 6/6 of 28 September 2007 and 10/23 of 26 March 2009,

Noting the declarations within the United Nations system on cultural diversity and international cultural cooperation, in particular the Declaration of the Principles of International Cultural Cooperation and the Universal Declaration on Cultural Diversity, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization in 1966 and 2001, respectively,

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

Welcoming the increasing number of States parties to the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 20 October 2005 and which entered into force on 18 March 2007,

Convinced that international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all should be based on an understanding of the economic, social and cultural specificities of each country and the full realization and recognition of the universality of all human rights and the principles of freedom, justice, equality and non-discrimination,

Recognizing that cultural diversity and the pursuit of cultural development by all peoples and nations are a source of mutual enrichment for the cultural life of humankind,

Determined to treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis,

1. *Reaffirms* that cultural rights are an integral part of human rights, which are universal, indivisible, interrelated and interdependent;

2. *Recognizes* the right of everyone to take part in cultural life and to enjoy the benefits of scientific progress and its applications;

3. *Reaffirms* that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms;

4. *Recalls*, as expressed in the Universal Declaration on Cultural Diversity, that no one may invoke cultural diversity to infringe upon human rights guaranteed by international law, nor to limit their scope;

5. *Reaffirms* that States have the responsibility to promote and protect cultural rights;
6. *Recognizes* that respect for the cultural diversity and cultural rights of all enhances cultural pluralism, contributing to a wider exchange of knowledge and understanding of cultural background, advancing the application and enjoyment of human rights throughout the world and fostering stable, friendly relations among peoples and nations worldwide;
7. *Welcomes* the work and contributions of the Independent Expert in the field of cultural rights;
8. *Decides* to extend, for a period of three years, the mandate of the current mandate holder as a special rapporteur in the field of cultural rights, as set out in the relevant United Nations human rights instruments, with the following mandate:
 - (a) To identify best practices in the promotion and protection of cultural rights at the local, national, regional and international levels;
 - (b) To identify possible obstacles to the promotion and protection of cultural rights, and to submit proposals and/or recommendations to the Human Rights Council on possible actions in that regard;
 - (c) To work in cooperation with States in order to foster the adoption of measures at the local, national, regional and international levels aimed at the promotion and protection of cultural rights through concrete proposals enhancing subregional, regional and international cooperation in that regard;
 - (d) To study the relationship between cultural rights and cultural diversity, in close collaboration with States and other relevant actors, including in particular the United Nations Educational, Scientific and Cultural Organization, with the aim of further promoting cultural rights;
 - (e) To integrate a gender and disabilities perspective into his or her work;
 - (f) To work in close coordination, while avoiding unnecessary duplication, with intergovernmental and non-governmental organizations, other special procedures of the Human Rights Council, the Committee on Economic, Social and Cultural Rights and the United Nations Educational, Scientific and Cultural Organization, as well as with other relevant actors representing the broadest possible range of interests and experiences, within their respective mandates, including by attending and following up on relevant international conferences and events;
9. *Calls upon* all Governments to cooperate with and assist the Special Rapporteur in the discharge of his or her mandate, to provide him or her with all the necessary information requested by him or her and to give serious consideration to responding favourably to his or her requests to visit their countries in order to enable him or her to fulfil his or her duties effectively;
10. *Requests* the High Commissioner to provide all the necessary human and financial resources for the effective fulfilment of the mandate by the Special Rapporteur;
11. *Requests* the Special Rapporteur to report regularly to the Human Rights Council and the General Assembly in accordance with their respective programmes of work;
12. *Decides* to continue its consideration of this matter under the same agenda item in accordance with its programme of work.

52nd meeting

22 March 2012

[Adopted without a vote.]

19/7 **The right to food**

The Human Rights Council,

Recalling all previous resolutions of the General Assembly and the Human Rights Council on the right to food, in particular Assembly resolution 65/220 of 21 December 2010 and Council resolutions 13/4 of 24 March 2010 and 16/27 of 25 March 2011, as well as all resolutions of the Commission on Human Rights on the issue,

Recalling also the seventh special session of the Human Rights Council, at which the Council analysed the negative impact of the worsening of the world food crisis on the realization of the right to food for all, and Council resolutions S-7/1 of 22 May 2008, 9/6 of 18 September 2008 and 12/10 of 1 October 2009,

Recalling further the Universal Declaration of Human Rights, which provides that everyone has the right to a standard of living adequate for her or his health and well-being, including food, the Universal Declaration on the Eradication of Hunger and Malnutrition and the United Nations Millennium Declaration,

Recalling the provisions of the International Covenant on Economic, Social and Cultural Rights, in which the right of everyone to adequate food, including the fundamental right of every person to be free from hunger, is recognized,

Bearing in mind the Rome Declaration on World Food Security, the World Food Summit Plan of Action and the Declaration of the World Food Summit, adopted on 13 June 2002, the Declaration of the World Summit on Food Security, adopted on 16 November 2009, and the Marrakesh Ministerial Decision on Measures Concerning the Possible Negative Effects of the Reform Programme on Least Developed and Net Food-importing Countries, adopted on 15 April 1994,

Reaffirming the concrete recommendations contained in the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, adopted by the Council of the Food and Agriculture Organization of the United Nations in November 2004,

Recalling the Five Rome Principles for Sustainable Global Food Security contained in the Declaration of the World Summit on Food Security, adopted on 16 November 2009,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated, and that they must be treated globally, in a fair and equal manner, on the same footing and with the same emphasis,

Reaffirming also that a peaceful, stable and enabling political, social and economic environment, at both the national and international levels, is the essential foundation that will enable States to give adequate priority to food and nutrition security and poverty eradication,

Reiterating, as in the Rome Declaration on World Food Security and the Declaration of the World Food Summit: five years later, that food should not be used as an instrument of political or economic pressure, and reaffirming in this regard the importance of international cooperation and solidarity, as well as the necessity of refraining from unilateral measures that are not in accordance with international law and the Charter of the United Nations and that endanger food and nutrition security,

Convinced that each State should adopt a strategy consistent with its resources and capacities to achieve its individual goals in implementing the recommendations contained in the Rome Declaration on World Food Security and the World Food Summit Plan of Action and, at the same time, cooperate regionally and internationally in order to organize collective solutions to global issues of food and nutrition security in a world of increasingly interlinked institutions, societies and economies, where coordinated efforts and shared responsibilities are essential,

Recognizing that, despite the efforts made, the problems of hunger and food and nutrition insecurity have a global dimension and that there has been insufficient progress made in reducing hunger, and that they could increase dramatically in some regions unless urgent, determined and concerted action is taken,

Recognizing also the complex character of the global food crisis as a combination of several major factors, including speculation on food commodities and macroeconomic factors, also affected negatively by environmental degradation, desertification and global climate change, natural disasters and the lack of development and transfer of relevant technology to address this issue, particularly in developing countries and least developed countries, that are having a negative impact on the realization of the right to food, in particular in the said countries,

Concerned by the fact that the effects of the world food crisis continue to have serious consequences for the most vulnerable people, particularly in developing countries, which have been further aggravated by the world economic and financial crisis, and alarmed at the particular effects of this crisis on many net food-importing countries, especially on least developed countries in Africa, Asia, Latin America and the Caribbean,

Convinced that the elimination of the current distortions in the agricultural trading system will allow local producers and poor farmers to compete and sell their products, thereby facilitating the realization of the right to adequate food,

Recognizing the importance and positive role of smallholder farmers, including women, cooperatives and indigenous and local communities in developing countries,

Expressing its deep concern at the number and scale of natural disasters, diseases and pests and their increasing impact in recent years, which have resulted in massive loss of life and livelihood and threatened agricultural production and food and nutrition security, in particular in developing countries,

Stressing the importance of reversing the substantial decline in assistance devoted to agriculture since 1980, both in real terms and as a share of total official development assistance, while noting the recent partial inversion of this trend,

Recalling the pledges made to increase official development assistance devoted to agriculture, as well as that the realization of the right to food not only entails an increase in productivity but also a holistic approach that includes a focus on smallholder and traditional farmers, in particular women farmers, and the most vulnerable groups, as well as national and international policies that are conducive to the realization of this right,

Recognizing the need to increase sustainable investment in agriculture from all relevant sources for the realization of the right to food,

1. *Reaffirms* that hunger constitutes an outrage and a violation of human dignity and therefore requires the adoption of urgent measures at the national, regional and international levels for its elimination;

2. *Also reaffirms* the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be

free from hunger so as to be able to fully develop and maintain his or her physical and mental capacities;

3. *Expresses grave concern* at the evolution of the world food crisis, which has been further aggravated by the world economic and financial crisis and seriously undermines the realization of the right to food for all, especially for one sixth of the world population, mainly in developing and least developed countries, who suffer from hunger, malnutrition and food insecurity;

4. *Considers it intolerable* that, according to an estimation by the United Nations Children's Fund, more than one third of the children who die every year before the age of 5 years do so from hunger-related illness, and that, according to an estimation by the Food and Agriculture Organization of the United Nations, the number of people who are undernourished is nine hundred and twenty five million worldwide, and that there is an additional one billion people suffering from serious malnutrition, including as a result of the global food crisis, even though, according to the latter organization, the planet could produce enough food to feed twelve billion people;

5. *Expresses its concern* that women and girls are disproportionately affected by hunger, food and nutrition insecurity and poverty, in part as a result of gender inequality and discrimination, that in many countries girls are twice as likely as boys to die from malnutrition and preventable childhood diseases, and that it is estimated that almost twice as many women as men suffer from malnutrition;

6. *Recognizes* the importance of smallholder farmers in developing countries, including women and local and indigenous communities, in ensuring food and nutrition security, reducing poverty and preserving ecosystems, and the need to assist their development;

7. *Encourages* all States to take action to address gender inequality and discrimination against women, in particular where it contributes to the malnutrition of women and girls, including measures to ensure the full and equal realization of the right to food and ensuring that women have equal access to resources, including income, land and water and their ownership, as well as full and equal access to education, science and technology, to enable them to feed themselves and their families;

8. *Stresses* the need to guarantee fair and non-discriminatory access to land rights for smallholders, traditional farmers and their organizations, including, in particular, rural women and vulnerable groups;

9. *Encourages* the Special Rapporteur on the right to food to ensure the mainstreaming of a gender perspective in the fulfilment of his mandate, and encourages the Food and Agriculture Organization of the United Nations and all other United Nations bodies and mechanisms that address the right to food and food and nutrition insecurity to integrate into and effectively implement a gender perspective and a human rights perspective in their relevant policies, programmes and activities regarding access to food;

10. *Reaffirms* the need to ensure that programmes delivering safe and nutritious food are inclusive and accessible to persons with disabilities;

11. *Encourages* States to mainstream a human rights perspective in building and reviewing their national strategies for the realization of the right to food for all, and to take steps to promote the conditions for everyone to be free from hunger and, as soon as possible, to enjoy fully the right to food and, where appropriate, to consider establishing appropriate institutional mechanisms, in order to:

(a) Identify, at the earliest stage possible, emerging threats to the right to adequate food, with a view to facing them;

(b) Strengthen the overall national human rights protection system with a view to contributing to the realization of the right to food;

(c) Improve coordination between the different relevant ministries and between national and subnational levels of government;

(d) Improve accountability, with a clear allocation of responsibilities, and the setting of precise time frames for the realization of the dimensions of the right to food that require progressive implementation;

(e) Ensure adequate participation, particularly of the most food-insecure segments of the population;

(f) Pay specific attention to the need to improve the situation of the most vulnerable segments of society;

12. *Underlines* the significance of national government policies and strategies on food production and poverty alleviation;

13. *Stresses* that the primary responsibility of States is to promote and protect the right to food and that the international community should provide, through a coordinated response and upon request, international cooperation in support for national and regional efforts by providing the assistance necessary to increase food production, particularly through agricultural development assistance, the transfer of technology, food crop rehabilitation assistance and food aid ensuring food and nutrition security, with a special focus on the gender-sensitive dimension;

14. *Calls upon* States parties to the International Covenant on Economic, Social and Cultural Rights to fulfil their obligations under article 2, paragraph 1, and article 11, paragraph 2, thereof, in particular with regard to the right to adequate food;

15. *Calls upon* States, individually and through international cooperation and assistance, relevant multilateral institutions and other relevant stakeholders, to take all the measures necessary to ensure the realization of the right to food as an essential human rights objective, and to consider reviewing any policy or measure that could have a negative impact on the realization of the right to food, particularly the right of everyone to be free from hunger, before instituting such a policy or measure;

16. *Stresses* that improving access to productive resources and investment in rural development is essential for eradicating hunger and poverty, in particular in developing countries, including through the promotion of investments in appropriate, small-scale irrigation and water management technologies in order to reduce vulnerability to droughts, as well as in programmes, practices and policies to scale up agroecological approaches, and encourages States and donors, both public and private, to examine and consider ways to integrate, where applicable and according to national contexts, the recommendations contained in the latest report of the Special Rapporteur on the right to food¹³ in policies and programmes;

17. *Recognizes* that 80 per cent of people suffering from hunger live in rural areas, and 50 per cent are small-scale and traditional farmers, in particular women farmers, and that these people are especially vulnerable to food and nutrition insecurity, given the increasing cost of various inputs and the fall in farm incomes; that access to land, water, seeds and other natural resources is an increasing challenge for poor producers; that sustainable and gender-sensitive agricultural policies are important tools to achieve food and nutrition security and rural development; and that support by States for small farmers,

¹³ A/HRC/19/59 and Corr.1.

fishing communities and local enterprises is a key element to food security and the provision of the right to food;

18. *Stresses* the importance of fighting hunger in rural areas, including through national efforts supported by international partnerships to stop desertification and land degradation and through investments and public policies that are specifically appropriate to the risk of drylands and, in this regard, calls for the full implementation of the United Nations Convention to Combat Desertification in countries experiencing serious drought and/or desertification, particularly in Africa;

19. *Recalls* the United Nations Declaration on the Rights of Indigenous Peoples, and acknowledges that many indigenous organizations and representatives of indigenous peoples have expressed in different forums their deep concern over the obstacles and challenges they face to the full enjoyment of the right to food, and calls upon States to take special actions to combat the root causes of the disproportionately high level of hunger and malnutrition among indigenous peoples and the continuous discrimination against them;

20. *Requests* all States and private actors, and international organizations within their respective mandates, to take fully into account the need to promote the effective realization of the right to food for all, including in ongoing negotiations in different fields;

21. *Encourages* all relevant international organizations and agencies to bring a human rights perspective and the need for the realization of the right to food for all to their studies, research, reports and resolutions on the issue of food and nutrition security;

22. *Recognizes* the need to strengthen national commitment as well as international assistance, upon the request of and in cooperation with affected countries, towards the full realization and protection of the right to food and, in particular, to develop national protection mechanisms for people forced to leave their homes and land because of hunger or humanitarian emergencies affecting the enjoyment of the right to food;

23. *Stresses* the need to make efforts to mobilize and optimize the allocation and utilization of technical and financial resources from all sources, including external debt relief for developing countries, and to reinforce national actions to implement sustainable food security policies;

24. *Calls for* the early conclusion and a successful, development-oriented outcome of the Doha Round of trade negotiations of the World Trade Organization as a contribution to creating international conditions permitting the full realization of the right to food;

25. *Encourages* the Special Rapporteur to continue to cooperate with States in order to enhance the contribution of development cooperation and food aid to the realization of the right to food, within existing mechanisms, taking into account the views of all stakeholders;

26. *Stresses* that all States should make every effort to ensure that their international policies of a political and economic nature, including international trade agreements, do not have a negative impact on the right to food in other countries;

27. *Recalls* the importance of the New York Declaration on Action against Hunger and Poverty, and recommends the continuation of efforts aimed at identifying additional sources of financing for the fight against hunger and poverty;

28. *Recognizes* that the commitments made at the World Food Summit in 1996 to halve the number of people who are undernourished are not being fulfilled, while recognizing the efforts of Member States in that regard, and urges all States and international financial and development institutions, as well as the relevant United Nations agencies and funds, to give priority to and provide the necessary funding for realizing the

aim of halving by 2015 the number, or at least the proportion, of people who suffer from hunger, as stated in Millennium Development Goal 1, as well as the right to food, as set out in the Rome Declaration on World Food Security and the United Nations Millennium Declaration;

29. *Reaffirms* that integrating food and nutritional support, with the goal that all people at all times will have access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life, is part of a comprehensive effort to improve public health, including the response to the spread of HIV/AIDS, tuberculosis, malaria and other diseases;

30. *Urges* States to give adequate priority in their development strategies and expenditures to the realization of the right to food;

31. *Stresses* the importance of international cooperation and development assistance, as an effective contribution to both the expansion and improvement of agriculture and its environmental sustainability, and the provision of humanitarian food assistance in activities relating to emergency situations for the realization of the right to food and the achievement of sustainable food and nutrition security, while recognizing that each country has the primary responsibility for ensuring the implementation of national programmes and strategies in this regard;

32. *Reaffirms* the commitment made in the ministerial declaration of the 2009 high-level segment of the Economic and Social Council to eliminating hunger and to securing food for all, today and tomorrow, and reiterates that relevant United Nations organizations should be assured the resources needed to expand and enhance their food assistance, and support safety net programmes designed to address hunger and malnutrition, when appropriate, through the use of local and regional purchase;

33. *Invites* all relevant international organizations, including the World Bank and the International Monetary Fund, to promote such policies and projects that have a positive impact on the right to food, to ensure that partners respect the right to food in the implementation of common projects, to support strategies of Member States aimed at the fulfilment of the right to food and to avoid any actions that could have a negative impact on the realization of the right to food;

34. *Calls upon* Member States, the United Nations system and other relevant stakeholders to support national efforts aimed at responding rapidly to the food crises currently occurring across Africa, in particular in the Horn of Africa and in the Sahel, and expresses its deep concern that funding shortfalls are forcing the World Food Programme to cut operations across different regions, including southern Africa;

35. *Encourages* developing countries to establish regional arrangements, where they do not exist, with the support of the international community and development partners to ensure adequate food production and thereby contribute to ensuring food and nutrition security, in particular in developing countries that have scarce fertile land;

36. *Welcomes* the adoption by the Food and Agriculture Organization of the United Nations of a regional approach towards ensuring food and nutrition security, and expresses its appreciation for the current collaboration with all Rome-based institutions working comprehensively towards the realization of the right to food;

37. *Encourages* the Special Rapporteur on the right to food and the Working Group on the issue of human rights and transnational corporations and other business enterprises to cooperate on the subject of the contribution of the private sector to the realization of the right to food, including the importance of ensuring sustainable water resources for human consumption and agriculture;

38. *Encourages* the Special Rapporteur to continue his collaboration with relevant international organizations and United Nations agencies, programmes and funds, in particular the Rome-based ones, including the Food and Agriculture Organization of the United Nations, the International Fund for Agricultural Development and the World Food Programme, in order to contribute to ensuring that the right to food is promoted further within these organizations, in accordance with their respective mandates, including for the advancement of smallholders and agricultural workers in both developing and least developed countries;

39. *Expresses concern* at the negative impact on the full enjoyment of the right to adequate food of insufficient purchasing power and the increased price volatility of agricultural commodities on international markets, particularly on people in developing countries and on net food-importing countries;

40. *Stresses* the need to address the root causes of excessive food price volatility, including its structural causes, at all levels, and the need to manage the risks linked to high and excessively volatile prices in agriculture commodities and their consequences for global food and nutrition security;

41. *Encourages* the Special Rapporteur, within his existing mandate, to explore, in consultation with Member States and relevant stakeholders, ways and means of raising the capacity of countries, particularly developing countries, including least developed and net food-importing developing countries, to ensure the realization and protection of the right to adequate food for their populations, and to report on his findings to the Human Rights Council;

42. *Takes note with appreciation* of the report of the Special Rapporteur¹ and the recommendations contained therein;

43. *Calls upon* all States and, if appropriate, relevant international organizations:

(a) To combat the different forms of malnutrition as a means to realize the right to adequate food, including, if appropriate, by adopting a national strategy in this regard;

(b) To take measures and support programmes which are aimed at combating the irreversible effects of chronic undernutrition in early childhood, in particular by targeting the first thousand days of a child's life;

(c) To support the national plans and programmes of countries to improve nutrition in poor households, in particular plans and programmes that are aimed at combating undernutrition in mothers and children, and those targeting the irreversible effects of chronic undernutrition in early childhood, from gestation to the age of two years;

44. *Supports* the fulfilment of the mandate of the Special Rapporteur, as extended for a period of three years by the Human Rights Council in its resolution 13/4, and takes note with appreciation of the work conducted by the Special Rapporteur in the fulfilment of his mandate;

45. *Requests* the Special Rapporteur, as part of his mandate, to continue to monitor the evolution of the world food crisis and, in the context of his mandate and regular reports, to keep the Human Rights Council informed of the impact of the crisis on the enjoyment of the right to food and to alert it to possible further actions in this regard;

46. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide all the human and financial resources necessary for the continuation of the effective fulfilment of the mandate of the Special Rapporteur;

47. *Welcomes* the work already done by the Committee on Economic, Social and Cultural Rights in promoting the right to adequate food, in particular its general comment

No. 12 (1999) on the right to adequate food (article 11 of the International Covenant on Economic, Social and Cultural Rights), in which the Committee affirmed, inter alia, that the right to adequate food is indivisibly linked to the inherent dignity of the human person and is indispensable for the fulfilment of other human rights enshrined in the International Bill of Human Rights, and is also inseparable from social justice, requiring the adoption of appropriate economic, environmental and social policies at both the national and international levels, oriented to the eradication of poverty and the fulfilment of all human rights for all;

48. *Notes* general comment No. 15 (2002) of the Committee on Economic, Social and Cultural Rights on the right to water (articles 11 and 12 of the Covenant), in which the Committee noted, inter alia, the importance of ensuring sustainable water resources for human consumption and agriculture in the realization of the right to adequate food;

49. *Reaffirms* that the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, adopted by the Council of the Food and Agriculture Organization of the United Nations in November 2004, represent a practical tool in the promotion of the realization of the right to food for all, contribute to the achievement of food security and thus provide an additional instrument in the attainment of internationally agreed development goals, including those contained in the Millennium Declaration;

50. *Acknowledges* the work being carried out by the Human Rights Council Advisory Committee on the right to food and, in that regard, takes note of its submission to the Council of the study on severe malnutrition and childhood diseases with children affected by noma as an example,¹⁴ including the human rights principles and guidelines to improve the protection of children at risk or affected by malnutrition, specifically at risk of or affected by noma, annexed thereto, and encourages States to implement those principles;

51. *Takes note* of the final study of the Advisory Committee on the advancement of the rights of peasants and other people working in rural areas;¹⁵

52. *Also takes note* of the preliminary study on the promotion of human rights of the urban poor: strategies and best practices,¹⁶ prepared by the Advisory Committee, and requests that the final study on this topic be presented to the Human Rights Council at its twenty-second session;

53. *Further takes note* of the concept note for the preliminary study on rural women and the right to food, prepared by the Advisory Committee, and requests the Committee to continue to undertake a comprehensive study in that regard;

54. *Requests* the Office of the High Commissioner to collect the views and comments of all Member States, all relevant United Nations special agencies and programmes and all other relevant stakeholders on the preliminary studies mentioned in paragraphs 52 and 53 above, so that the Advisory Committee may take them into account for the conclusion of its final studies;

55. *Welcomes* the continued cooperation of the High Commissioner, the Advisory Committee and the Special Rapporteur, and encourages them to continue their cooperation;

56. *Calls upon* all Governments to cooperate with and assist the Special Rapporteur in his task by supplying all necessary information requested by him and to give

¹⁴ A/HRC/19/73.

¹⁵ A/HRC/19/75.

¹⁶ A/HRC/AC/8/5.

serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries to enable him to fulfil his mandate more effectively;

57. *Recalls* the requests made by the General Assembly, in its resolution 66/158, that the Special Rapporteur submit to the Assembly an interim report at its sixty-seventh session on the implementation of that resolution and to continue his work, including by examining the emerging issues with regard to the realization of the right to food within his existing mandate;

58. *Invites* Governments, relevant United Nations agencies, funds and programmes, treaty bodies and civil society actors, including non-governmental organizations, as well as the private sector, to cooperate fully with the Special Rapporteur in the fulfilment of his mandate through, inter alia, the submission of comments and suggestions on ways and means of realizing the right to food;

59. *Requests* the Special Rapporteur to submit a report on the implementation of the present resolution to the Human Rights Council at its twenty-second session;

60. *Decides* to continue consideration of this matter under the same agenda item at its twenty-second session.

*52nd meeting
22 March 2012*

[Adopted without a vote.]

19/8 Freedom of religion or belief

The Human Rights Council,

Recalling General Assembly resolution 36/55 of 25 November 1981, in which the General Assembly proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Recalling also article 18 of the International Covenant on Civil and Political Rights, article 18 of the Universal Declaration of Human Rights, and other relevant human rights provisions,

Recalling further Human Rights Council resolution 16/13 of 24 March 2011, and other resolutions adopted by the General Assembly and the Commission on Human Rights on the elimination of all forms of intolerance and of discrimination based on religion or belief,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated,

Stressing that everyone should be able to live safely, regardless of his or her religion or belief,

Recalling that States have the primary responsibility to promote and protect human rights, including the human rights of persons belonging to religious minorities, including their right to exercise their religion or belief freely,

Noting with regret that no part of the world is exempt from religious intolerance, discrimination and violence,

Expressing solidarity with States and individuals combating violence against persons belonging to religious minorities, and paying tribute to the commitment of States to prevent these acts,

Underlining that educational institutions may offer unique possibilities for constructive dialogue among all parts of society, and that human rights education in particular can contribute to the elimination of negative stereotypes that often adversely affect members of religious minorities,

1. *Stresses* that everyone has the right to freedom of thought, conscience and religion or belief, which includes the freedom to have or to adopt a religion or belief of one's choice, and the freedom, either alone or in community with others and in public or private, to manifest one's religion or belief in teaching, practice, worship and observance, including the right to change one's religion or belief;

2. *Emphasizes* that freedom of religion or belief and freedom of expression are interdependent, interrelated and mutually reinforcing, and stresses the role that these rights can play in the fight against all forms of intolerance and discrimination based on religion or belief;

3. *Also emphasizes* the importance of the promotion of religious tolerance and respect for diversity in view of creating an environment conducive to the full enjoyment of freedom of religion or belief;

4. *Expresses deep concern* at emerging obstacles to the enjoyment of the right to freedom of religion or belief as well as instances of religious intolerance, discrimination and violence, inter alia:

(a) The increasing number of acts of violence directed against individuals and or persons belonging to religious minorities in various parts of the world;

(b) The rise of religious extremism in various parts of the world that affects the rights of individuals and persons belonging to religious minorities;

(c) Incidents of religious hatred, discrimination, intolerance and violence, which may be manifested by derogatory stereotyping, negative profiling and the stigmatization of persons on the basis of their religion or belief;

(d) Attacks on religious places, sites and shrines, as well as vandalism of cemeteries, in violation of international law, in particular human rights and humanitarian law;

5. *Condemns* all forms of violence, intolerance and discrimination based on or in the name of religion or belief, and violations of the freedom of thought, conscience, religion or belief, as well as any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, whether it involves the use of print, audio-visual or electronic media or any other means;

6. *Also condemns* violence and acts of terrorism, which are increasing in number, targeting persons belonging to religious minorities across the world;

7. *Emphasizes* that no religion should be equated with terrorism, as this may have adverse consequences on the enjoyment of the right to freedom of religion or belief of all members of the religious community concerned;

8. *Also emphasizes* that States should exercise due diligence to prevent, investigate and punish acts of violence against persons belonging to religious minorities, regardless of the perpetrator, and that failure to do so may constitute a human rights violation;

9. *Urges* States to step up their efforts to protect and promote freedom of thought, conscience and religion or belief, and to this end:

(a) To ensure that their constitutional and legislative systems provide adequate and effective guarantees of freedom of thought, conscience and religion or belief to all without distinction by, inter alia, the provision of access to justice and effective remedies in cases where the right to freedom of thought, conscience and religion or belief or the right to freely practise one's religion, including the right to change one's religion or belief, is violated;

(b) To ensure that no one within their jurisdiction is deprived of the right to life, liberty or security of person because of religion or belief, and that no one is subjected to torture or other cruel, inhuman or degrading treatment or punishment, or arbitrary arrest or detention on that account, and to bring to justice all perpetrators of violations of these rights;

(c) To end violations of the human rights of women and to devote particular attention to abolishing practices and legislation that discriminate against women, including in the exercise of their right to freedom of thought, conscience and religion or belief;

(d) To ensure that no one is discriminated against on the basis of his or her religion or belief in their access to, inter alia, education, medical care, employment, humanitarian assistance or social benefits, and to ensure that everyone has the right and the opportunity to have access, on general terms of equality, to public services in their country, without any discrimination on the basis of religion or belief;

(e) To review, whenever relevant, existing registration practices in order to ensure that such practices do not limit the right of all persons to manifest their religion or belief, either alone or in community with others and in public or private;

(f) To ensure that no official documents are withheld from the individual on the grounds of religion or belief and that everyone has the right to refrain from disclosing information concerning their religious affiliation in such documents against their will;

(g) To ensure, in particular, the right of all persons to worship, assemble or teach in connection with a religion or belief and their right to establish and maintain places for these purposes, and the right of all persons to seek, receive and impart information and ideas in these areas;

(h) To ensure that, in accordance with appropriate national legislation and in conformity with international human rights law, the freedom of all persons and members of groups to establish and maintain religious, charitable or humanitarian institutions is fully respected and protected;

(i) To ensure that all public officials and civil servants, including members of law enforcement bodies, and personnel of detention facilities, the military and educators, in the course of fulfilling their official duties, respect freedom of religion or belief and do not discriminate for reasons based on religion or belief, and that all necessary and appropriate awareness-raising, education or training is provided;

(j) To take all necessary and appropriate action, in conformity with international human rights obligations, to combat hatred, discrimination, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, as well as any advocacy of religious hatred that constitutes incitement to discrimination, hostility and violence, with particular regard to members of religious minorities in all parts of the world;

(k) To promote, through the educational system and other means, mutual understanding, tolerance, non-discrimination and respect in all matters relating to freedom of religion or belief by encouraging, in society at large, a wider knowledge of different religions and beliefs and of the history, traditions, languages and cultures of the various religious minorities existing within their jurisdiction;

(l) To prevent any distinction, exclusion, restriction or preference based on religion or belief that impairs the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis, and to detect signs of intolerance that may lead to discrimination based on religion or belief;

10. *Stresses* the importance of a continued and strengthened dialogue in all its forms, including among and within religions or beliefs, and with broader participation, including of women, to promote greater tolerance, respect and mutual understanding, and takes note of different initiatives in this regard, including the Alliance of Civilizations and the programmes led by the United Nations Educational, Scientific and Cultural Organization;

11. *Welcomes and encourages* the continuing efforts of all actors in society, including non-governmental organizations and bodies and groups based on religion or belief, to promote the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and also encourages their work in promoting freedom of religion or belief and in highlighting cases of religious intolerance, discrimination and persecution;

12. *Calls upon* States to make use of the potential of education for the eradication of prejudices and stereotypes against members of other religions or beliefs;

13. *Welcomes* the work of the Special Rapporteur on freedom of religion or belief, takes note with interest of his report,¹⁷ and requests him to submit a report annually to the Human Rights Council in accordance with its annual programme of work;

14. *Decides* to remain seized of this question under the same agenda item and to continue consideration of measures to implement the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

*53rd meeting
22 March 2012*

[Adopted without a vote.]

19/9

Birth registration and the right of everyone to recognition everywhere as a person before the law

The Human Rights Council,

Guided by the purposes and principles contained in the Charter of the United Nations,

Recalling General Assembly resolution 60/251 of 15 March 2006, in which the Assembly established the Human Rights Council,

Reaffirming the human right of everyone to be recognized everywhere as a person before the law, which is enshrined in, inter alia, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Convention on the Rights of Persons with Disabilities and other relevant international instruments,

Recalling the obligation of States to register all children immediately after birth as provided for in the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child and other relevant international instruments,

¹⁷ A/HRC/19/60.

Recalling also resolutions adopted by the General Assembly and the Human Rights Council in which they called upon States to ensure the registration of all children immediately after birth, the most recent being Assembly resolution 65/197 of 21 December 2010 and Council resolution 16/12 of 24 March 2011,

Recognizing the importance of birth registration, including late birth registration, as a means for providing an official record of the existence of a person and the recognition of that individual as a person before the law; expressing concern that unregistered individuals have limited or no access to services and enjoyment of all the rights to which they are entitled; also taking into consideration that persons without birth registration may be vulnerable to statelessness and associated lack of protection; and aware that registering a person's birth is a vital step towards his or her protection,

Recognizing also the importance of birth registration, including late birth registration, for the development of vital statistics and the effective implementation of programmes and policies intended to achieve internationally agreed development goals, including the Millennium Development Goals,

1. *Expresses concern* at the high number of persons throughout the world whose birth is not registered;
2. *Reminds* States of their obligation to undertake birth registration without discrimination of any kind;
3. *Calls upon* States to establish or strengthen existing governmental institutions responsible for birth registration and the preservation and security of such records, and to ensure they have sufficient resources to fulfil their mandate;
4. *Also calls upon* States to ensure free birth registration, including free or low-fee late birth registration, by means of universal, accessible, simple, expeditious and effective registration procedures without discrimination of any kind;
5. *Further calls upon* States to continuously raise awareness at the national and local levels of birth registration, including by engagement in public campaigns that raise awareness of the importance of birth registration for effective access to services and the enjoyment of all rights;
6. *Urges* States to identify and remove physical, administrative and any other barriers that impede access to birth registration, including late birth registration, paying due attention to, among others, those barriers relating to poverty, disability, multicultural contexts and persons in vulnerable situations;
7. *Encourages* States to request technical assistance, if required, from relevant United Nations bodies, agencies, funds and programmes, including the United Nations Children's Fund, the United Nations Population Fund, the Department of Economic and Social Affairs, the Office of the United Nations High Commissioner for Refugees, the World Health Organization, the Office of the United Nations High Commissioner for Human Rights and the United Nations Development Programme, and other relevant stakeholders in order to fulfil their obligation to undertake birth registration as a means to respect the right of everyone to be recognized everywhere as a person before the law;
8. *Invites* the above-mentioned United Nations bodies, agencies, funds and programmes and other relevant stakeholders to cooperate with States in providing technical assistance, upon request;
9. *Decides* to consider this issue in accordance with its annual programme of work.

53rd meeting

22 March 2012

[Adopted without a vote.]

19/10 Human rights and the environment

The Human Rights Council,

Reaffirming the purposes and principles of the Charter of the United Nations,

Recalling Human Rights Council resolutions relevant to the relationship between human rights and the environment, including resolution 16/11 of 24 March 2011 on human rights and the environment, resolutions 7/23 of 28 March 2008, 10/4 of 25 March 2009 and 18/22 of 30 September 2011 on human rights and climate change, resolutions 9/1 of 24 September 2008 and 12/18 of 2 October 2009 on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, and resolution 18/11 of 29 September 2011 on the mandate of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, as well as relevant Commission on Human Rights resolutions, including resolutions 2003/71 of 25 April 2003 and 2005/60 of 20 April 2005 on human rights and the environment as part of sustainable development,

Bearing in mind General Assembly resolutions 60/251 of 15 March 2006 and 65/281 of 17 June 2011, and Human Rights Council resolution 16/21 of 25 March 2011,

Recalling Human Rights Council resolutions 5/1, on institution-building of the 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 or her duties in accordance with those resolutions and the annexes thereto,

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

Recalling further the Declaration of the United Nations Conference on the Human Environment, the Rio Declaration on Environment and Development, Agenda 21, the Programme for the Further Implementation of Agenda 21, the Johannesburg Declaration on Sustainable Development and the Plan of Implementation of the World Summit on Sustainable Development,

Recalling the principles of the Rio Declaration on Environment and Development,

Cognizant of the importance of the United Nations Conference on Sustainable Development, to be held in Rio de Janeiro, Brazil, in June 2012,

Reaffirming the Millennium Development Goals, in particular Goal 7 on ensuring environmental sustainability, as well as the commitments made by the international community, as contained in the outcome document of the High-level Plenary Meeting of the sixty-fifth session of the General Assembly,¹⁸ to make every effort to achieve the Millennium Development Goals,

¹⁸ See resolution 65/1.

Recognizing that human beings are at the centre of concerns for sustainable development, that the right to development must be fulfilled in order to meet the development and environment needs of present and future generations equitably, and that the human person is the central subject of development and should be the active participant and beneficiary of the right to development,

Recalling the guiding principles on business and human rights, as endorsed by the Human Rights Council in its resolution 17/4 of 16 June 2011,

Mindful that certain aspects of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment require further study and clarification,

1. *Notes with appreciation* the analytical study on the relationship between human rights and the environment submitted by the United Nations High Commissioner for Human Rights pursuant to Human Rights Council resolution 16/11;¹⁹

2. *Decides* to appoint, for a period of three years, an independent expert on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, whose tasks will be:

(a) To study, in consultation with Governments, relevant international organizations and intergovernmental bodies, including the United Nations Environment Programme and relevant multilateral environment agreements, human rights mechanisms, local authorities, national human rights institutions, civil society organizations, including those representing indigenous peoples and other persons in vulnerable situations, the private sector and academic institutions, the human rights obligations, including non-discrimination obligations, relating to the enjoyment of a safe, clean, healthy and sustainable environment;

(b) To identify, promote and exchange views on best practices relating to the use of human rights obligations and commitments to inform, support and strengthen environmental policymaking, especially in the area of environmental protection, and, in that regard, to prepare a compendium of best practices;

(c) To make recommendations, consistent with her or his mandate, that could help the realization of the Millennium Development Goals, in particular Goal 7;

(d) To take into account the results of the United Nations Conference on Sustainable Development to be held in June 2012, and to contribute a human rights perspective to follow-up processes;

(e) To apply a gender perspective by, inter alia, considering the particular situation of women and girls and identifying gender-specific discrimination and vulnerabilities;

(f) To work in close coordination, while avoiding unnecessary duplication, with other special procedures and subsidiary organs of the Human Rights Council, relevant United Nations bodies and the treaty bodies, taking into account the views of other stakeholders, including relevant regional human rights mechanisms, national human rights institutions, civil society organizations and academic institutions;

(g) To submit a first report, including conclusions and recommendations, to the Human Rights Council at its twenty-second session and annually thereafter;

3. *Requests* the High Commissioner to ensure that the Independent Expert receives the resources necessary to enable him or her to discharge the mandate fully;

¹⁹ A/HRC/19/34.

4. *Calls upon* all States, United Nations agencies, other relevant international organizations and non-governmental organizations, the private sector and national human rights institutions to cooperate fully with the Independent Expert, and invites them to share best practices with the Independent Expert and to provide him or her with all the necessary information relating to the mandate to enable him or her to fulfil the mandate;

5. *Encourages* the Office of the High Commissioner to participate in the United Nations Conference on Sustainable Development in order to promote a human rights perspective;

6. *Decides* to continue its consideration of the matter under the same agenda item at its twenty-second session.

53rd meeting
22 March 2012

[Adopted without a vote.]

19/11

Rights of persons with disabilities: participation in political and public life

The Human Rights Council,

Recalling the Convention on the Rights of Persons with Disabilities,

Reaffirming the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed the full enjoyment of their rights and freedoms without discrimination,

Reaffirming also all previous resolutions of the Human Rights Council on the rights of persons with disabilities, the most recent of which was resolution 16/15 of 24 March 2011, and welcoming the efforts of all stakeholders to implement those resolutions,

Reaffirming further the right to participate in political and public life, as set out in article 21 of the Universal Declaration of Human Rights, which states that everyone has the right to take part in the Government of his or her country directly, or through freely chosen representatives, and the right of equal access to public service, as well as, inter alia, article 25 of the International Covenant on Civil and Political Rights and, most recently and with regard to persons with disabilities, in article 29 of the Convention on the Rights of Persons with Disabilities,

Recalling that the above-mentioned article 29 of the Convention reaffirms the right of persons with disabilities to participate in political and public life, and that parties to the Convention are required to guarantee political rights to persons with disabilities and adopt all appropriate measures to ensure that they enjoy these rights on an equal basis with others,

Recognizing that progress has been made, yet deeply concerned that many persons with disabilities in all regions continue to be denied their right to participate in political and public life on an equal basis with others, and noting that the exclusion or restriction of political rights of persons with disabilities on the basis of disability constitutes discrimination contrary to the Convention on the Rights of Persons with Disabilities,

Emphasizing that full and effective participation and inclusion in society is a general principle of the Convention on the Rights of Persons with Disabilities, and thus that participation in political and public life on an equal basis with others is closely interrelated with and interdependent on other Convention provisions, including those that require States

parties to ensure non-discrimination and accessibility and to recognize legal capacity and the right to participate in the community on an equal basis with others,

Recognizing that women and girls with disabilities are subject to multiple forms of discrimination, including in their participation in political and public life,

1. *Welcomes* the fact that, to date, one hundred and fifty three States have signed and one hundred and nine States and one regional integration organization have ratified or acceded to the Convention on the Rights of Persons with Disabilities, and that ninety States have signed and sixty six States have ratified or acceded to the Optional Protocol to the Convention, and calls upon those States and regional integration organizations that have not yet ratified or acceded to the Convention and the Optional Protocol to consider doing so as a matter of priority;

2. *Encourages* States that have ratified the Convention and have submitted one or more reservations to it to initiate a process to review regularly the effect and continued relevance of such reservations, and to consider the possibility of withdrawing them;

3. *Welcomes* the thematic study on participation in political and public life by persons with disabilities prepared by the Office of the United Nations High Commissioner for Human Rights,²⁰ and calls upon all stakeholders to consider the findings and recommendations of the study;

4. *Calls upon* States parties to ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, including the right and opportunity for persons with disabilities to vote and be elected, and to participate in the conduct of public affairs;

5. *Also calls upon* States parties to adopt and implement appropriate measures to ensure that persons with disabilities can participate effectively and fully in political and public life on an equal basis with others, including by, inter alia:

(a) Providing persons with disabilities with access to the support they may require in exercising their legal capacity and, where necessary, and at their request, allowing assistance in voting by a person of their own choice;

(b) Providing reasonable accommodation and eliminating barriers that prevent or limit effective and full participation in political and public life, including physical and communication barriers, such as inaccessible polling stations or the lack of election information or materials in accessible formats;

(c) Protecting the right to vote by secret ballot and the right to stand for elections and to effectively hold office, and to have access to public service positions, including by providing reasonable accommodation;

(d) Promoting public awareness campaigns and training programmes relevant to the exercise of political rights by persons with disabilities, and ensuring an inclusive education system directed at, inter alia, the strengthening of respect for human rights, including political rights;

(e) Adopting measures to encourage the active involvement of persons with disabilities in non-governmental organizations and associations concerned with public and political life, including political parties, community-based organizations and public boards, as well as the forming and joining of organizations of persons with disabilities at the local, regional, national and international levels;

²⁰ A/HRC/19/36.

6. *Further calls upon* States parties to ensure that measures to assist persons with disabilities in their participation in political and public life are consistent with the Convention, including the general principle of inclusion in society;

7. *Urges* States parties to review any existing exclusion or restriction of political rights for persons with disabilities, including those persons with psychosocial, mental or intellectual disabilities, and to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities;

8. *Calls upon* States parties, in adopting and implementing measures to ensure that persons with disabilities have the opportunity to participate effectively and fully in political and public life, including the conduct of public affairs on an equal basis with others, to consult closely with and actively involve persons with disabilities;

9. *Also calls upon* States and invites other relevant stakeholders, including national monitoring mechanisms, to collect appropriate information, including statistical and research data, to enable the formulation and implementation of policies relating to participation in political and public life of persons with disabilities;

10. *Encourages* all relevant actors in the design of products, environments, programmes and services relating to participation in political and public life to pay due attention to universal design, which requires the consideration of the needs of all members of society in order to avoid the need for any subsequent adaptation or specialized design;

11. *Also encourages* all relevant actors in undertaking measures of international cooperation, between and among States and, as appropriate, in partnership with relevant international and regional organizations and civil society, to consider appropriate and effective measures in support of national efforts to enhance enjoyment of political rights by persons with disabilities on an equal basis with others, such as by facilitating the use of assistive and new technologies relevant to participation in political and public life;

12. *Decides* to continue to integrate the rights of persons with disabilities into its work, in accordance with Human Rights Council resolution 7/9 of 27 March 2008;

13. *Also decides* that its next annual interactive debate on the rights of persons with disabilities will be held at its twenty-second session, and that it will focus on the work and employment of persons with disabilities;

14. *Requests* the Office of the High Commissioner to prepare a study on the work and employment of persons with disabilities, in consultation with States and other relevant stakeholders, including the International Labour Organization, regional organizations, the Special Rapporteur on Disabilities of the Commission for Social Development, civil society organizations, including organizations of persons with disabilities, and national human rights institutions, and requests that the study be made available on the website of the Office of the High Commissioner, in an accessible format, prior to the twenty-second session of the Human Rights Council;

15. *Encourages* organizations of persons with disabilities, national monitoring bodies and human rights institutions to participate actively in the session referred to in paragraph 13 above, as well as in regular and special sessions of the Human Rights Council and its working groups;

16. *Requests* the Secretary-General to continue to ensure that the mandate of the Office of the High Commissioner on the rights of persons with disabilities and the Committee on the Rights of Persons with Disabilities are adequately resourced for the fulfilment of their tasks;

17. *Requests* the Secretary-General and the High Commissioner to continue the progressive implementation of standards and guidelines for the accessibility of facilities and services of the United Nations system, also taking into account relevant provisions of the Convention on the Rights of Persons with Disabilities, and underlines that the Human Rights Council, including its Internet resources, should be fully accessible to persons with disabilities.

*53rd meeting
22 March 2012*

[Adopted without a vote.]

19/12

Situation of human rights in the Islamic Republic of Iran

The Human Rights Council,

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

Recalling Human Rights Council resolution 16/9 of 24 March 2011, General Assembly resolution 66/175 of 19 December 2011, and all previous resolutions of the Assembly on the situation of human rights in the Islamic Republic of Iran, and regretting the lack of cooperation of the Islamic Republic of Iran with the requests of the Council and the Assembly made in those resolutions,

Welcoming the report and recommendations of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran submitted to the Human Rights Council,²¹ and expressing serious concern at the developments noted in that report as well as the lack of access permitted to the Special Rapporteur to travel to the Islamic Republic of Iran,

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

1. *Decides* to extend the mandate of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran for a further period of one year, and requests the Special Rapporteur to submit a report on the implementation of his mandate to the Human Rights Council at its twenty-second session and to the General Assembly at its sixty-seventh session;

2. *Calls upon* the Government of the Islamic Republic of Iran to cooperate fully with the Special Rapporteur and to permit him access to visit the country as well as to provide all information necessary to allow the fulfilment of the mandate;

3. *Requests* the Secretary-General to provide the Special Rapporteur with the resources necessary to fulfil the mandate.

*53rd meeting
22 March 2012*

[Adopted by a recorded vote of 22 to 5, with 20 abstentions. The voting was as follows:

²¹ A/HRC/19/66.

In favour:

Austria, Belgium, Benin, Botswana, Chile, Costa Rica, Czech Republic, Guatemala, Hungary, Italy, Maldives, Mauritania, Mexico, Norway, Peru, Poland, Republic of Moldova, Romania, Senegal, Spain, Switzerland, United States of America

Against:

Bangladesh, China, Cuba, Qatar, Russian Federation

Abstaining:

Angola, Burkina Faso, Cameroon, Congo, Djibouti, Ecuador, India, Indonesia, Jordan, Kuwait, Kyrgyzstan, Libya, Malaysia, Mauritius, Nigeria, Philippines, Saudi Arabia, Thailand, Uganda, Uruguay]

19/13**The situation of human rights in the Democratic People's Republic of Korea***The Human Rights Council,*

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

Recalling all previous resolutions adopted by the Commission on Human Rights, the Human Rights Council and the General Assembly on the situation of human rights in the Democratic People's Republic of Korea, including Council resolution 16/8 of 24 March 2011 and Assembly resolution 66/174 of 19 December 2011, and urging the implementation of those resolutions,

Bearing in mind paragraph 3 of General Assembly resolution 60/251 of 15 March 2006,

Recalling Human Rights Council resolutions 5/1, on institution-building of the 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 or her duties in accordance with those resolutions and the annexes thereto,

Welcoming the reports submitted by the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea,²² and urging the implementation of the recommendations contained therein,

Deeply concerned at the persisting deterioration in the human rights situation in the Democratic People's Republic of Korea, at the continuing reports of systematic, widespread and grave violations of civil, political, economic, social and cultural rights in the country and at the unresolved questions of international concern relating to the abduction of nationals of other States, and urging the Government of the Democratic People's Republic of Korea to respect all human rights and fundamental freedoms fully,

Deploring the grave, widespread and systematic human rights abuses in the Democratic People's Republic of Korea, in particular the use of torture and labour camps against political prisoners and repatriated citizens of the Democratic People's Republic of Korea,

²² A/66/343 and A/HRC/19/65.

Deeply regretting the refusal of the Government of the Democratic People's Republic of Korea to recognize the mandate of the Special Rapporteur or to extend full cooperation to him and allow him access to the country,

Expressing its serious concern at the refusal of the Government of the Democratic People's Republic of Korea to articulate, by the time of the adoption by the Human Rights Council of the outcome report on its universal periodic review²³ in March 2010, which recommendations enjoyed its support, and regretting the lack of action taken by the Democratic People's Republic of Korea to date to implement the recommendations contained in that report,

Alarmed by the precarious humanitarian situation in the country, exacerbated by its national policy priorities,

Reaffirming that it is the responsibility of the Government of the Democratic People's Republic of Korea to ensure the full enjoyment of all human rights and fundamental freedoms of its entire population, including by ensuring access to adequate food,

Recognizing the particular vulnerability of women, children, persons with disabilities and the elderly, and the need to ensure their protection against neglect, abuse, exploitation and violence,

Reaffirming the importance of States' engaging fully and constructively with the universal periodic review process and with other mechanisms of the Human Rights Council for the improvement of their human rights situations,

1. *Expresses its very serious concern* at the ongoing grave, widespread and systematic human rights violations in the Democratic People's Republic of Korea;

2. *Commends* the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea for the activities undertaken to date and his continued efforts in the conduct of the mandate, despite the limited access to information;

3. *Decides* to extend the mandate of the Special Rapporteur, in accordance with Human Rights Council resolution 16/8, for a period of one year;

4. *Urges* the Government of the Democratic People's Republic of Korea to cooperate fully with the Special Rapporteur and to permit him unrestricted access to visit the country and to provide him with all information necessary to enable him to fulfil his mandate;

5. *Also urges* the Government of the Democratic People's Republic of Korea to ensure full, rapid and unimpeded access of humanitarian assistance that is delivered on the basis of need, in accordance with humanitarian principles, coupled with adequate monitoring;

6. *Encourages* the United Nations, including its specialized agencies, regional intergovernmental organizations, mandate holders, interested institutions and independent experts and non-governmental organizations, to develop regular dialogue and cooperation with the Special Rapporteur in the fulfilment of his mandate;

7. *Requests* the Secretary-General to provide the Special Rapporteur with all assistance and adequate staffing necessary to carry out his mandate effectively and to ensure that this mechanism works with the support of the Office of the United Nations High Commissioner for Human Rights;

²³ A/HRC/13/13.

8. *Invites* the Special Rapporteur to submit regular reports on the implementation of his mandate to the Human Rights Council and to the General Assembly.

*53rd meeting
22 March 2012*

[Adopted without a vote.]

19/14 Human rights in the occupied Syrian Golan

The Human Rights Council,

Deeply concerned at the suffering of the Syrian citizens in the occupied Syrian Golan due to the systematic and continuous violation of their fundamental and human rights by Israel since the Israeli military occupation of 1967,

Recalling Security Council resolution 497 (1981) of 17 December 1981,

Recalling also all relevant General Assembly resolutions, the most recent being resolution 66/80 of 9 December 2011, in which the Assembly declared that Israel had failed to comply with Security Council resolution 497 (1981) and demanded that Israel withdraw from all the occupied Syrian Golan,

Reaffirming once more the illegality of the decision by Israel of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan, which has resulted in the effective annexation of that territory,

Reaffirming the principle of the inadmissibility of the acquisition of territory by force, in accordance with the Charter of the United Nations and the principles of international law,

Taking note with deep concern of the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories²⁴ and, in this connection, deploring the Israeli settlement in the occupied Arab territories and expressing regret at the constant refusal of Israel to cooperate with and to receive the Special Committee,

Guided by the relevant provisions of the Charter, international law and the Universal Declaration of Human Rights, and reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, and the relevant provisions of the Hague Conventions of 1899 and 1907 to the occupied Syrian Golan,

Reaffirming the importance of the peace process, which started in Madrid on the basis of Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973, and the principle of land for peace, and expressing its concern at the halting of the peace process in the Middle East and its hope that peace talks will be resumed on the basis of the full implementation of resolutions 242 (1967) and 338 (1973) for the establishment of a just and comprehensive peace in the region,

Reaffirming also the previous relevant resolutions of the Commission on Human Rights and of the Human Rights Council, the most recent being resolution 16/17 of 24 March 2011,

²⁴ A/66/370.

1. *Calls upon* Israel, the occupying Power, to comply with the relevant resolutions of the General Assembly, the Security Council and the Human Rights Council, in particular Security Council resolution 497 (1981), in which the Council decided, inter alia, that the decision of Israel to impose its laws, jurisdiction and administration on the occupied Syrian Golan was null and void and without international legal effect, and demanded that Israel rescind forthwith its decision;

2. *Also calls upon* Israel to desist from its continuous building of settlements, the most recent of which is the settlement campaign being conducted by the so-called Golan Regional Council under the slogan “Come to the Golan”, and to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan, and emphasizes that the displaced persons of the population of the occupied Syrian Golan must be allowed to return to their homes and to recover their property;

3. *Further calls upon* Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan, and to desist from its repressive measures against them and from all other practices that obstruct the enjoyment of their fundamental rights and their civil, political, economic, social and cultural rights, some of which are mentioned in the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories;¹

4. *Calls upon* Israel to allow the Syrian population of the occupied Syrian Golan to visit their families and relatives in the Syrian motherland through the Quneitra checkpoint and under the supervision of the International Committee of the Red Cross, and to rescind its decision to prohibit these visits, as it is in flagrant violation of the Fourth Geneva Convention and the International Covenant on Civil and Political Rights;

5. *Also calls upon* Israel to release immediately the Syrian detainees in Israeli prisons, some of whom have been detained for more than 25 years, and to treat them in conformity with international humanitarian law;

6. *Further calls upon* Israel, in this connection, to allow delegates of the International Committee of the Red Cross to visit Syrian prisoners of conscience and detainees in Israeli prisons accompanied by specialized physicians to assess the state of their physical and mental health and to protect their lives;

7. *Determines* that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, including the Knesset’s decision of 22 November 2010 to hold a referendum before any withdrawal from the occupied Syrian Golan and East Jerusalem, that seek to alter the character and legal status of the occupied Syrian Golan are null and void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, and have no legal effect;

8. *Again calls upon* States Members of the United Nations not to recognize any of the above-mentioned legislative or administrative measures;

9. *Requests* the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, specialized agencies, international and regional intergovernmental organizations and international humanitarian organizations, to disseminate it as widely as possible and to report on this matter to the Human Rights Council at its twenty-second session;

10. *Decides* to continue the consideration of the human rights violations in the occupied Syrian Golan at its twenty-second session.

53rd meeting
22 March 2012

[Adopted by a recorded vote of 33 to 1, with 13 abstentions. The voting was as follows:

In favour:

Angola, Bangladesh, Benin, Botswana, Burkina Faso, Chile, China, Congo, Costa Rica, Cuba, Djibouti, Ecuador, India, Indonesia, Jordan, Kuwait, Kyrgyzstan, Libya, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, Thailand, Uganda, Uruguay

Against:

United States of America

Abstaining:

Austria, Belgium, Cameroon, Czech Republic, Guatemala, Hungary, Italy, Norway, Poland, Republic of Moldova, Romania, Spain, Switzerland]

19/15

Right of the Palestinian people to self-determination

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, in particular the provisions of Articles 1 and 55 thereof, which affirm the right of peoples to self-determination, and reaffirming the need for the scrupulous respect of the principle of refraining in international relations from the threat or use of force, as specified in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, adopted by the General Assembly in its resolution 2625 (XXV) of 24 October 1970,

Guided also by the provisions of article 1 of the International Covenant on Economic, Social and Cultural Rights and article 1 of the International Covenant on Civil and Political Rights, which affirm that all peoples have the right to self-determination,

Guided further by the International Covenants on Human Rights, the Universal Declaration of Human Rights, the Declaration on the Granting of Independence to Colonial Countries and Peoples and by the provisions of the Vienna Declaration and Programme of Action, adopted on 25 June 1993 by the World Conference on Human Rights,²⁵ and in particular Part I, paragraphs 2 and 3, relating to the right of self-determination of all peoples, and especially those subject to foreign occupation,

Recalling General Assembly resolutions 181 A and B (II) of 29 November 1947 and 194 (III) of 11 December 1948, as well as all other resolutions that confirm and define the inalienable rights of the Palestinian people, particularly their right to self-determination,

Recalling also Security Council resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973, 1397 (2002) of 12 March 2002 and 1402 (2002) of 30 March 2002,

Recalling further the conclusion of the International Court of Justice, in its advisory opinion of 9 July 2004, that the construction of the wall by Israel, the occupying Power, in

²⁵ A/CONF.157/23.

the Occupied Palestinian Territory, including East Jerusalem, along with measures previously taken, severely impedes the right of the Palestinian people to self-determination,

Recalling the resolutions adopted in this regard by the Commission on Human Rights, the last of which was resolution 2005/1 of 7 April 2005,

Reaffirming the right of the Palestinian people to self-determination in accordance with the provisions of the Charter, relevant United Nations resolutions and declarations, and the provisions of international covenants and instruments relating to the right to self-determination as an international principle and as a right of all peoples in the world, as it is a *jus cogens* in international law and a basic condition for achieving a just, lasting and comprehensive peace in the region of the Middle East,

1. *Reaffirms* the inalienable, permanent and unqualified right of the Palestinian people to self-determination, including their right to live in freedom, justice and dignity, and to establish their sovereign, independent, democratic and viable contiguous State;

2. *Also reaffirms* its support for the solution of two States, Palestine and Israel, living side by side in peace and security;

3. *Stresses* the need for respect for and preservation of the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory, including East Jerusalem;

4. *Urges* all Member States and relevant bodies of the United Nations system to support and assist the Palestinian people in the early realization of their right to self-determination;

5. *Decides* to continue consideration of this question at its twenty-second session.

*53rd meeting
22 March 2012*

[Adopted by a recorded vote of 46 to 1, with no abstentions. The voting was as follows:

In favour:

Angola, Austria, Bangladesh, Belgium, Benin, Botswana, Burkina Faso, Cameroon, Chile, China, Congo, Costa Rica, Cuba, Czech Republic, Djibouti, Ecuador, Guatemala, Hungary, India, Indonesia, Italy, Jordan, Kuwait, Kyrgyzstan, Libya, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Norway, Peru, Philippines, Poland, Qatar, Republic of Moldova, Romania, Russian Federation, Saudi Arabia, Senegal, Spain, Switzerland, Thailand, Uganda, Uruguay

Against:

United States of America]

19/16

Human rights situation in the Occupied Palestinian Territory, including East Jerusalem

The Human Rights Council,

Recalling the Universal Declaration of Human Rights,

Recalling also the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the

Rights of the Child, and affirming that these human rights instruments must be respected in the Occupied Palestinian Territory, including East Jerusalem,

Recalling further relevant resolutions of the Human Rights Council,

Taking note of the recent reports of the Special Rapporteur of the Human Rights Council on the situation of human rights in the Palestinian territories occupied since 1967, as well as of other relevant recent reports of the Human Rights Council,

Aware of the responsibility of the international community to promote human rights and ensure respect for international law,

Recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice, and recalling also General Assembly resolutions ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006,

Noting in particular the Court's reply, including that the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime are contrary to international law,

Reaffirming the principle of the inadmissibility of the acquisition of territory by force,

Reaffirming also the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem,

Reaffirming further the obligation of the States parties to the Fourth Geneva Convention under articles 146, 147 and 148 with regard to penal sanctions, grave breaches and responsibilities of the High Contracting Parties,

Reaffirming that all States have the right and the duty to take actions in conformity with international law and international humanitarian law to counter deadly acts of violence against their civilian population in order to protect the lives of their citizens,

Stressing the need for full compliance with the Israeli-Palestinian agreements reached within the context of the Middle East peace process, including the Sharm el-Sheikh understandings, and the implementation of the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,

Stressing also the need to end the closure of the Gaza Strip and for the full implementation of the Agreement on Movement and Access and the Agreed Principles for the Rafah Crossing, both of 15 November 2005, to allow for the freedom of movement of the Palestinian civilian population within and into and out of the Gaza Strip, taking into account Israeli concerns,

Expressing grave concern about the continuing systematic violation of the human rights of the Palestinian people by Israel, the occupying Power, including that arising from the excessive use of force and military operations causing death and injury to Palestinian civilians, including children, women and non-violent, peaceful demonstrators; the use of collective punishment; the closure of areas; the confiscation of land; the establishment and expansion of settlements; the construction of a wall in the Occupied Palestinian Territory in departure from the Armistice Line of 1949; the destruction of property and infrastructure; and all other actions by it designed to change the legal status, geographical nature and demographic composition of the Occupied Palestinian Territory, including East Jerusalem,

Gravely concerned in particular about the critical humanitarian and security situation in the Gaza Strip, including that resulting from the prolonged closures and severe economic and movement restrictions that in effect amount to a blockade and the military operations between December 2008 and January 2009, which caused extensive loss of life

and injury, particularly among Palestinian civilians, including children and women, widespread destruction and damage to Palestinian homes, properties, vital infrastructure and public institutions, including hospitals, schools and United Nations facilities and the internal displacement of civilians, as well as about the firing of rockets into Israel,

Expressing deep concern about the short- and long-term detrimental impact of such widespread destruction and the continued impeding of the reconstruction process by Israel, the occupying Power, on the human rights situation and on the socio-economic and humanitarian conditions of the Palestinian civilian population,

Also expressing deep concern at the Israeli policy of closures and the imposition of severe restrictions, checkpoints, several of which have been transformed into structures akin to permanent border crossings, and a permit regime, all of which obstruct the freedom of movement of persons and goods, including medical and humanitarian goods, throughout the Occupied Palestinian Territory, including East Jerusalem, and impair the Territory's contiguity, and at the consequent violation of the human rights of the Palestinian people and the negative impact on their socio-economic situation and the efforts aimed at rehabilitating and developing the Palestinian economy, which remains that of a humanitarian crisis in the Gaza Strip, while taking note of recent developments with regard to the situation of access there,

Further expressing deep concern that thousands of Palestinians, including many children and women and elected members of the Palestinian Legislative Council, continue to be detained and held in Israeli prisons or detention centres under harsh conditions, including, inter alia, unhygienic conditions, solitary confinement, lack of proper medical care, denial of family visits and denial of due process, that impair their well-being, and expressing deep concern also about the ill-treatment and harassment of any Palestinian prisoners and all reports of torture,

Expressing concern about the possible consequences of the enactment by Israel, the occupying Power, of military orders regarding the detention, imprisonment and deportation of Palestinian civilians from the Occupied Palestinian Territory, including East Jerusalem, and recalling in this regard the prohibition under international humanitarian law of the deportation of civilians from occupied territories,

Convinced of the need for an international presence to monitor the situation, to contribute to ending the violence and protecting the Palestinian civilian population and to help the parties implement the agreements reached and, in this regard, recalling the positive contribution of the Temporary International Presence in Hebron,

Taking note of the continued efforts and tangible progress made in the security sector by the Palestinian Authority, calling upon the parties to continue cooperation that benefits both Palestinians and Israelis, in particular by promoting security and building confidence, and expressing the hope that such progress will be extended to all major population centres,

Emphasizing the right of all people in the region to the enjoyment of human rights as enshrined in the international human rights covenants,

1. *Reiterates* that all measures and actions taken by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, in violation of the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and contrary to the relevant resolutions of the Security Council, are illegal and have no validity;

2. *Demands* that Israel, the occupying Power, cease all practices and actions that violate the human rights of the Palestinian people, including the killing and injury of civilians, the arbitrary detention and imprisonment of civilians and the destruction and

confiscation of civilian property, and that it fully respect human rights law and comply with its legal obligations in this regard;

3. *Also demands* that Israel, the occupying Power, comply fully with the provisions of the Fourth Geneva Convention of 1949 and cease immediately all measures and actions taken in violation and in breach of the Convention;

4. *Further demands* that Israel, the occupying Power, cease all of its settlement activities, the construction of the wall and any other measures aimed at altering the character, status and demographic composition of the Occupied Palestinian Territory, including in and around East Jerusalem, all of which have, inter alia, a grave and detrimental impact on the human rights of the Palestinian people and the prospects for a peaceful settlement;

5. *Condemns* all acts of violence, including all acts of terror, provocation, incitement and destruction, especially the excessive use of force by the Israeli occupying forces against Palestinian civilians, particularly in the Gaza Strip, which have caused extensive loss of life and vast numbers of injuries, including among children, massive damage and destruction to homes, properties, vital infrastructure and public institutions, including hospitals, schools and United Nations facilities, and agricultural lands, mosques and private media institutions, and internal displacement of civilians;

6. *Also condemns* the firing of rockets against Israeli civilian areas resulting in loss of life and injury;

7. *Demands* that Israel, the occupying Power, comply with its legal obligations under international law, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice and as demanded in General Assembly resolutions ES-10/15 of 20 July 2004 and ES-10/13 of 21 October 2003, and that it immediately cease the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, dismantle forthwith the structure situated therein, repeal or render ineffective all legislative and regulatory acts relating thereto, and make reparation for all damage caused by the construction of the wall, which has had a grave impact on the human rights and the socio-economic living conditions of the Palestinian people;

8. *Reiterates* the need for respect for the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory and for guarantees of the freedom of movement of persons and goods within the Palestinian territory, including movement into and from East Jerusalem, into and from the Gaza Strip, between the West Bank and the Gaza Strip, and to and from the outside world;

9. *Calls upon* Israel, the occupying Power, to cease its imposition of prolonged closures and economic and movement restrictions, including those amounting to a blockade on the Gaza Strip, and, in this regard, to fully implement the Agreement on Movement and Access and the Agreed Principles for the Rafah Crossing in order to allow for the sustained and regular movement of persons and goods and for the acceleration of long overdue reconstruction in the Gaza Strip;

10. *Urges* Member States to continue to provide emergency assistance to the Palestinian people to alleviate the financial crisis and the dire socio-economic and humanitarian situation, particularly in the Gaza Strip;

11. *Emphasizes* the need to preserve and develop the Palestinian institutions and infrastructure for the provision of vital public services to the Palestinian civilian population and the promotion of human rights, including civil, political, economic, social and cultural rights;

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

[Adopted by a recorded vote of 44 to 1, with 2 abstentions. The voting was as follows:

In favour:

Angola, Austria, Bangladesh, Belgium, Benin, Botswana, Burkina Faso, Chile, China, Congo, Costa Rica, Cuba, Czech Republic, Djibouti, Ecuador, Hungary, India, Indonesia, Italy, Jordan, Kuwait, Kyrgyzstan, Libya, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Norway, Peru, Philippines, Poland, Qatar, Republic of Moldova, Romania, Russian Federation, Saudi Arabia, Senegal, Spain, Switzerland, Thailand, Uganda, Uruguay,

Against:

United States of America

Abstaining:

Cameroon, Guatemala]

19/17

Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan

The Human Rights Council,

Guided by the principles of the Charter of the United Nations and affirming the inadmissibility of the acquisition of territory by force,

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

Recalling relevant resolutions of the Commission on Human Rights, the Human Rights Council, the Security Council and the General Assembly reaffirming, inter alia, the illegality of the Israeli settlements in the occupied territories, including in East Jerusalem,

Mindful that Israel is a party to the fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, which is applicable de jure to Palestinian and all Arab territories occupied by Israel since 1967, including East Jerusalem and the Syrian Golan, and recalling the declaration adopted by the Conference of High Contracting Parties to the Fourth Geneva Convention, held in Geneva on 5 December 2001,

Considering that the transfer by the occupying Power of parts of its own civilian population into the territory it occupies constitutes a breach of the Fourth Geneva Convention and relevant provisions of customary law, including those codified in Additional Protocol I to the Geneva Conventions of 12 August 1949,

Recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, and its conclusion that the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, were established in breach of international law,

Recalling also General Assembly resolution ES-10/15 of 20 July 2004 and other relevant United Nations resolutions,

Affirming that the Israeli settlement activities in the Occupied Palestinian Territory, including in East Jerusalem, are illegal under international law and constitute very serious violations of international humanitarian law and of the human rights of the Palestinian people therein, and undermine international efforts, including the Annapolis Peace Conference of 27 November 2007 and the Paris International Donors' Conference for the Palestinian State of 17 December 2007, aimed at invigorating the peace process and establishing a viable, contiguous, sovereign and independent Palestinian State by the end of 2008,

Recalling the statement made by the Quartet on 21 September 2010 and its attachment to the implementation by the parties of their obligations under the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict, and noting specifically its call for a freeze on all settlement activities,

Expressing its grave concern about the continuation by Israel, the occupying Power, of settlement building and expansion in the Occupied Palestinian Territory, including in East Jerusalem, in violation of international humanitarian law and relevant United Nations resolutions, including plans to expand and connect Israeli settlements around Occupied East Jerusalem, thus threatening the creation of a contiguous Palestinian State,

Expressing its concern that continuing Israeli settlement activity undermines the realization of a two-State solution,

Expressing grave concern about the continuing construction, contrary to international law, by Israel of the wall inside the Occupied Palestinian Territory, including in and around East Jerusalem, and expressing its concern in particular about the route of the wall in departure from the Armistice Line of 1949, which could prejudice future negotiations and make the two-State solution impossible to implement and which is causing the Palestinian people further humanitarian hardship,

Deeply concerned that the wall's route has been traced in such a way as to include the great majority of the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem,

Expressing its concern at the failure of the Government of Israel to cooperate fully with the relevant United Nations mechanisms, in particular the Special Rapporteur on the situation of human rights in the Palestinian Territories occupied since 1967,

1. *Welcomes* the conclusions of the Council of the European Union on the Middle East peace process of 8 December 2009, in which the Council reiterated that settlements, the separation barrier where built on occupied land, demolition of homes and evictions are illegal under international law, constitute an obstacle to peace and threaten to make a two-State solution impossible, and particularly its urgent call upon the Government of Israel to immediately end all settlement activities, in East Jerusalem and the rest of the West Bank, and including natural growth, and to dismantle all outposts erected since March 2001;

2. *Welcomes with appreciation* the statements made by the majority of the States Members of the United Nations on the illegality of settlement activities in the Occupied Palestinian territory, including East Jerusalem, and reaffirming the urgent calls by the international community upon the Government of Israel to stop immediately all settlement activities, including in East Jerusalem;

3. *Condemns* the recent Israeli announcements of the construction of new housing units for Israeli settlers in the West Bank and around occupied East Jerusalem, as they undermine the peace process, constitute a threat to the two-State solution and the creation of a contiguous, sovereign and independent Palestinian State, and are in violation of international law, and calls upon the Government of Israel to reverse immediately its

decisions, which would further undermine and jeopardize the ongoing efforts by the international community to reach a final settlement compliant with international legitimacy, including relevant United Nations resolutions;

4. *Expresses its grave concern at:*

(a) The continuing Israeli settlement and related activities, in violation of international law, including the expansion of settlements, the expropriation of land, the demolition of houses, the confiscation and destruction of property, the expulsion of Palestinians and the construction of bypass roads, which change the physical character and demographic composition of the occupied territories, including East Jerusalem and the Syrian Golan, and constitute a violation of the fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and in particular article 49 of that Convention, and recalls that settlements are a major obstacle to the establishment of a just and comprehensive peace and to the creation of an independent, viable, sovereign and democratic Palestinian State;

(b) The increasing number of newly built structures, in 2008, 2009, 2010, 2011 and 2012 amounting to several thousands, including a large number of permanent buildings and structures, which undermine the efforts of the international community to advance the Middle East peace process;

(c) The implications for the final status negotiations of Israel's announcement that it will retain the major settlement blocks in the Occupied Palestinian Territory, including the settlements located in the Jordan Valley;

(d) The expansion of Israeli settlements and the construction of new ones on the occupied Palestinian territory rendered inaccessible behind the wall, which create a fait accompli on the ground that could well be permanent, in which case it would be tantamount to de facto annexation;

(e) The Israeli decision to establish and operate a tramway between West Jerusalem and the Israeli settlement of Pisgat Zeev, which is in clear violation of international law and relevant United Nations resolutions;

5. *Urges Israel, the occupying Power:*

(a) To reverse the settlement policy in the occupied territories, including East Jerusalem and the Syrian Golan, and, as a first step towards their dismantlement, to stop immediately the expansion of the existing settlements, including "natural growth" and related activities, including in East Jerusalem;

(b) To prevent any new installation of settlers in the occupied territories, including in East Jerusalem;

6. *Calls upon* Israel to take and implement serious measures, including confiscation of arms and enforcement of criminal sanctions, with the aim of preventing acts of violence by Israeli settlers, and other measures to guarantee the safety and protection of Palestinian civilians and Palestinian properties in the Occupied Palestinian Territory, including East Jerusalem;

7. *Demands* that Israel, the occupying Power, comply fully with its legal obligations, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice;

8. *Urges* the parties to give renewed impetus to the peace process in line with the Annapolis Peace Conference and the Paris International Donors' Conference for the Palestinian State, and to implement fully the road map endorsed by the Security Council in its resolution 1515 (2003) of 19 November 2003, with the aim of reaching a comprehensive

political settlement in accordance with the resolutions of the Security Council, including resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973, 446 (1979) of 22 March 1979, 452 (1979) of 20 July 1979, 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980, 1397 (2002) of 12 March 2002, 1515 (2003) of 19 November 2003 and 1850 (2008) of 16 December 2008, and other relevant United Nations resolutions, the principles of the Peace Conference on the Middle East, held in Madrid on 30 October 1991, the Oslo Accords, the Arab Peace initiative and subsequent agreements, which will allow two States, Israel and Palestine, to live in peace and security;

9. *Decides* to dispatch an independent international fact-finding mission, to be appointed by the President of the Human Rights Council, to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem, with a mandate ending on submission of a report to the Council, and calls upon Israel, the occupying Power, not to obstruct the process of investigation and to cooperate fully with the mission;

10. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all administrative, technical and logistical assistance to enable the mission to fulfil its mandate promptly and efficiently;

11. *Requests* the Secretary-General to report on the implementation of the present resolution at its twentieth session;

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

*53rd meeting
22 March 2012*

[Adopted by a recorded vote of 36 to 1, with 10 abstentions. The voting was as follows:

In favour:

Angola, Austria, Bangladesh, Belgium, Benin, Botswana, Burkina Faso, Chile, China, Congo, Cuba, Djibouti, Ecuador, India, Indonesia, Jordan, Kuwait, Kyrgyzstan, Libya, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Norway, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, Switzerland, Thailand, Uganda, Uruguay

Against:

United States of America

Abstaining:

Cameroon, Costa Rica, Czech Republic, Guatemala, Hungary, Italy, Poland, Republic of Moldova, Romania, Spain]

19/18

Follow-up to the report of the United Nations Fact-Finding Mission on the Gaza Conflict

The Human Rights Council,

Recalling its relevant resolutions, including resolution S-9/1, adopted on 12 January 2009, and resolution S-12/1, adopted on 16 October 2010, in follow-up to the human rights

situation in the Occupied Palestinian Territory, including East Jerusalem, and the report of the United Nations Fact-Finding Mission on the Gaza Conflict,²⁶

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

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

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

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

Reiterating the importance of the safety and well-being of all civilians, and reaffirming the obligation to ensure the protection of civilians in armed conflict,

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

Convinced that achieving a just, lasting and comprehensive settlement of the question of Palestine, the core of the Arab-Israeli conflict, is imperative for the attainment of comprehensive, just and lasting peace and stability in the Middle East,

1. *Reiterates its call* upon all concerned parties, including United Nations bodies, to ensure their full and immediate implementation of the recommendations contained in the report of the United Nations Fact-Finding Mission on the Gaza Conflict, in accordance with their respective mandates;

2. *Welcomes* the efforts made by the Government of Switzerland, in its capacity as depositary of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, to reconvene, as soon as possible, a conference of High Contracting Parties to the Fourth Geneva Convention on measures to enforce the Convention in the Occupied Palestinian Territory, including East Jerusalem, and to ensure its respect in accordance with common article 1, bearing in mind the statement adopted on 15 July 1999, as well as the reconvening of the conference and the declaration adopted on 5 December 2001, and recommends that the Government of Switzerland continue to pursue its efforts with the aim of resuming the above-mentioned conference as soon as possible;

3. *Recommends* that the General Assembly consider launching an urgent discussion on the legality of the use of certain munitions, with the assistance of the relevant international organizations and specialized agencies and interested parties and stakeholders, as recommended by the Fact-Finding Mission in its report;

4. *Also recommends* that the General Assembly remain apprised of the matter until it is satisfied that appropriate action with regard to implementing the recommendations made by the Fact-Finding Mission in its report has been taken at the domestic or international level to ensure justice for victims and accountability for

²⁶ A/HRC/12/48.

perpetrators, and also remain ready to consider whether additional action within its powers is required in the interests of justice;

5. *Requests* the Secretary-General to present to the Human Rights Council, at its twenty-first session, a comprehensive report on the progress made in the implementation of the recommendations of the Fact-Finding Mission, particularly by providing detailed information on non-implementation and the measures required to ensure the most adequate and effective implementation of the recommendations by all parties concerned, including United Nations bodies, in accordance with section B, paragraph 3, of Council resolution S-12/1;

6. *Requests* the United Nations High Commissioner for Human Rights to submit to the Human Rights Council, at its twentieth session, a progress report on the implementation of the present resolution;

7. *Decides* to follow up on the implementation of the present resolution at its twentieth session.

*53rd meeting
22 March 2012*

[Adopted by a recorded vote of 29 to 1, with 17 abstentions. The voting was as follows:

In favour:

Angola, Bangladesh, Benin, Botswana, Chile, China, Congo, Cuba, Djibouti, Ecuador, India, Indonesia, Jordan, Kuwait, Kyrgyzstan, Libya, Malaysia, Maldives, Mauritania, Mauritius, Nigeria, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, Thailand, Uganda

Against:

United States of America

Abstaining:

Austria, Belgium, Burkina Faso, Cameroon, Costa Rica, Czech Republic, Guatemala, Hungary, Italy, Mexico, Norway, Poland, Republic of Moldova, Romania, Spain, Switzerland, Uruguay]

19/19

Protection of human rights and fundamental freedoms while countering terrorism

The Human Rights Council,

Reaffirming Human Rights Council decision 2/112 of 27 November 2006 and Council resolutions 6/28 of 14 December 2007, 7/7 of 27 March 2008, 10/15 of 26 March 2009 and 13/26 of 26 March 2010, and Commission on Human Rights resolutions 2003/68 of 25 April 2003, 2004/87 of 21 April 2004 and 2005/80 of 21 April 2005, and recalling General Assembly resolutions 57/219 of 18 December 2002, 58/187 of 22 December 2003, 59/191 of 20 December 2004, 60/158 of 16 December 2005, 61/171 of 19 December 2006, 62/159 of 18 December 2007, 63/185 of 18 December 2008, 64/168 of 18 December 2009, 65/221 of 21 December 2010, and 66/171 of 19 December 2011, and welcoming the efforts of all relevant stakeholders to implement those resolutions,

1. *Calls upon* States to ensure that any measure taken to counter terrorism complies with international law, in particular international human rights, refugee and humanitarian law;

2. *Expresses serious concern* at the violations of human rights and fundamental freedoms, as well as of refugee and international humanitarian law, in the context of countering terrorism;

3. *Reaffirms* its unequivocal condemnation of all acts, methods, practices and financing of terrorism, in all its forms and manifestations, wherever and by whomsoever committed, regardless of their motivation, as criminal and unjustifiable, and renews its commitment to strengthen international cooperation to prevent and combat terrorism and, in that regard, calls upon States and other relevant actors, as appropriate, to continue to implement the United Nations Global Counter-Terrorism Strategy and its four pillars, which reaffirm, inter alia, respect for human rights for all and the rule of law to be the fundamental basis of the fight against terrorism;

4. *Deeply deplores* the suffering caused by terrorism to the victims and their families, and expresses its profound solidarity with them, and stresses the importance of providing them with proper support and assistance;

5. *Welcomes* the holding, on 1 June 2011 and pursuant to decision 16/116 of the Human Rights Council, of a panel discussion on the issue of human rights of victims of terrorism, which raised awareness of the importance of addressing the human rights of victims of terrorism in the determined effort by the international community to deal with the scourge of terrorism and as part of a comprehensive counter-terrorism policy that respects human rights and fundamental freedoms;

6. *Reaffirms* that terrorism cannot and should not be associated with any religion, nationality, civilization or ethnic group;

7. *Recognizes* the work carried out by the special procedures of the Human Rights Council in the promotion and protection of human rights and fundamental freedoms while countering terrorism;

8. *Acknowledges* that the active participation of civil society can reinforce ongoing governmental efforts to protect human rights and fundamental freedoms while countering terrorism;

9. *Calls upon* States, while countering terrorism, to ensure that any person whose human rights or fundamental freedoms have been violated has access to an effective remedy and that victims will receive adequate, effective and prompt reparations where appropriate, including by bringing to justice those responsible for such violations;

10. *Urges* States, while countering terrorism, to protect all human rights, including economic, social and cultural rights, bearing in mind that certain counter-terrorism measures may have an impact on the enjoyment of those rights;

11. *Calls upon* States, while countering terrorism, to safeguard the right to privacy in accordance with international law, and urges them to take measures to ensure that interferences with the right to privacy are regulated by law, subject to effective oversight and appropriate redress, including through judicial review or other means;

12. *Notes with concern* measures that can undermine human rights and the rule of law, such as the detention of persons suspected of acts of terrorism in the absence of a legal basis for detention and due process guarantees, the unlawful deprivation of the right to life, the deprivation of liberty that amounts to placing a detained person outside the protection of the law, the trial of suspects without fundamental judicial guarantees, the illegal deprivation of liberty and transfer of individuals suspected of terrorist activities, and the return of suspects to countries without individual assessment of the risk of there being substantial grounds for believing that they would be in danger of subjection to torture, and limitations to effective scrutiny of counter-terrorism measures;

13. *Stresses* that all measures used in the fight against terrorism, including the profiling of individuals and the use of diplomatic assurances, memorandums of understanding and other transfer agreements or arrangements, must be in compliance with the obligations of States under international law, including international human rights, refugee and humanitarian law;

14. *Urges* States, while countering terrorism, to respect the rights to be equal before the courts and tribunals and to a fair trial, as provided for by international law, including international human rights law, such as article 14 of the International Covenant on Civil and Political Rights and, as applicable, international humanitarian law and refugee law;

15. *Reiterates* the concerns expressed by the General Assembly in its resolution 64/168 with regard to measures that can undermine human rights and the rule of law, and urges all States to take all necessary steps to ensure that persons deprived of their liberty, regardless of the place of arrest or detention, enjoy the guarantees to which they are entitled under international law, including the review of their detention and other fundamental judicial guarantees;

16. *Takes note with appreciation* of the report of the Special Rapporteur on the promotion and protection of human rights while countering terrorism;²⁷

17. *Takes note* of the compilation of good practices on legal and institutional frameworks and measures that ensure respect for human rights by intelligence agencies while countering terrorism,²⁸ and appreciates the work of the Special Rapporteur in its elaboration at the request of the Human Rights Council;²⁹

18. *Requests* the Special Rapporteur, in accordance with his mandate, to continue to gather, request, receive and exchange information on alleged violations of human rights and fundamental freedoms while countering terrorism, and to report regularly to the Human Rights Council;

19. *Requests* all States to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, including by reacting promptly to the urgent appeals and providing the information requested, and to give serious consideration to responding favourably to requests by the Special Rapporteur to visit their countries;

20. *Takes note with appreciation* of the report of the United Nations High Commissioner for Human Rights on the protection of human rights and fundamental freedoms while countering terrorism,³⁰ as well as the work to implement the mandate given to her by the Commission on Human Rights in its resolution 2005/80 and the General Assembly in its resolution 60/158 on the protection of human rights and fundamental freedoms while countering terrorism, and requests the High Commissioner to continue her efforts in this regard;

21. *Encourages* the United Nations, bodies, agencies, funds and programmes involved in supporting counter-terrorism efforts to continue to facilitate the promotion and protection of human rights and fundamental freedoms, as well as due process and the rule of law, while countering terrorism;

22. *Requests* the High Commissioner and the Special Rapporteur to contribute further, appropriately, to the ongoing discussion regarding the efforts of States Members of

²⁷ A/HRC/16/51.

²⁸ A/HRC/14/46.

²⁹ See Human Rights Council resolution 10/15.

³⁰ A/HRC/16/50.

the United Nations to assure adequate human rights guarantees to ensure fair and clear procedures, in particular with regard to placing on and removing individuals and entities from terrorism-related sanctions lists;

23. *Recalls* that the General Assembly, in its resolution 66/171, recognized the need to continue ensuring that fair and clear procedures under the United Nations terrorism-related sanctions regime are strengthened in order to enhance their efficiency and transparency, and welcomed and encouraged the ongoing efforts of the Security Council in support of these objectives, including by supporting the enhanced role of the office of the ombudsperson and continuing to review all the names of individuals and entities in the regime, while emphasizing the importance of these sanctions in countering terrorism;

24. *Stresses the importance* that relevant United Nations bodies and entities and international, regional and subregional organizations, in particular those that are participating in the Counter-Terrorism Implementation Task Force, which provide technical assistance relating to the prevention and suppression of terrorism to consenting States, include, as appropriate and where consistent with their mandates, the respect of international human rights law and, as applicable, international humanitarian law and refugee law, as well as the rule of law, as an important element of technical assistance that they offer to States related to counter-terrorism, including by drawing on the advice of, and otherwise ensuring the ongoing dialogue with, the special procedures of the Human Rights Council within their mandates and the Office of the High Commissioner and relevant stakeholders;

25. *Requests* the High Commissioner and the Special Rapporteur to present their reports, bearing in mind the content of the present resolution, to the Human Rights Council under agenda item 3, in conformity with its annual programme of work.

*54th meeting
23 March 2012*

[Adopted without a vote.]

19/20

The role of good governance in the promotion and protection of human rights

The Human Rights Council

Guided by the Universal Declaration of Human Rights as a common standard of achievement of all peoples and all nations and also the Vienna Declaration and Programme of Action, which affirmed that all human rights are universal, indivisible, interdependent and interrelated,

Recalling Human Rights Council resolution 7/11 of 27 March 2008 and all other resolutions relevant to the role of good governance in the promotion of human rights, as well as the United Nations Millennium Declaration,

Welcoming the resolve of States parties to the United Nations Convention against Corruption, and the commitment made by all States in the 2005 World Summit Outcome³¹ to make the fight against corruption a priority at all levels, and noting with interest the provisions of the Convention that have led to the development of a mechanism among States parties to review their progress in combating corruption,

³¹ General Assembly resolution 60/1.

Noting the ongoing work by several important initiatives towards the deepening of good governance practices at the national, regional and international levels,

Recognizing the importance of a conducive environment, at both the national and international levels, for the full enjoyment of human rights and fundamental freedoms and of the mutually reinforcing relationship between good governance and human rights,

Recognizing also that transparent, responsible, accountable, open and participatory government, responsive to the needs and aspirations of the people, is the foundation on which good governance rests, and that such a foundation is one of the indispensable conditions for the full realization of human rights, including the right to development,

Stressing that good governance at the national and international levels is essential for sustained economic growth, sustainable development and the eradication of poverty and hunger and, in this context, reaffirming the Millennium Declaration, the 2005 World Summit Outcome and the outcome of the 2010 High-level Summit on the Millennium Development Goals,

Recognizing the increasing awareness in the international community of the detrimental impact of widespread corruption on human rights through both the weakening of institutions and the erosion of public trust in government, as well as through the impairment of the ability of Governments to fulfil all their human rights obligations,

Realizing that the fight against corruption at all levels plays an important role in the promotion and protection of human rights and in the process of creating an environment conducive to their full enjoyment,

Recognizing that effective anti-corruption measures and the protection of human rights, including through strengthening transparency and accountability in government, are mutually reinforcing,

Noting with interest the outcome of the third and fourth sessions of the Conference of the States Parties to the United Nations Convention against Corruption, held in Doha in 2009, and in Marrakech, Morocco, in 2011,

Stressing the importance of policy coherence and coordination in intergovernmental processes in the area of the promotion and protection of human rights, on the one hand, and of anti-corruption initiatives, on the other,

Stressing also the importance of developing and implementing national legislation on the promotion of access to information and of strengthening the administration of justice, transparency, accountability and good governance at all levels,

Reaffirming the right of every citizen to have access, in general terms of equality, to public service in his/her country as enshrined in article 21 of the Universal Declaration of Human Rights and article 25 (c) of the International Covenant on Civil and Political Rights,

Recognizing that a professional, accountable and transparent public service upholding the highest standards of efficiency, competence and integrity is one of the essential components of good governance,

Recognizing also that the knowledge, training and awareness of public servants, as well as the promotion of a human rights culture within the public service, play a vital role in promoting respect for and the realization of human rights in society,

1. *Welcomes* the growing trend towards the universal ratification of the United Nations Convention against Corruption, and encourages States that have not yet done so to consider ratifying this important international instrument;

2. *Underlines* that the primary responsibility lies with States at the national level, including through their Constitutional provisions and other enabling legislation, consistent with their international obligations, to ensure that professional public services uphold the highest standards of efficiency, competence and integrity, and are predicated on good governance principles, including impartiality, rule of law, transparency, accountability and combating corruption, and stresses the importance of human rights training and education in this regard;

3. *Invites* the Secretary-General to ensure the upholding of the integrity of the United Nations system in its service of humanity, and improved coordination between United Nations agencies, programmes and funds, with a view to ensuring that the United Nations system continues to improve the quality of its work at all levels, including in support of objectives and priorities at the national level;

4. *Invites* all States, United Nations agencies, programmes and funds, as well as national human rights institutions and non-governmental organizations, to provide the Office of the United Nations High Commissioner for Human Rights with information on good practices and their views regarding the organization, training and education of the public service, to ensure the promotion and protection of and respect for human rights, impartiality, accountability, transparency and the highest standards of efficiency, competence and integrity, as well as other activities developed to assist and support the public service at the national, regional and international levels;

5. *Requests* the High Commissioner to prepare, in consultation with relevant United Nations agencies, programmes and funds, and to present to the Human Rights Council at its twenty-fourth session, a report outlining the role of the public service as an essential component of good governance in the promotion and protection of human rights, including a compilation of good practices based on information received from the above-mentioned stakeholders.

54th meeting
23 March 2012

[Adopted without a vote.]

19/21 Situation of human rights in Myanmar

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights, and reaffirming previous resolutions on the situation of human rights in Myanmar, the most recent being Human Rights Council resolution 16/24 of 25 March 2011 and General Assembly resolution 66/230 of 24 December 2011,

Welcoming the work and reports of the Special Rapporteur on the situation of human rights in Myanmar,³² as well as the cooperation of the Government of Myanmar with the Special Rapporteur, including the facilitation of his visits to the country from 21 to 25 August 2011 and from 31 January to 5 February 2012,

Reaffirming that it is the responsibility of the Government of Myanmar to ensure the full enjoyment of all human rights and fundamental freedoms of the people of Myanmar,

³² A/66/365 and A/HRC/19/67.

reiterating that many serious human rights concerns remain and should be addressed, and acknowledging the publicly stated commitment of the President of Myanmar in this regard,

Recalling Human Rights Council resolutions 5/1, on institution-building of the 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 or her duties in accordance with those resolutions and the annexes thereto,

1. *Welcomes* the recent positive developments in Myanmar and acknowledges the stated commitment of the Government of Myanmar to continue democratization and national reconciliation processes, while emphasizing that those processes should aim at the achievement of the full restoration of democracy, enjoyment of human rights and fundamental freedoms for all, and accountability for all violations of human rights;

2. *Also welcomes* the engagement of the Government of Myanmar with Daw Aung San Suu Kyi and opposition parties, including through the amendment of relevant electoral laws, as an important step towards enabling wider participation of political parties, including the National League for Democracy, in the by-elections of 1 April 2012, and urges the Government to work towards establishing a credible, inclusive and sustained process of close and ongoing dialogue with the democratic opposition and political, ethnic and civil society groups and actors leading to national reconciliation and lasting peace in Myanmar;

3. *Expresses grave concern* at remaining serious human rights violations, and strongly calls upon the Government of Myanmar to put an end to all violations of international human rights and humanitarian law, to undertake, without delay and with appropriate attention from the United Nations, a full, transparent and independent investigation into all reports of such violations, past and present, and to bring to justice those responsible in order to end impunity for such acts;

4. *Welcomes* the release of a substantial number of prisoners of conscience, while expressing concern over reports on the conditions attached to some of the releases, and strongly urges the Government of Myanmar to desist from further politically motivated arrests, to establish a dialogue with all relevant stakeholders, including the Special Rapporteur, in order to clarify the status and the number of the remaining prisoners of conscience, and to release such prisoners, without delay or conditions, and allow their full participation in the political process;

5. *Urges* the Government of Myanmar to ensure that the by-elections of 1 April are free, inclusive, transparent and fair, from the campaign period and the advance voting stage through to vote counting and the announcement of results, including by seeking technical cooperation and the presence of international election observers and drawing lessons from the 2010 elections;

6. *Notes with appreciation* as a first step the invitation of the Government of Myanmar extended to States members of the Association of Southeast Asian Nations, the secretariat of the Association, the diplomatic corps based in Yangon, the United Nations and regional and international organizations to participate in an observation tour of the by-elections of 1 April;

7. *Welcomes* the increasing space for political activity, assembly, speech and the press and the stated intention of the Government of Myanmar to carry out media reform and open up space for the media, and strongly calls upon the Government to take further steps to ensure the freedom of assembly, association, movement and expression for all people in Myanmar;

8. *Also welcomes* the invitation extended to the International Committee of the Red Cross to provide technical assistance in three prisons, and urges the Government of

Myanmar to allow it to expand activities in accordance with its mandate, in particular by granting access to persons detained and to areas of internal armed conflict;

9. *Expresses its serious concern* at the continuing discrimination, human rights violations, violence, displacement and economic deprivation affecting numerous ethnic and religious minorities, and calls upon the Government of Myanmar to take immediate action to bring about an improvement in their respective situations, and in particular to recognize the right of members of the Rohingya ethnic minority in Northern Rakhine State to nationality and to protect all of their human rights;

10. *Welcomes* the continuation of peace talks between the Government of Myanmar and some ethnic groups and the establishment of ceasefires with a number of them, while expressing deep concern about the continuing armed conflict in some ethnic areas, especially in Kachin State and the northern Shan State, and calls upon the authorities and all armed groups to protect the civilian population and to respect their human rights, in particular those of children and women, in all parts of the country, and to use political means to maintain or re-establish ceasefire agreements with a view to ending armed conflicts in the country, with an inclusive political process also being a vital step towards ensuring long-term peace and national reconciliation;

11. *Calls upon* the Government of Myanmar to continue to implement the recommendations of the Special Rapporteur and those received during the universal periodic review, as well as the calls contained in the above-mentioned Human Rights Council and General Assembly resolutions, in particular:

(a) To make national efforts to establish truth, justice and accountability measures for gross and systematic human rights violations, in consultation with relevant stakeholders, including victims of those violations, bearing in mind that such measures are fundamental for national reconciliation and democratic transition;

(b) To urgently address the continued reports of attacks against civilian populations, extrajudicial killings, internal displacement, the use of human shields and forced labour, confiscation and destruction of property, and sexual violence in ethnic conflict areas, while continuing to express concern that previous calls to end impunity have not been heeded;

(c) To accelerate and conclude efforts for an independent, inclusive and comprehensive review of compliance of the Constitution and all national legislation with international human rights law while engaging fully with all relevant stakeholders;

(d) To address, as a matter of urgency and through proper investigations, consistent reports of torture and ill-treatment of prisoners, and to improve detention and prison conditions;

(e) To allow human rights defenders to pursue safely, and in an unrestricted manner, activities consistent with the exercise of internationally recognized human rights and fundamental freedoms;

(f) To cooperate fully with humanitarian organizations in order to ensure full and unhindered humanitarian access to all parts of Myanmar, including conflict and border areas, as well as the delivery of humanitarian assistance to all persons in need, including displaced persons and refugees;

(g) To extend invitations to thematic special procedures, to continue acceding to the remaining international core human rights treaties, and to consolidate dialogue and cooperation with the Office of the United Nations High Commissioner for Human Rights with a view to ensuring full respect for all human rights and fundamental freedoms;

12. *Strongly calls for* an immediate end to the continuing recruitment and use of child soldiers by all parties, welcomes the recent engagement of the Government of Myanmar on this issue, and urges the Government to intensify measures to ensure the protection of children from armed conflict, to give due regard to the recommendations of the Committee on the Rights of the Child, and to pursue full collaboration with the Special Representative of the Secretary-General for children and armed conflict, including by signing, without delay, a plan of action with the United Nations, facilitating dialogue with other parties listed in the annual report of the Secretary-General on children and armed conflict,³³ and granting unhindered access to all areas where children are recruited;

13. *Calls upon* the Government of Myanmar to ensure the independence, impartiality and effectiveness of the judiciary and the independence of lawyers, and to guarantee due process of law, and emphasizes to this end the need to pay due attention to judicial reforms, as well as to capacity-building and the training of judges and lawyers to address continuing concerns;

14. *Notes with interest* the establishment of the Myanmar national human rights commission, and urges the Government of Myanmar to ensure the commission's independent, free, credible and effective functioning, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), including by seeking technical assistance from the Office of the High Commissioner and the international community;

15. *Welcomes* the prolongation, in January 2012, of the Supplementary Understanding between the International Labour Organization and the Government of Myanmar, the signing of a memorandum of understanding for a joint strategy of action on the elimination of forced labour by 2015, the joint awareness-raising activities and other reported progress on changes in law and practice to eliminate the use of forced labour, including the repeal of the Village Act and the Towns Act and their replacement with the Ward or Village Tract Administration Act, and calls on the Government to explicitly make illegal the use of forced labour, noting that new legislation has not yet done so, and for the Government to intensify its cooperation with the International Labour Office, with a view to extending action throughout the country against the continued practice of forced labour and effectively prosecuting forced labour perpetrators;

16. *Also welcomes* the coming into force of the Labour Organizations Law and the prior constructive consultation thereon with the International Labour Organization, and encourages its full implementation, including by means of the reversal or removal of any existing legislation and orders that pose obstacles to the full enjoyment of internationally recognized labour rights;

17. *Encourages* the international community to continue to support effectively the Government of Myanmar in the fulfilment of its international human rights obligations and commitments, the implementation of the democratic transitional process, and in its economic and social development;

18. *Decides* to extend for one year the mandate of the Special Rapporteur on the situation of human rights in Myanmar, in accordance with Commission on Human Rights resolutions 1992/58 of 3 March 1992 and 2005/10 of 14 April 2005, and Human Rights Council resolutions 7/32 of 28 March 2008, 10/27 of 27 March 2009, 13/25 of 26 March 2010 and 16/24 of 25 March 2011, and, in addition, invites the Special Rapporteur to include in his next report, inter alia, further recommendations on the needs of Myanmar, including with regard to technical assistance and capacity-building;

³³ A/HRC/18/38.

19. *Calls upon* the Government of Myanmar to continue its cooperation with the Special Rapporteur in the exercise of his mandate, including by facilitating further visits, and calls upon the Office of the High Commissioner to provide the Special Rapporteur with all the assistance and resources necessary to enable him to discharge his mandate fully;

20. *Requests* the Special Rapporteur to submit a progress report to the General Assembly at its sixty-seventh session, and to the Human Rights Council in accordance with its annual programme of work;

21. *Expresses its strong support* for the good offices mission and commitment of the Secretary-General, and calls upon the Government of Myanmar to ensure full cooperation with the Secretary-General and his Special Adviser on Myanmar.

54th meeting
23 March 2012

[Adopted without a vote.]

19/22

Situation of human rights in the Syrian Arab Republic

The Human Rights Council,

Reaffirming the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights and relevant international human rights treaties, including the International Covenant on Civil and Political Rights, and that all States are bound to promote and protect human rights and fundamental freedoms,

Recalling General Assembly resolutions 66/176 of 19 December 2011 and 66/253 of 16 February 2012, as well as Human Rights Council resolutions S-16/1 of 29 April 2011, S-17/1 of 22 August 2011, S-18/1 of 2 December 2011 and 19/1 of 1 March 2012,

Deploing the refusal of the Syrian authorities to implement the above-mentioned resolutions, and the lack of cooperation with the commission of inquiry, established by the Human Rights Council in its resolution S-17/1, including the continued denial of access to the country,

Deploing also the escalation of violence that has led to a grave and ongoing human rights crisis and increased human suffering, and the fact that the Syrian authorities have manifestly failed in their responsibility to protect the Syrian population,

Appalled at the ongoing and systematic brutal human rights violations by the Syrian authorities against the Syrian people,

Recalling the statements made by the United Nations High Commissioner for Human Rights before the Security Council that crimes against humanity are likely to have been committed in the Syrian Arab Republic, and noting her encouragement to the Security Council to refer the situation to the International Criminal Court,

Welcoming all efforts, decisions and measures of the League of Arab States to address all aspects of the situation in the Syrian Arab Republic, and the steps taken by the League to ensure the implementation of its Plan of Action, including its decisions of 2 November 2011 and 22 January, 12 February and 10 March 2012,

Welcoming also the appointment of the joint special envoy of the United Nations and the League of Arab States on the Syrian crisis, who is providing its good offices aimed at bringing an end to all violence and human rights violations and at promoting a peaceful solution to the Syrian crisis,

Welcoming further the holding of the first meeting of the Group of Friends of the Syrian People on 24 February 2012 in Tunis, and the outcome as reflected in the Chairman's conclusions,

Reaffirming that all involved in the current crisis must show respect for and act in conformity with human rights,

Reaffirming also its strong commitment to the sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic and to the principles of the Charter,

1. *Welcomes* both reports of the commission of inquiry established pursuant to Human Rights Council resolution S-17/1³⁴ and the recommendations made therein, and expresses profound concern about the commission's findings that Government forces have committed widespread, systematic and gross human rights violations that may amount to crimes against humanity with the apparent knowledge and consent of the highest levels of the State;

2. *Condemns in the strongest terms:*

(a) The sharply escalating widespread, systematic and gross violations of human rights and fundamental freedoms perpetrated by the Syrian authorities, such as arbitrary executions, excessive use of force and the killing and persecution of protesters, refugees, human rights defenders and journalists, including recent deaths of Syrian and foreign journalists, arbitrary detention, enforced disappearances, torture and ill-treatment, including of adolescents and children;

(b) The attacks against civilians in cities and villages across the country, including the artillery bombardments of residential areas, the levels of excessive and indiscriminate force used consistently by units of the Syrian armed forces and diverse security forces, and the coordinated nature of these attacks, noting that there is credible and consistent evidence that these actions have been conducted on the orders of the authorities, including high-ranking military officers;

(c) The extensive violations of children's rights committed by the Syrian authorities, including the killing of children during demonstrations and the widespread practice of arbitrary detention, torture and ill-treatment;

(d) The sexual violence committed by the Syrian authorities, including against male detainees and children;

(e) The deliberate destruction of hospitals and clinics, the obstruction and denial of medical assistance to the injured and sick, and the raids and killing of wounded protesters in both public and private hospitals;

3. *Strongly urges* the Syrian authorities to put an immediate end to all violence and all human rights violations;

4. *Demands* that the Syrian authorities meet their responsibility to protect their population;

5. *Expresses its grave concern* at the prevailing systemic impunity for human rights violations and its entrenchment in legislation, awarding immunity for State Government officials;

³⁴ A/HRC/S-17/2/Add.1 and A/HRC/19/69.

6. *Stresses* that the widespread and systematic use of violence against Syrian civilians is contrary to international criminal law and requires that perpetrators be brought to justice;

7. *Acknowledges and is deeply troubled* by the commission of inquiry's finding that there is a reliable body of evidence that provides reasonable grounds to believe that particular individuals, including commanding officers and officials at the highest levels of Government, bear responsibility for crimes against humanity and other gross human rights violations;

8. *Stresses* the need to conduct an international, transparent, independent and prompt investigation into violations of international law with a view to hold to account those responsible for widespread, systematic and gross human rights violations, including those violations that may amount to crimes against humanity;

9. *Expresses deep concern* at the humanitarian situation and urges the Syrian authorities to ensure timely, safe and unhindered access for all humanitarian actors and to ensure the safe passage of humanitarian and medical supplies into the country;

10. *Invites* all relevant United Nations agencies, in particular the Office of the United Nations High Commissioner for Refugees, to provide support to Syrian refugees and their host countries;

11. *Demands* that the Syrian authorities:

(a) Respect the popular will, aspirations and demands of the Syrian people;

(b) Put an immediate end to all attacks against journalists, fully respect freedom of expression in line with international obligations, allow independent and international media to operate in the Syrian Arab Republic without restrictions, harassment, intimidation or risk to life, and ensure adequate protection for journalists;

(c) Take immediate steps to ensure the safety of foreign nationals in the Syrian Arab Republic, including refugees and diplomatic staff, as well as the protection of their property;

(d) Lift, without delay, the blockade of Homs, Dar'a, Zabadani and all other cities under siege;

12. *Commends and supports* the efforts and measures of the League of Arab States, and calls upon the Syrian authorities to implement the League's Plan of Action of 2 November 2011 in its entirety, as well as its decisions, without further delay;

13. *Demands* that the Government of the Syrian Arab Republic, in accordance with the Plan of Action of the League of Arab States of 2 November and its decisions of 22 January and 12 February 2012, without delay:

(a) Cease all violence and protect its population;

(b) Release all persons detained arbitrarily due to the recent incidents;

(c) Withdraw all Syrian military and armed forces from cities and towns, and return them to their original home barracks;

(d) Guarantee the freedom of peaceful demonstrations;

(e) Allow full and unhindered access and movement for all relevant institutions of the League of Arab States and Arab and international media in all parts of the Syrian Arab Republic to determine the truth about the situation on the ground and monitor the incidents taking place;

14. *Decides* to extend the mandate of the commission of inquiry established by the Human Rights Council in its resolution S-17/1, and requests the commission to continue its work, to provide an oral update to the Council at an interactive dialogue at its twentieth session and to present also a written updated report at an interactive dialogue at its twenty-first session;

15. *Requests* the commission of inquiry to conduct and continuously update a mapping exercise of gross violations of human rights since March 2011, including an assessment of casualty figures, and to publish it periodically;

16. *Invites* the Office of the United Nations High Commissioner for Human Rights to facilitate the safe and secure storage of information and evidence, gathered by the commission of inquiry, on violations and abuses of international human rights law in the Syrian Arab Republic since March 2011;

17. *Calls on* the Syrian authorities to cooperate fully with the commission of inquiry, including by granting it unhindered access to the country;

18. *Repeats its call* upon the Syrian authorities to cooperate with the special procedures of the Human Rights Council and with the Office of the High Commissioner, including through the establishment of a field presence with a mandate to protect and promote human rights;

19. *Invites* the Secretary-General to take the measures necessary to support the efforts of the League of Arab States, if requested, to contribute to a peaceful solution to the situation in the Syrian Arab Republic consistent with the Charter of the United Nations and the League's decisions;

20. *Recommends* that the main bodies of the United Nations urgently consider the reports of the commission of inquiry and take appropriate action to address human rights violations, as well as crimes against humanity that may have been committed;

21. *Decides* to transmit the updated reports of the commission of inquiry to all relevant United Nations bodies and the Secretary-General for appropriate action, and requests the Secretary-General to present a report on the implementation of the present resolution to the Human Rights Council at its twentieth and twenty-first sessions;

22. *Also decides* to remain seized of the matter and to consider further appropriate steps to be taken.

*54th meeting
23 March 2012*

[Adopted by a recorded vote of 41 to 3, with 2 abstentions. The voting was as follows:

In favour:

Angola, Austria, Bangladesh, Belgium, Benin, Botswana, Burkina Faso, Cameroon, Chile, Congo, Costa Rica, Czech Republic, Guatemala, Hungary, India, Indonesia, Italy, Jordan, Kuwait, Kyrgyzstan, Libya, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Norway, Peru, Poland, Qatar, Republic of Moldova, Romania, Saudi Arabia, Senegal, Spain, Switzerland, Thailand, United States of America, Uruguay

Against:

China, Cuba, Russian Federation

Abstaining:

Ecuador, Uganda]

19/23 Forum on Minority Issues

The Human Rights Council,

Recalling the International Covenant on Civil and Political Rights and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities adopted by consensus by the General Assembly by its resolution 47/135 of 18 December 1992, and taking into consideration article 27 of the International Covenant on Civil and Political Rights as well as other relevant existing international standards and national legislation,

Recalling also all resolutions adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council on the rights of persons belonging to national or ethnic, religious and linguistic minorities, in particular Council resolution 6/15 of 28 September 2007, in which the Council established the Forum on Minority Issues and decided to review its work after four years,

Noting that 2012 marks the twentieth anniversary of the adoption of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,

Affirming that the above-mentioned anniversary offers an important opportunity to reflect on the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities, as well as on achievements, best practices and challenges with regard to the implementation of the Declaration,

Commending the Independent Expert on minority issues for the work done and the important role in raising the level of awareness of, and in giving added visibility to, the rights of persons belonging to national or ethnic, religious and linguistic minorities and for the ongoing efforts to promote and protect their rights in order to ensure equitable development and peaceful and stable societies, including through close cooperation with Governments, relevant United Nations bodies and mechanisms and non-governmental organizations,

Emphasizing the need for reinforced efforts to meet the goal of the full realization of the rights of persons belonging to national or ethnic, religious and linguistic minorities, including by addressing their economic and social conditions and marginalization, as well as to end any type of discrimination against them,

Affirming that effective measures and the creation of favourable conditions for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities, ensuring effective non-discrimination and equality for all, as well as full and effective participation in matters affecting them, contribute to the prevention and peaceful solution of human rights problems and situations involving minorities,

Underlining the need to pay specific attention to the negative impact of racism, racial discrimination, xenophobia and related intolerance on the situation of persons belonging to national or ethnic, religious and linguistic minorities, and drawing attention to the relevant provisions of the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, including the provisions on forms of multiple discrimination,

Emphasizing the importance of dialogue among all relevant stakeholders on the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities as an integral part of the development of society as a whole,

including the sharing of best practices, such as for the promotion of mutual understanding of minority issues, managing diversity by recognizing plural identities, and promoting inclusive and stable societies, as well as social cohesion therein,

Emphasizing also the importance of national processes aimed at promoting and strengthening dialogue between all relevant stakeholders on issues relating to the rights of persons belonging to national or ethnic, religious and linguistic minorities with a view to ensuring the realization of their rights without discrimination and to help build stable societies,

Emphasizing further the important role that national institutions can play in the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities, as well as in early warning and awareness-raising measures to address problems regarding minority situations,

1. *Takes note* of the report of the Independent Expert on minority issues,³⁵ which contains, inter alia, an update on the work of the Forum on Minority Issues;

2. *Also takes note* of the report of the United Nations High Commissioner for Human Rights on the rights of persons belonging to national or ethnic, religious and linguistic minorities;³⁶

3. *Further takes note* of the completion of the first four sessions of the Forum on Minority Issues, addressing the right to education, the right to effective political participation, the right to effective participation in economic life and the rights of minority women and girls and which, through the widespread participation of stakeholders, has provided an important platform for promoting dialogue on these topics, and encourages States to take into consideration, as appropriate, relevant recommendations of the Forum;

4. *Commends* the Forum for its contribution to the efforts of the High Commissioner to improve cooperation among United Nations mechanisms, bodies and specialized agencies, funds and programmes on activities relating to the promotion and protection of the rights of persons belonging to minorities, including at the regional level, and expresses its expectation that the Forum will continue to contribute to those efforts;

5. *Reaffirms* the role of the Forum as an important platform for promoting dialogue and cooperation on issues pertaining to persons belonging to national or ethnic, religious and linguistic minorities, which provides thematic contributions and expertise to the work of the Independent Expert and identifies best practices, challenges, opportunities and initiatives for the further implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;

6. *Decides* that the Forum shall remain open to the participation of States, United Nations mechanisms, bodies and specialized agencies, funds and programmes, intergovernmental organizations, regional organizations and mechanisms in the field of human rights, national human rights institutions and other relevant national bodies, academics and experts on minority issues and non-governmental organizations in consultative status with the Economic and Social Council; the Forum shall also remain open to other non-governmental organizations whose aims and purposes are in conformity with the spirit, purposes and principles of the Charter of the United Nations, based on arrangements, including Economic and Social Council resolution 1996/31 of 25 July 1996, and practices observed by the Commission on Human Rights, through an open and transparent accreditation procedure in accordance with the Rules of Procedure of the

³⁵ A/HRC/19/56.

³⁶ A/HRC/19/27.

Human Rights Council, which will provide for the timely information on participation and consultations with States concerned;

7. *Invites* States, United Nations mechanisms, bodies, specialized agencies, funds and programmes, and regional, intergovernmental and non-governmental organizations and national human rights institutions, as well as academics and experts on minority issues, to continue to participate actively in the sessions of the Forum;

8. *Decides* that the Forum shall continue to meet annually for two working days allocated to thematic discussions;

9. *Requests* the President of the Human Rights Council to continue to appoint for each session, on the basis of regional rotation, and in consultation with regional groups, a chairperson of the Forum among experts on minority issues, nominated by members and observers of the Council; the chairperson, serving in his/her personal capacity, shall be responsible for the preparation of a summary of the discussion of the Forum, to be made available to all participants of the Forum;

10. *Decides* that the Independent Expert shall continue to guide the work of the Forum and prepare its annual meetings, and invites him/her to report on the thematic recommendations of the Forum and make recommendations for future thematic subjects, for consideration by the Human Rights Council;

11. *Requests* the High Commissioner to provide all the necessary support to facilitate, in a transparent manner, the convening of the Forum and the participation of relevant stakeholders from every region in its meetings, giving particular attention to ensuring the broadest possible and equitable participation, including, in particular, the representation of women;

12. *Requests* the Secretary-General to provide the Forum, from within existing resources of the United Nations, with all the services and facilities necessary to fulfil its mandate;

13. *Invites* the High Commissioner to continue to seek voluntary contributions to the Forum to facilitate participation, in particular of those coming from developing countries, and in doing so to pay particular attention to ensuring the participation of young people and women;

14. *Decides* to continue consideration of this important matter at a future session in conformity with its annual programme of work.

*54th meeting
23 March 2012*

[Adopted without a vote.]

19/24 The Social Forum

The Human Rights Council,

Recalling all previous resolutions and decisions adopted on the Social Forum by the Commission on Human Rights and its Subcommission on the Promotion and Protection of Human Rights, as well as by the Economic and Social Council,

Recalling also Human Rights Council resolutions 5/1 of 18 June 2007, 6/13 of 28 September 2007, 10/4 of 25 March 2009, 10/29 of 27 March 2009, 13/17 of 25 March 2010 and 16/26 of 25 March 2011,

Bearing in mind that the reduction of poverty and the elimination of extreme poverty remain an ethical and moral imperative of humankind, based on the respect for human dignity,

Reaffirming the unique nature within the United Nations of the Social Forum, which makes possible a dialogue and an exchange between the representatives of Member States and civil society, including grass-roots organizations and intergovernmental organizations, and stressing that the current reform of the United Nations should take into account the contribution of the Forum as a vital space for open and fruitful dialogue on issues linked with the national and international environment needed for the promotion of the enjoyment of all human rights by all,

1. *Takes note* of the report of the Chairman-Rapporteur of the 2011 Social Forum;³⁷

2. *Also takes note* of the conclusions and recommendations of the 2011 Social Forum, and encourages States, international organizations, non-governmental organizations, civil society organizations, trade unions and other relevant actors to take them into account when designing and implementing programmes and strategies;

3. *Reaffirms* the Social Forum as a unique space for interactive dialogue between the United Nations human rights machinery and various stakeholders, including the contribution of civil society and grass-roots organizations, and stresses the need to ensure greater participation of grass-roots organizations and of those living in poverty, particularly women, especially from developing countries, in the sessions of the Forum and, to this end, considers, inter alia, the possibility of the establishment of a voluntary United Nations fund to contribute to providing resources to these organizations so that they may participate in and contribute to the deliberations at future sessions;

4. *Underlines* the importance of coordinated efforts at the national, regional and international levels for the promotion of social cohesion based on the principles of social justice, equity and solidarity and of addressing the social dimension and challenges of the ongoing globalization process and the negative impact of the current economic and financial crises;

5. *Stresses the need* for increased and sustained participation and contribution of civil society and all other relevant actors listed in the present resolution to the promotion and effective realization of the right to development;

6. *Decides* that the Social Forum will meet for three working days in 2012, in Geneva, on dates suitable for the participation of representatives of States Members of the United Nations and of the broadest possible range of other stakeholders, especially from developing countries, and should focus on the theme “People-centred development and globalization”, and in particular:

(a) People-centred development and global governance in an era of multiple challenges and social transformation;

(b) Promoting measures and actions for participatory development and democratic governance, including through the role of civil society and social movements at the grass-roots, local and national levels;

(c) Enhancing a globally enabling environment for development, including through the international financial system, which should support sustained, inclusive and equitable economic growth, sustainable development and hunger and poverty eradication in

³⁷ A/HRC/19/70.

developing countries, while allowing for the coherent mobilization of all sources of financing for development;

7. *Requests* the President of the Human Rights Council to appoint, as early as possible, from candidates nominated by regional groups, the Chairperson-Rapporteur for the 2012 Social Forum, bearing in mind the principle of regional rotation;

8. *Requests* the United Nations High Commissioner for Human Rights to consult all actors identified in the present resolution on the issues referred to in paragraph 6 above, and to submit a report as a background contribution for the dialogues and debates held at the 2012 Social Forum;

9. *Also requests* the High Commissioner to facilitate participation in the 2012 Social Forum in order to contribute to interactive dialogues and debate at the Forum, and to assist the Chairperson-Rapporteur as resource persons, of up to ten experts, including representatives from civil society and grass-roots organizations in developing countries;

10. *Decides* that the Social Forum will remain open to the participation of representatives of States Members of the United Nations and all other interested stakeholders, such as intergovernmental organizations, different components of the United Nations system, especially mandate holders of thematic procedures and mechanisms of the human rights machinery, regional economic commissions and specialized agencies and organizations, as well as representatives designated by human rights national institutions and non-governmental organizations in consultative status with the Economic and Social Council, and shall also be open to other non-governmental organizations whose aims and purposes are in conformity with the spirit, purposes and principles of the Charter of the United Nations, including newly emerging actors, such as small groups and rural and urban associations from the North and the South, anti-poverty groups, peasants' and farmers' organizations and their national and international associations, voluntary organizations, environmental organizations and activists, youth associations, community organizations, trade unions and associations of workers, as well as representatives of the private sector, on the basis of arrangements, including Economic and Social Council resolution 1996/31 of 25 July 1996 and practices observed by the Commission on Human Rights, through an open and transparent accreditation procedure, in accordance with the rules of procedure of the Human Rights Council, while ensuring the most effective contribution of these entities;

11. *Requests* the Office of the High Commissioner to seek effective means of ensuring consultation and the broadest possible participation of representatives from every region, especially those from developing countries, in the Social Forum, including by establishing partnerships with non-governmental organizations, the private sector and international organizations;

12. *Requests* the Secretary-General to take appropriate measures to disseminate information about the Social Forum, to invite relevant individuals and organizations to the Forum and to take all practical measures required for the success of this initiative;

13. *Invites* the 2012 Social Forum to submit a report containing its conclusions and recommendations to the Human Rights Council;

14. *Requests* the Secretary-General to provide the Social Forum with all the services and facilities necessary to fulfil its activities, and requests the High Commissioner to provide all the support necessary to facilitate the convening and proceedings of the Forum;

15. *Decides* to continue consideration of this issue under the relevant agenda item when the report of the 2012 Social Forum is submitted to the Human Rights Council.

54th meeting

23 March 2012

[Adopted without a vote.]

19/25**Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief**

The Human Rights Council,

Reaffirming the commitment made by all States under the Charter of the United Nations to promote and encourage universal respect for and observance of all human rights and fundamental freedoms without distinction as to, inter alia, religion or belief,

Reaffirming also Human Rights Council resolution 16/18 of 24 March 2011 and General Assembly resolution 66/167 of 19 December 2011,

Welcoming the panel discussion on strengthened international efforts to foster a global dialogue for the promotion of a culture of tolerance and peace at all levels, based on respect for human rights and diversity of religions and beliefs, held during the seventeenth session of the Human Rights Council pursuant to paragraph 9 of resolution 16/18,

Reaffirming the obligation of States to prohibit discrimination on the basis of religion or belief and to implement measures to guarantee the equal and effective protection of the law,

Reaffirming also that the International Covenant on Civil and Political Rights provides, inter alia, that everyone shall have the right to freedom of thought, conscience and religion or belief, which shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching,

Reaffirming further the positive role that the exercise of the right to freedom of opinion and expression and the full respect for the freedom to seek, receive and impart information can play in strengthening democracy and combating religious intolerance,

Deeply concerned about incidents of intolerance, discrimination and violence against persons based on their religion or belief in all regions of the world,

Deploring any advocacy of discrimination or violence on the basis of religion or belief,

Strongly deploring all acts of violence against persons on the basis of their religion or belief, as well as any such acts directed against their homes, businesses, properties, schools, cultural centres or places of worship,

Concerned about actions that wilfully exploit tensions or target individuals on the basis of their religion or belief,

Noting with deep concern the instances of intolerance, discrimination and acts of violence in many parts of the world, including cases motivated by discrimination against persons belonging to religious minorities, in addition to the negative projection of the followers of religions and the enforcement of measures that specifically discriminate against persons on the basis of religion or belief,

Recognizing the valuable contribution of people of all religions or beliefs to humanity and the contribution that dialogue among religious groups can make towards an improved awareness and understanding of the common values shared by all humankind,

Recognizing also that working together to enhance implementation of existing legal regimes that protect individuals against discrimination and hate crimes, increase interfaith and intercultural efforts, and to expand human rights education are important first steps in combating incidents of intolerance, discrimination and violence against individuals on the basis of religion or belief,

1. *Expresses deep concern* at the continued serious instances of derogatory stereotyping, negative profiling and stigmatization of persons based on their religion or belief, as well as programmes and agendas pursued by extremist organizations and groups aimed at creating and perpetuating negative stereotypes about religious groups, in particular when condoned by Governments;

2. *Expresses its concern* that incidents of religious intolerance, discrimination and related violence, as well as of negative stereotyping of individuals on the basis of religion or belief, continue to rise around the world, and condemns, in this context, any advocacy of religious hatred against individuals that constitutes incitement to discrimination, hostility or violence, and urges States to take effective measures, as set forth in the present resolution, consistent with their obligations under international human rights law, to address and combat such incidents;

3. *Condemns* any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, whether it involves the use of print, audio-visual or electronic media or any other means;

4. *Recognizes* that the open public debate of ideas, as well as interfaith and intercultural dialogue, at the local, national and international levels can be among the best protections against religious intolerance and can play a positive role in strengthening democracy and combating religious hatred, and convinced that a continuing dialogue on these issues can help overcome existing misperceptions;

5. *Notes* the speech given by Secretary-General of the Organization of the Islamic Conference at the fifteenth session of the Human Rights Council, and draws on his call on States to take the following actions to foster a domestic environment of religious tolerance, peace and respect, by:

(a) Encouraging the creation of collaborative networks to build mutual understanding, promoting dialogue and inspiring constructive action towards shared policy goals and the pursuit of tangible outcomes, such as servicing projects in the fields of education, health, conflict prevention, employment, integration and media education;

(b) Creating an appropriate mechanism within Governments to, inter alia, identify and address potential areas of tension between members of different religious communities, and assisting with conflict prevention and mediation;

(c) Encouraging training of Government officials in effective outreach strategies;

(d) Encouraging the efforts of leaders to discuss within their communities the causes of discrimination, and evolving strategies to counter these causes;

(e) Speaking out against intolerance, including advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence;

(f) Adopting measures to criminalize incitement to imminent violence based on religion or belief;

(g) Understanding the need to combat denigration and negative religious stereotyping of persons, as well as incitement to religious hatred, by strategizing and harmonizing actions at the local, national, regional and international levels through, inter alia, education and awareness-building;

(h) Recognizing that the open, constructive and respectful debate of ideas, as well as interfaith and intercultural dialogue at the local, national and international levels, can play a positive role in combating religious hatred, incitement and violence;

6. *Calls upon* all States:

(a) To take effective measures to ensure that public functionaries in the conduct of their public duties do not discriminate against an individual on the basis of religion or belief;

(b) To foster religious freedom and pluralism by promoting the ability of members of all religious communities to manifest their religion, and to contribute openly and on an equal footing to society;

(c) To encourage the representation and meaningful participation of individuals, irrespective of their religion, in all sectors of society;

(d) To make a strong effort to counter religious profiling, which is understood to be the invidious use of religion as a criterion in conducting questionings, searches and other law enforcement investigative procedures;

7. *Encourages* States to consider providing updates on efforts made in this regard as part of ongoing reporting to the Office of the United Nations High Commissioner for Human Rights;

8. *Calls upon* States to adopt measures and policies to promote full respect for and protection of places of worship and religious sites, cemeteries and shrines, and to take measures in cases where they are vulnerable to vandalism or destruction;

9. *Calls for* strengthened international efforts to foster a global dialogue for the promotion of a culture of tolerance and peace at all levels, based on respect for human rights and diversity of religions and beliefs.

*55th meeting
23 March 2012*

[Adopted without a vote.]

19/26

Terms of reference for the Voluntary Technical Assistance Trust Fund to Support the Participation of Least Developed Countries and Small Island Developing States in the Work of the Human Rights Council

The Human Rights Council,

Recalling Human Rights Council resolution 16/21 of 25 March 2011 and the outcome of the review of the work and functioning of the Council annexed thereto, and in particular paragraph 62 thereof,

Recalling also General Assembly resolution 65/281 of 17 June 2011 on the review of the Human Rights Council,

1. *Decides* to establish the Voluntary Technical Assistance Trust Fund to Support the Participation of Least Developed Countries and Small Island Developing States in the Work of the Human Rights Council;

2. *Also decides* that the Trust Fund will support activities designed to enhance the institutional and human capacity of least developed countries and small island developing States, to enable their delegations to participate more fully in the work of the

Human Rights Council, upon their request, and to encourage their effective and informed participation in consultative and decision-making processes, including negotiation sessions;

3. *Requests* the Office of the United Nations High Commissioner for Human Rights to make arrangements for the operationalization of the Trust Fund;

4. *Decides* that the Trust Fund will be used to support the participation of least developed countries and small island developing States in the work of the Human Rights Council, by providing funding for:

(a) Training and capacity-building, including e-learning: in partnership with the Office of the High Commissioner and the United Nations Institute for Training and Research and/or relevant academic/training institutions, the Trust Fund will support the development of, and the participation of least developed countries and small island developing States in, targeted training courses for officials on the international human rights system, international human rights law and the rules and functioning of the Human Rights Council and its mechanisms;

(b) Travel and accommodation for Government officials to participate in Human Rights Council sessions: the Trust Fund will help least developed countries and small island developing States, represented or not represented in Geneva, to participate in Council sessions or to bring in supplementary support;

(c) Fellowship programmes: such programmes will cover subsistence costs to allow officials from least developed countries and small island developing States to undertake three-month work placements in their respective delegations to the Human Rights Council;

(d) Induction training: the Trust Fund will support the organization, by the Office of the High Commissioner, of induction training sessions for diplomats from least developed countries and small island developing States assigned to cover the sessions of the Human Rights Council and the multilateral human rights system; training sessions will be organized to coincide with the main periods of arrival and departure from Geneva. During the sessions, diplomats will receive focused, practical training on the work procedure of the Council and its mechanisms.

*55th meeting
23 March 2012*

[Adopted without a vote.]

19/27

The human rights situation in the Democratic Republic of the Congo and the strengthening of technical cooperation and advisory services

The Human Rights Council,

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

Recalling also Council resolutions 5/1 of 18 June 2007, 7/20 of 27 March 2008 and S-8/1 of 1 December 2008,

Recalling further Council resolutions 10/33 of 27 March 2009 and 13/22 of 26 March 2010, as well as Council resolution 16/35 of 25 March 2011, in which the Council called upon the international community to support the national efforts of the Democratic Republic of the Congo and its institutions with a view to improving the human rights situation, and to respond to its requests for technical assistance,

Reaffirming that all States have an obligation to promote and protect the human rights and fundamental freedoms set forth in the Charter of the United Nations and the Universal Declaration of Human Rights, as well as obligations under the international covenants on human rights and other relevant instruments to which they are parties,

Expressing concern at the human rights situation in the Democratic Republic of the Congo, mainly in the eastern part of the country, resulting from violence, including sexual violence, against civilians, especially women and children, and taking note of the progress made by the authorities of the Democratic Republic of the Congo in the ongoing prosecution of the perpetrators of these acts and in the provision of reparations to victims,

Encouraging the efforts of the Government of the Democratic Republic of the Congo to put an end to impunity for crimes under international law by strengthening its justice system,

Noting with concern the cases of threats and violence reported during the presidential and legislative elections, including against members of civil society and human rights defenders,

Acknowledging the joint role played by the Office of the United Nations High Commissioner for Human Rights in the Democratic Republic of the Congo and the human rights section of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo in improving the human rights situation in the country,

Noting the existence of a national programme for the promotion and protection of human rights in the Democratic Republic of the Congo and the resolve of the Government to implement it,

Taking note of the decision of the National Independent Electoral Commission to continue organizing elections at the provincial and local levels, and calling upon the Government of the Democratic Republic of the Congo to hold free and fair elections with all due respect for the right of all parties to freedom of expression, assembly and opinion,

Considering that the Joint Committee on Justice serves as a framework for exchanges and coordination among partners in the field of justice in the Democratic Republic of the Congo,

Taking note of the report on the situation of human rights in the Democratic Republic of the Congo presented by the Government, which addresses in particular the judicial monitoring of the electoral process, the creation of endogenous mechanisms for monitoring the human rights situation and the implementation of the action plan on follow-up to recommendations relating to human rights,

Taking note also of the report of the High Commissioner on the human rights situation in the Democratic Republic of the Congo and the activities of her Office in the country,

1. *Takes note* of the commitment of the Government of the Democratic Republic of the Congo to cooperate with the Office of the United Nations High Commissioner for Human Rights in the Democratic Republic of the Congo and with the special procedures of the Human Rights Council;

2. *Welcomes* the adoption of the national action plan on follow-up to recommendations relating to the promotion and protection of human rights, and encourages the Government of the Democratic Republic of the Congo to set targets with precise deadlines for the implementation of the national action plan and the provision of technical assistance;

3. *Takes note* of the visit made to the Democratic Republic of the Congo from 25 July to 5 August 2011, at the invitation of the Government, by 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;

4. *Encourages* the Government of the Democratic Republic of the Congo to ensure that the human rights liaison entity is able to act as a framework for consultation and coordination in the field of human rights in the country, and welcomes the extension of this body's activities to the provinces so as to ensure close monitoring of the human rights situation;

5. *Commends* the role played by the international community, in particular the European Union, the African Union, the Southern African Development Community, the Economic Community of the Great Lakes Countries and the Economic Community of Central African States, as well as the International Conference on the Great Lakes Region, in supporting the efforts of the Democratic Republic of the Congo to strengthen the rule of law and improve the human rights situation in the country;

6. *Urges* the Government of the Democratic Republic of the Congo to redouble its efforts, with the support of the international community, to quickly put an end to impunity and all violations of human rights and to bring the perpetrators to justice;

7. *Welcomes* the efforts of the Government of the Democratic Republic of the Congo to put an end to all human rights violations and to assist the victims of such violations, and encourages it to pursue its efforts in this regard;

8. *Takes note* of the organization of presidential and legislative elections in the Democratic Republic of the Congo on 28 November 2011;

9. *Invites* the international community to continue to support the Joint Committee on Justice as a framework for exchange and coordination of the various contributions made in the field of justice in the Democratic Republic of the Congo;

10. *Also commends* the Government of the Democratic Republic of the Congo for adopting and sending to the Senate bills on the protection of human rights defenders and on the establishment of a special court to hear cases involving grave violations of human rights and international humanitarian law, and encourages it to strive for the quick adoption by the new national Parliament of these instruments;

11. *Takes note* of the initiatives taken by the Government of the Democratic Republic of the Congo to promote the administration of justice and human rights, in particular by assigning the 2,000 newly recruited magistrates to posts throughout the country, by making the juvenile courts operational, by establishing a unit for the protection of human rights defenders and by organizing open-house events with a view to protecting the victims of human rights violations or abuses of power in the justice system;

12. *Encourages* the Government of the Democratic Republic of the Congo to continue to ratify international and regional human rights instruments and to promote human rights education;

13. *Also encourages* the Government of the Democratic Republic of the Congo to complete the establishment of a national human rights commission in accordance with the Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights (the Paris Principles);

14. *Further encourages* the Government of the Democratic Republic of the Congo to evaluate, together with all the parties concerned, the national action plan on follow-up to recommendations related to human rights and to inform the Council, at its twenty-fourth session, of the results of that evaluation;

15. *Invites* the Office of the High Commissioner, through its office in the Democratic Republic of the Congo, to increase and enhance the technical assistance programmes and activities requested of it by the Government, and to report thereon to the Council at its twenty-fourth session;

16. *Encourages* the new Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence to request to visit the Democratic Republic of the Congo and to report thereon to the Council;

17. *Calls upon* the international community to support the national efforts of the Democratic Republic of the Congo and its institutions with a view to improving the human rights situation in the country, and to respond to its requests for technical assistance;

18. *Decides* to continue its consideration of the human rights situation in the Democratic Republic of the Congo at its twenty-fourth session.

55th meeting
23 March 2012

[Adopted without a vote.]

19/28

Assistance to Somalia in the field of human rights

The Human Rights Council,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights, and recalling General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolution 5/1 of 18 June 2007,

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

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

Recalling its previous resolutions on the situation of human rights in Somalia,

Acknowledging the commitment of and efforts made by the African Union and the Intergovernmental Authority on Development, especially those of States contributing to the African Union Mission in Somalia, including regional countries, to support efforts to achieve security, reconciliation and stability, and the efforts made by the international community and regional partners to help Somalia consolidate peace and security, as well as the rule of law, on its national territory,

Commending the African Union Mission in Somalia for its efforts, as requested by the Peace and Security Council, to minimize civilian casualties during its operations, encouraging the Mission to intensify its efforts in this regard, and also encouraging the African Union to support the Mission in increasing awareness and training among its troops on human rights and international humanitarian law,

Welcoming the work of the Independent Expert on the situation of human rights in Somalia,

Acknowledging the constructive engagement of the Transitional Federal Government and Somali regional authorities in the universal periodic review,

1. *Expresses its continued serious concern* at the human rights and humanitarian situation in Somalia;

2. *Strongly condemns* the grave and systematic human rights abuses perpetrated against the civilian population, in particular by Al-Shabaab and its affiliates, and calls for their immediate cessation;

3. *Urges* all parties to take immediate steps to protect children and end abuses and violations committed against them, calls in particular for an immediate end to the unlawful recruitment and use of child soldiers, and welcomes the efforts of the Transitional Federal Government towards finalizing an action plan with the United Nations to end the use of child soldiers, and emphasizes the importance of signing and implementing the plan immediately;

4. *Stresses* the primary responsibility of the Transitional Federal Government to implement the Somalia End of Transition Road Map, encourages it and the Somali regional authorities to redouble their efforts, with the support of the United Nations Political Office for Somalia and the international community, to implement fully the key benchmarks set out in the Road Map before the end of the transitional period on 20 August 2012, and to continue to use the process initiated at the two constitutional conferences held in Garowe in December 2011 and February 2012, to ensure that post-transition political arrangements are inclusive and representative, recognizing that a resilient and responsive political framework is the best basis on which to improve the human rights environment;

5. *Welcomes* the valuable role of women in efforts to build a better future for Somalia and, in particular, calls on the Transitional Federal Government and Somali regional authorities to take the necessary steps to enable the full and equal participation of women in conflict prevention, management and resolution, as well as in peacebuilding and political processes;

6. *Emphasizes* that protecting, respecting and fulfilling human rights will be essential for the legitimacy of any future Somali political leadership, and also emphasizes the importance of training in human rights and international humanitarian law for Somali security forces;

7. *Calls on* Somalia to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights contained in the International Covenant on Economic, Social and Cultural Rights;

8. *Also calls on* Somalia to fulfil its obligations under international human rights law;

9. *Welcomes* the London Conference on Somalia, held on 23 February 2012, which demonstrated the international community's political will and determination to support the people of Somalia as they build peace and stability;

10. *Also welcomes* the communiqué from the London Conference, in which the delegations affirmed that respect for human rights must be at the heart of the peace process, called for action to address in particular the grave human rights violations and abuses that women and children face, emphasized that journalists must be able to operate freely and without fear and that civilians must be protected, called upon the Somali authorities to take measures to uphold human rights and end the culture of impunity, and agreed to step up international efforts, including through the United Nations human rights architecture;

11. *Calls on* all parties to ensure that the progress made at the London Conference is consolidated through effective action, and to redouble their efforts to support the people of Somalia in their search for a better future for their country and, in this regard, welcomes the intention of the Government of Turkey to hold a conference on Somalia in Istanbul;

12. *Requests* the Secretary-General to submit to the Human Rights Council, at its twenty-first session, a report assessing current United Nations support for efforts in Somalia to end all human rights abuses and combat impunity, as reflected in the report of the Working Group on the Universal Periodic Review on Somalia,³⁸ and containing proposals for a more integrated approach across the United Nations system, considering in this context the role of the field presence of the Office of the United Nations High Commissioner for Human Rights in Somalia;

13. *Urges* all parties to facilitate rapid and unhindered humanitarian access;

14. *Notes* the importance of sustainable development in supporting national and international peacebuilding efforts and, in this context, emphasizes the role that the realization of all human rights can play in building sustainable peace in Somalia;

15. *Encourages* Somalia to implement the recommendations it accepted following its review at the eleventh session of the Working Group on the Universal Periodic Review, including through bilateral and multilateral cooperation;

16. *Looks forward* to the reports of the Independent Expert on the situation of human rights in Somalia and of the Special Rapporteur on violence against women, its causes and consequences, to be presented to the Human Rights Council at its twenty-first and twentieth sessions, respectively;

17. *Welcomes* the ongoing role of the Office of the High Commissioner in providing technical assistance for the Transitional Federal Government and regional authorities, within the framework of the Memorandum of Understanding, and encourages the speedy and effective implementation of the Memorandum of Understanding between the Office of the High Commissioner and the Transitional Federal Government for this purpose;

18. *Requests* the Office of the High Commissioner to continue to provide the Independent Expert with all the human, technical and financial assistance necessary to carry out his mandate;

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

*55th meeting
23 March 2012*

[Adopted without a vote.]

19/29

Technical assistance and capacity-building for Yemen in the field of human rights

The Human Rights Council,

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

Recalling Security Council resolution 2014 (2011) of 21 October 2011 and Human Rights Council resolution 18/19 of 29 September 2011,

Recognizing that the promotion and protection of human rights are key factors in ensuring a fair and equitable justice system and, ultimately, reconciliation and stability for the country,

³⁸ A/HRC/18/6.

Welcoming the process of political transition based on the Gulf Cooperation Council initiative and its implementation mechanism that has started in Yemen, and the commitment of the Government of Yemen to fully promote and protect human rights,

1. *Takes note* of the report of the United Nations High Commissioner for Human Rights on the human rights situation in Yemen³⁹ and of the debate held during the nineteenth session of the Human Rights Council, as well as the statement, formal replies and comments by the Government of Yemen on the report and its willingness to cooperate with the United Nations and Office of the High Commissioner;

2. *Takes note with appreciation* of the efforts made by the Government of Yemen to implement Human Rights Council resolution 18/19;

3. *Welcomes and supports* the invitation by the Government of Yemen to establish a country office of the High Commissioner;

4. *Looks forward* to further progress by the Government of Yemen regarding the implementation of its announcement that it will launch transparent and independent investigations, which will adhere to international standards, into credible documented allegations of human rights violations through an independent national committee and in consultation with political parties, and calls upon all parties to release persons arbitrarily detained by them and to end any practices of unlawful detention of persons;

5. *Encourages* the Government of Yemen to continue to implement the accepted recommendations contained in the reports of the High Commissioner⁴⁰ with the support of her Office;

6. *Reiterates* the commitments and obligations of the Government of Yemen to promote and protect human rights;

7. *Invites* all bodies of the United Nations system, including the Office of the High Commissioner and Member States, to assist the transitional process in Yemen, including by supporting the mobilization of resources to tackle the economic and social challenges faced by Yemen, in coordination with the international donor community and according to the priorities set by the Yemeni authorities;

8. *Calls upon* the international community to provide financial support for the Yemen humanitarian response plan of 2012 and the joint United Nations stabilization plan;

9. *Requests* the High Commissioner to provide technical assistance and to work with the Government of Yemen, as needed, to identify additional areas of assistance to enable Yemen to fulfil its human rights obligations;

10. *Requests* the Office of the High Commissioner to present to the Human Rights Council, at its twenty-first session, a progress report on the situation of human rights in Yemen and on the follow-up to the present resolution and Council resolution 18/19.

*55th meeting
23 March 2012*

[Adopted without a vote.]

³⁹ A/HRC/19/51.

⁴⁰ A/HRC/18/21 and A/HRC/19/51.

19/30 Strengthening of technical cooperation and consultative services in Guinea

The Human Rights Council,

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

Recalling General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolutions 13/21 of 26 March 2010 and 16/36 of 25 March 2011,

Reaffirming that all States have an obligation to promote and protect the human rights and fundamental freedoms set forth in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant human rights instruments to which they are parties,

Noting with appreciation the measures adopted by the Government of Guinea with a view to restoring the rule of law and to promoting and protecting human rights and fundamental freedoms,

Noting with concern the persistence of challenges in the areas of security and respect for human rights and the need for greater efforts to speed up the pace of reforms,

Recalling that it is the primary responsibility of Guinea to protect its civilian population, to conduct inquiries into violations of human rights and international humanitarian law, and to bring perpetrators to justice,

1. *Recognizes* the efforts made by Guinea and the international community, in particular the African Union, the Economic Community of West African States and the European Union, to act upon the recommendations set forth in Human Rights Council resolution 16/36 for strengthening the rule of law and improving the human rights situation in Guinea;

2. *Takes note* of the efforts made by the Government of Guinea to address the human rights violations committed during the events of 28 September 2009 by appointing a panel of judges to investigate those events, and encourages the Government of Guinea to ensure that this panel of judges is provided with the necessary means and security conditions to enable them to effectively fulfil the mandate conferred upon them;

3. *Takes note also* of the creation of a provisional national reconciliation commission and of an independent human rights commission, and encourages the Government of Guinea to promote human rights and work to promote reconciliation;

4. *Takes further note* of the fact that the Government of Guinea worked with the United Nations High Commissioner for Human Rights to open the office in Conakry and that the Guinean authorities have agreed to the deployment of members of the Team of Experts on the Rule of Law and Sexual Violence in Conflict;

5. *Encourages* the Government of Guinea to accelerate its implementation of the recommendations made by the International Commission of Inquiry established by the Secretary-General of the United Nations and supported by the African Union and the Economic Community of West African States and to adopt supplementary measures to that end in the following areas:

(a) Prosecution of those responsible for the events of 28 September 2009, including the acts of sexual violence committed against women and girls, under conditions that will ensure the safety and protection of the judges, judicial personnel and victims involved, the transparency of the mandate and working methods of the panel of judges, and

their ability to investigate and prosecute the persons at all levels who are implicated in those events;

(b) Protection of the survivors of these acts of violence, including the victims of sexual violence, and provision of all suitable forms of reparation and assistance, including medical assistance and psychological support, particularly for victims of sexual violence;

(c) Compensation for the families of victims who died following the events of 28 September 2009 and just reparation for the physical and psychological suffering inflicted upon those who were wounded;

(d) Reform of the justice system;

(e) Reform of the security sector;

(f) Adoption of a national plan for combating discrimination;

(g) Alignment of national legislation with the relevant resolutions on violence against women and girls;

6. *Calls upon* the Guinean authorities to continue to prosecute persons implicated in the events of 28 September 2009;

7. *Reiterates its appeal* to the Guinean authorities to align national legislation with the provisions of the Rome Statute of the International Criminal Court, which Guinea ratified on 14 July 2003;

8. *Takes note*, in that regard, of the report of the United Nations High Commissioner for Human Rights on the situation of human rights in Guinea;⁴¹

9. *Calls upon* the Guinean authorities and the opposition to work together to establish a timetable for legislative elections and to ensure that the right to freedom of opinion and expression and the right to freedom of peaceful assembly and association are protected throughout the electoral process;

10. *Welcomes* the Guinean Government's undertaking to promote justice, truth and reconciliation, takes note in that regard of the progress report issued on 15 December 2011 by the provisional national reconciliation commission, and encourages the Guinean authorities to take advantage of the available international expertise and to pursue its dialogue with civil society on the subject;

11. *Firmly reiterates* its appeal to the international community to:

(a) Provide the Guinean authorities with appropriate assistance to promote respect for human rights through, inter alia, the achievement of the Millennium Development Goals, the fight against impunity and reform of the security and justice sectors, as well as the initiatives that are under way to promote truth, justice and national reconciliation;

(b) Support the office of the United Nations High Commissioner for Human Rights in Guinea;

12. *Invites* the High Commissioner to report to the Council at its twenty-second regular session on the situation of human rights and the work of her office in Guinea.

*55th meeting
23 March 2012*

⁴¹ A/HRC/19/49.

[Adopted without a vote.]

19/31 Integrity of the judicial system

The Human Rights Council,

Guided by articles 5, 6, 7, 8, 10 and 11 of the Universal Declaration of Human Rights and articles 2, 4, 6, 7, 10, 14, 15, 16 and 26 of the International Covenant on Civil and Political Rights, and bearing in mind the Vienna Declaration and Programme of Action,

Recalling other important documents on the issue of the integrity of the judiciary endorsed by various forums of the United Nations, in particular the Basic Principles on the Independence of the Judiciary, the Basic Principles on the Role of Lawyers, the Guidelines on the Role of Prosecutors, the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, the Standard Minimum Rules for the Treatment of Prisoners, the Basic Principles for the Treatment of Prisoners, the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment and the Safeguards guaranteeing protection of the rights of those facing the death penalty, as well as the Bangalore Principles of Judicial Conduct,

Recalling also the resolutions on the subject of the Commission on Human Rights, in particular its resolution 2005/30 of 19 April 2005,

Recalling further Human Rights Council decision 2/110 of 27 November 2006 and Council resolution 17/2 of 16 June 2011,

Convinced that the integrity of the judicial system, together with its independence and impartiality, is an essential prerequisite for the protection of human rights and fundamental freedoms, for upholding the rule of law and ensuring that there is no discrimination in the administration of justice,

Stressing that the integrity of the judiciary should be observed at all times,

1. *Takes note* of the relevant sections of the reports of the Special Rapporteur on the independence of judges and lawyers⁴² and of the report submitted by the Special Rapporteur of the Subcommission on the Promotion and Protection of Human Rights on the issue of the administration of justice through military tribunals;⁴³

2. *Reiterates* that, as declared in article 14 of the International Covenant on Civil and Political Rights, every person is entitled, in full equality, to a fair and public hearing by a competent, independent and impartial tribunal duly established by law, in the determination of his/her rights and obligations and of any criminal charge against him/her, and that he/she is entitled to the presumption of innocence until proven guilty according to law;

3. *Notes* that, according to paragraph 5 of the Basic Principles on the Independence of the Judiciary, everyone has the right to be tried by ordinary courts or tribunals using established legal procedures, and that tribunals that do not use duly established procedures of the legal process shall not be created to displace the jurisdiction belonging to the ordinary courts or judicial tribunals;

⁴² A/HRC/11/41 and A/HRC/14/26.

⁴³ E/CN.4/2006/58.

4. *Underlines* that any court trying a person charged with a criminal offence should be competent, independent and impartial;

5. *Urges* States to guarantee that all persons brought to trial before courts or tribunals under their authority have the right to be tried in their presence, to defend themselves in person or through legal assistance of their own choosing, and to have all the guarantees necessary for their legal defence;

6. *Calls upon* States to ensure that the principles of equality before the courts and before the law are respected within their judicial systems by, inter alia, providing to those being tried the possibility to examine, or to have examined, the witnesses against them and to obtain the attendance and examination of witnesses on their behalf under the same conditions as witnesses against them;

7. *Reaffirms* that every convicted person should have the right to have his/her conviction and sentence reviewed by a tribunal of competent, independent and impartial jurisdiction according to law;

8. *Calls upon* States that have military courts or special tribunals for trying criminal offenders to ensure that such bodies are an integral part of the general judicial system and that such courts apply due process procedures that are recognized according to international law as guarantees of a fair trial, including the right to appeal a conviction and a sentence;

9. *Stresses* the importance of developing cooperation between national judicial systems with a view to, inter alia, strengthening the protection of persons deprived of their liberty;

10. *Invites* the Special Rapporteur on the independence of judges and lawyers to take full account of the present resolution in the discharge of her mandate and in her report to the Human Rights Council at its twenty-third session.

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

*55th meeting
23 March 2012*

[Adopted without a vote.]

19/32

Human rights and unilateral coercive measures

The Human Rights Council,

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

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

Reaffirming Human Rights Council resolution 15/24 of 1 October 2010 and General Assembly resolution 66/156 of 19 December 2011,

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

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

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

Recognizing that unilateral coercive measures in the form of economic sanctions can have far-reaching implications for the human rights of the general population of targeted States, disproportionately affecting the poor and the most vulnerable classes,

Recognizing also that long-term unilateral coercive measures may result in social problems and raise humanitarian concerns in the States targeted,

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

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

Deeply concerned that, despite the resolutions adopted on this issue by the General Assembly, the Human Rights Council, the Commission on Human Rights and at United Nations conferences held in the 1990s and at their five-year reviews, and contrary to norms of international law and the Charter, unilateral coercive measures continue to be promulgated, implemented and enforced by, inter alia, resorting to war and militarism, with all their negative implications for the social-humanitarian activities and economic and social development of developing countries, including their extraterritorial effects, thereby creating additional obstacles to the full enjoyment of all human rights by peoples and individuals under the jurisdiction of other States,

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

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

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

2. *Strongly objects* to the extraterritorial nature of those measures which, in addition, threaten the sovereignty of States and, in this context, calls upon all Member

States neither to recognize these measures nor to apply them, and to take effective administrative or legislative measures, as appropriate, to counteract the extraterritorial application or effects of unilateral coercive measures;

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

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

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

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

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

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

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

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

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

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

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

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

15. *Takes note* of the thematic study prepared by the Office of the High Commissioner on the impact of unilateral coercive measures on the enjoyment of human rights⁴⁴ including recommendations on actions aimed at ending such measures;

16. *Requests* the Office of the High Commissioner:

(a) To organize, prior to the twenty-third session of the Human Rights Council, a workshop on the various aspects relating to the impact of the application of unilateral coercive measures on the enjoyment of human rights by the affected populations in the States targeted, with the participation of States, academic experts and civil society representatives;

(b) To prepare a report on the proceedings of the workshop and to submit it to the Human Rights Council at its twenty-third session;

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

55th meeting
23 March 2012

[Adopted by a recorded vote of 35 to 12, with no abstentions. The voting was as follows:

In favour:

Angola, Bangladesh, Benin, Botswana, Burkina Faso, Cameroon, Chile, China, Congo, Costa Rica, Cuba, Djibouti, Ecuador, Guatemala, India, Indonesia, Jordan, Kuwait, Kyrgyzstan, Libya, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, Thailand, Uganda, Uruguay

Against:

Austria, Belgium, Czech Republic, Hungary, Italy, Norway, Poland, Republic of Moldova, Romania, Spain, Switzerland, United States of America]

19/33

Enhancement of international cooperation in the field of human rights

The Human Rights Council,

Reaffirming its commitment to promoting international cooperation, as set forth in the Charter of the United Nations, in particular Article 1, paragraph 3, as well as relevant provisions of the Vienna Declaration and Programme of Action, adopted at the World Conference on Human Rights on 25 June 1993, for enhancing genuine cooperation among Member States in the field of human rights,

Recalling the adoption by the General Assembly of the United Nations Millennium Declaration on 8 September 2000, and the renewed commitments to achieve the Millennium Development Goals by their target date of 2015, as set out in the outcome document adopted at the High-level Plenary Meeting of the sixty-fifth session of the General Assembly on the Millennium Development Goals,

⁴⁴ A/HRC/19/33.

Recalling also all decisions and resolutions of the Commission on Human Rights, the Human Rights Council and the General Assembly on the enhancement of international cooperation in the field of human rights, the latest of which being Council resolution 16/22 of 25 March 2011 and Assembly resolution 66/152 of 19 December 2011,

Recalling further the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001, and the Durban Review Conference, held in Geneva, from 20 to 24 April 2009, and their role in the enhancement of international cooperation in the field of human rights,

Recognizing that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights,

Recognizing also that the promotion and protection of human rights should be based on the principles of cooperation and genuine dialogue in all relevant forums, including in the context of the universal periodic review, and be aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings,

Reiterating the role played by the universal periodic review as an important mechanism in contributing to the enhancement of international cooperation in the field of human rights,

Recalling Human Rights Council resolution 6/17 of 28 September 2008, in which the Council requested the Secretary-General to establish a universal periodic review voluntary trust fund to facilitate the participation of developing countries, particularly least developing countries, in the universal periodic review mechanism, and to establish the voluntary fund for financial and technical assistance, to be administered jointly with the universal periodic review voluntary trust fund, in order to provide, in conjunction with multilateral funding mechanisms, a source of financial and technical assistance to help countries implement recommendations emanating from the universal periodic review in consultation with, and with the consent of, the country concerned,

Reaffirming that dialogue among religions, cultures and civilizations in the field of human rights could contribute greatly to the enhancement of international cooperation in this field,

Emphasizing the need for further progress in the promotion and encouragement of respect for human rights and fundamental freedoms through, inter alia, international cooperation,

Underlining the fact that mutual understanding, dialogue, cooperation, transparency and confidence-building are important elements in all activities for the promotion and protection of human rights,

1. *Reaffirms* that it is one of the purposes of the United Nations and also the primary responsibility of States to promote, protect and encourage respect for human rights and fundamental freedoms through, inter alia, international cooperation;

2. *Recognizes* that, in addition to their separate responsibilities to their individual societies, States have a collective responsibility to uphold the principles of human dignity, equality and equity at the global level;

3. *Reaffirms* that dialogue among cultures and civilizations facilitates the promotion of a culture of tolerance and respect for diversity, and welcomes in this regard the holding of conferences and meetings at the national, regional and international levels on dialogue among civilizations;

4. *Urges* all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity, mutual understanding and promotion of and respect for cultural diversity and universal human rights, and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance;

5. *Reaffirms* the importance of the enhancement of international cooperation for the promotion and protection of human rights and for the achievement of the objectives of the fight against racism, racial discrimination, xenophobia and related intolerance;

6. *Considers* that international cooperation in the field of human rights, in conformity with the purposes and principles set out in the Charter of the United Nations and international law, should make an effective and practical contribution to the urgent task of preventing violations of human rights and fundamental freedoms;

7. *Reaffirms* that the promotion, protection and full realization of all human rights and fundamental freedoms should be guided by the principles of universality, non-selectivity, objectivity and transparency, in a manner consistent with the purposes and principles set out in the Charter;

8. *Emphasizes* the role of international cooperation in support of national efforts and in raising the capacities of States in the field of human rights through, inter alia, the enhancement of their cooperation with human rights mechanisms, including through the provision of technical assistance, upon the request of and in accordance with the priorities set by the States concerned;

9. *Takes note* of the note by the Secretariat, in which it indicated that, owing to technical reasons, the first written update on the operations of the Voluntary Fund for Participation in the Universal Periodic Review and the resources available to it had not been submitted,⁴⁵ and reiterates its request to the Office of the United Nations High Commissioner for Human Rights to provide the Human Rights Council with an annual written update on the operations of the Voluntary Fund for Participation in the Universal Periodic Review and the Voluntary Fund for Financial and Technical Assistance, and the resources available to them;

10. *Also takes note* of the compilation prepared by the Office of the High Commissioner of the views of States and relevant stakeholders on the contribution of the Voluntary Fund for Financial and Technical Assistance,⁴⁶ in particular with regard to its sustainability and accessibility, to the implementation of recommendations accepted by States as part of their universal periodic review that require financial support;

11. *Requests* the Office of the High Commissioner to seek to enhance dialogue with representatives from non-traditional donor countries with a view to broaden the donor base and replenish the resources available to both funds;

12. *Also requests* the Office of the High Commissioner to make clear the process by which States request assistance from both funds, and to process such requests in a timely and transparent manner that adequately responds to the requesting States;

13. *Urges* States to continue to support both funds;

14. *Calls upon* States, specialized agencies and intergovernmental organizations to continue to carry out a constructive dialogue and consultations for the enhancement of understanding and the promotion and protection of all human rights and fundamental

⁴⁵ A/HRC/19/25.

⁴⁶ A/HRC/19/50.

freedoms, and encourages non-governmental organizations to contribute actively to this endeavour;

15. *Urges* States to take necessary measures to enhance bilateral, regional and international cooperation aimed at addressing the adverse impact of consecutive and compounded global crises, such as financial and economic crises, food crises, climate change and natural disasters, on the full enjoyment of human rights;

16. *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;

17. *Takes note* of the study of the Human Rights Council Advisory Committee on the enhancement of international cooperation in the field of human rights,⁴⁷ prepared pursuant to the mandate given by the Council, in its resolution 13/23 of 26 March 2010, to the Advisory Committee to explore ways and means to enhance international cooperation in the field of human rights;

18. *Requests* the Office of the High Commissioner:

(a) To organize, before the twenty-second session of the Human Rights Council, from within existing resources, a seminar on the enhancement of international cooperation in the field of human rights, with the participation of States, relevant United Nations agencies, funds and programmes, and other stakeholders, including academic experts and civil society, in addition to a member of the Advisory Committee. The seminar will build upon the study prepared by the Advisory Committee, including the recommendations contained therein;

(b) To prepare a report on the deliberations held during the seminar and to submit it to the Human Rights Council at its twenty-second session;

19. *Decides* to continue its consideration of the matter in 2013, in accordance with its annual programme of work.

*55th meeting
23 March 2012*

[Adopted without a vote.]

19/34 The right to development

The Human Rights Council,

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

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

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

Recognizing the renewed commitments to achieve the Millennium Development Goals by their target date of 2015, as set out in the outcome document adopted at the High-

⁴⁷ A/HRC/19/74.

level Plenary Meeting of the sixty-fifth session of the General Assembly on the Millennium Development Goals,⁴⁸

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

Cognizant of the importance of engaging the United Nations system, including United Nations funds and programmes and specialized agencies, within their respective mandates, relevant international organizations, including financial and trade organizations, and relevant stakeholders, including civil society organizations, in discussions on the right to development,

Recognizing that achieving the internationally agreed development goals, including the Millennium Development Goals, requires effective policy coherence and coordination towards a global partnership for development that takes into consideration the right to development,

Taking note of the commitment declared by a number of United Nations specialized agencies, funds and programmes and other international organizations to make the right to development a reality for all and, in this regard, encouraging all relevant bodies of the United Nations system and other international organizations to mainstream the right to development into their objectives, policies, programmes and operational activities, as well as in development and development-related processes, including the follow-up to the Fourth United Nations Conference on the Least Developed Countries, the thirteenth session of the United Nations Conference on Trade and Development, the United Nations Conference on Sustainable Development (Rio + 20), the quadrennial comprehensive policy review, and the post 2015 development agenda,

Taking note also of the summary of the panel discussion of the Human Rights Council on the theme, “The way forward in the realization of the right to development: between policy and practice”⁴⁹ and of the report of the 2011 Social Forum,⁵⁰ which focused on the right to development,

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

Recalling that 2011 marked the twenty-fifth anniversary of the Declaration on the Right to Development and, in this regard, expressing its appreciation of the efforts made by the Office of the United Nations High Commissioner for Human Rights in commemorating the anniversary, including by holding and co-organizing side events and panel discussions and launching outreach activities for the promotion of the realization of the right to development,

Stressing that, in General Assembly resolution 48/141 of 20 December 1993, the Assembly decided that the responsibility of the High Commissioner shall be, among others, to promote and protect the realization of the right to development and to enhance support from relevant bodies of the United Nations system for that purpose,

1. *Takes note with appreciation* of the report of the Secretary-General and the United Nations High Commissioner for Human Rights on the right to development,⁵¹ which contains a summary of the activities undertaken by the Office of the High Commissioner with regard to the promotion and realization of the right to development, including in

⁴⁸ General Assembly resolution 65/1.

⁴⁹ A/HRC/19/39.

⁵⁰ A/HRC/19/70.

⁵¹ A/HRC/19/45.

commemoration of the twenty-fifth anniversary of the Declaration on the Right to Development;

2. *Requests* the Office of the High Commissioner to continue to submit to the Human Rights Council an annual report on its activities, including on inter-agency coordination within the United Nations system with regard to the promotion and realization of the right to development;

3. *Takes note* of the efforts under way in the framework of the Working Group on the Right to Development, with a view to completing the tasks entrusted to it by the Human Rights Council in its resolution 4/4, in fulfilment of the Working Group's mandate as established by the Commission on Human Rights in its resolution 1998/72 of 22 April 1998;

4. *Also takes note* of the report of the Working Group on the Right to Development on its twelfth session;⁵²

5. *Decides*:

(a) To continue to act to ensure that its agenda promotes and advances sustainable development and the achievement of the Millennium Development Goals and, in this regard, lead to raising the right to development, as set out in paragraphs 5 and 10 of the Vienna Declaration and Programme of Action, to the same level and on a par with all other human rights and fundamental freedoms;

(b) To take note of the conclusion of the Working Group on the need to further consider, revise and refine the right to development criteria and operational sub-criteria contained in the report of the high-level task force on the implementation of the right to development on its sixth session;⁵³

(c) To endorse the recommendations of the Working Group on the Right to Development as outlined in its report;

(d) To invite Governments, groups of Governments, regional groups and other relevant stakeholders, including United Nations agencies, funds and programmes and institutions, as well as other relevant multilateral institutions and forums, to submit further detailed comments and proposals on the right to development criteria and operational sub-criteria;

(e) To request the Office of the High Commissioner to make available on its website, and to make available to the Working Group at its next session, in the format of two conference room papers, all written submissions by Governments, groups of Governments and regional groups, as well as inputs by other stakeholders;

(f) To invite the Chairperson/Rapporteur of the Working Group to hold informal consultations with Governments, groups of Governments, regional groups and relevant stakeholders and to report thereon to the Working Group at its next session;

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

(h) That the Working Group shall take appropriate steps to ensure respect for and the practical application of the above-mentioned standards, which could take various forms,

⁵² A/HRC/19/52 and Corr.1.

⁵³ A/HRC/15/WG.2/TF/2/Add.2

including guidelines on the implementation of the right to development, and evolve into a basis for consideration of an international legal standard of a binding nature through a collaborative process of engagement;

6. *Encourages* the High Commissioner to pursue her efforts, in fulfilment of her mandated responsibility, to enhance support for the promotion and protection of the realization of the right to development, taking as reference the Declaration on the Right to Development, all resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council on the right to development, and agreed conclusions and recommendations of the Working Group;

7. *Encourages* relevant bodies of the United Nations system, within their respective mandates, including the United Nations funds, programmes and specialized agencies, relevant international organizations, including the World Trade Organization and relevant stakeholders, including civil society organizations, to contribute further to the work of the Working Group and to cooperate with the High Commissioner in the fulfilment of her mandate with regard to the implementation of the right to development;

8. *Decides* to review the progress of the implementation of the present resolution as a matter of priority at its future sessions.

55th meeting
23 March 2012

[Adopted by a recorded vote of 46 to 0, with one abstention. The voting was as follows:

In favour:

Angola, Austria, Bangladesh, Belgium, Benin, Botswana, Burkina Faso, Cameroon, Chile, China, Congo, Costa Rica, Cuba, Czech Republic, Djibouti, Ecuador, Guatemala, Hungary, India, Indonesia, Italy, Jordan, Kuwait, Kyrgyzstan, Libya, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Norway, Peru, Philippines, Poland, Qatar, Republic of Moldova, Romania, Russian Federation, Saudi Arabia, Senegal, Spain, Switzerland, Thailand, Uganda, Uruguay.

Abstaining:

United States of America]

19/35

The promotion and protection of human rights in the context of peaceful protests

The Human Rights Council,

Reaffirming the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights and relevant international human rights treaties, including the International Covenant on Civil and Political Rights,

Reaffirming also that, in accordance with the Universal Declaration of Human Rights, States Members of the United Nations have pledged to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms for all without distinction such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling Human Rights Council resolutions 12/16 of 2 October 2009 and 16/4 of 24 March 2011, on freedom of opinion and expression, 15/21 of 30 September 2010, on the rights to freedom of peaceful assembly and of association, and decision 17/120 of 17 June

2011, on the panel on the promotion and protection of human rights in the context of peaceful protests,

Recalling also the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms,

Recognizing that, pursuant to the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, the rights to freedom of peaceful assembly, of expression and of association are human rights guaranteed to all, while their exercise may be subject to certain restrictions, in accordance with State's obligations under applicable international human rights instruments,

Acknowledging that participation in peaceful protests can be an important form of exercising the rights to freedom of peaceful assembly and of association, freedom of expression and of participation in the conduct of public affairs,

Acknowledging also that peaceful protests can contribute to the full enjoyment of civil, political, economic, social and cultural rights,

Reaffirming that everyone has the right to life, liberty and security of person,

Reaffirming also that participation in public and peaceful protests should be entirely voluntary and uncoerced,

Stressing therefore that everyone must be able to express their grievances or aspirations in a peaceful manner, including through public protests, without fear of being injured, beaten, arbitrarily arrested and detained, tortured, killed or subjected to enforced disappearance,

Stressing also that peaceful protests should not be viewed as a threat, and therefore encouraging all States to engage in an open, inclusive and meaningful dialogue when dealing with peaceful protests and their causes,

Recognizing that national human rights institutions and civil society organizations, including non-governmental organizations, can play a useful role in facilitating continued dialogue between individuals taking part in peaceful protests and relevant authorities,

Stressing the need to ensure full accountability for human rights violations or abuses in the context of peaceful protests,

Recalling the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, as adopted at the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

1. *Recognizes* the need to reflect on the promotion and protection of human rights in the context of peaceful protests;

2. *Welcomes* the holding of the panel discussion on the issue of the promotion and protection of human rights in the context of peaceful protests by the Human Rights Council at its eighteenth session and the active participation of States and other stakeholders therein;

3. *Takes note* of the summary of the panel discussions prepared by the Office of the United Nations High Commissioner for Human Rights;⁵⁴

4. *Acknowledges* that peaceful protests can occur in all societies;

5. *Recalls* that States have the responsibility, including in the context of peaceful protests, to promote and protect human rights and to prevent human rights violations, in particular extrajudicial, summary or arbitrary executions, arbitrary arrest and detention, enforced disappearances, and torture and other cruel, inhuman or degrading treatment or punishment, and calls upon States to avoid the abuse of criminal and civil proceedings or threats of such acts at all times;

6. *Encourages* all States to avoid using force wherever possible during peaceful protests, and to ensure that, where force is absolutely necessary, no one is subject to excessive or indiscriminate use of force;

7. *Calls upon* States, and where applicable relevant governmental authorities, to ensure adequate training of law enforcement officials and military personnel and to promote adequate training for private personnel acting on behalf of a State, including in international human rights law, and, where appropriate, international humanitarian law;

8. *Requests* the High Commissioner to prepare and submit a thematic report to the Human Rights Council, prior to its twenty-second session, on effective measures and best practices to ensure the promotion and protection of human rights in the context of peaceful protests;

9. *Encourages* relevant thematic special procedures mandate holders, including the Special Rapporteur on freedom of expression, the Special Rapporteur on the rights to freedom of peaceful assembly and association, the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the situation of human rights defenders, to contribute to the above-mentioned thematic report;

10. *Requests* the High Commissioner, in preparing the thematic report, to draw from the experience of treaty bodies and to seek the views of States and relevant partners, such as United Nations agencies, regional organizations, national human rights institutions and civil society organizations;

11. *Decides* to consider the above-mentioned report and possible next steps at its twenty-second session under agenda item 3.

*55th meeting
23 March 2012*

[Adopted without a vote.]

19/36 Human rights, democracy and the rule of law

The Human Rights Council,

Recalling General Assembly resolutions 55/96 of 4 December 2000 on promoting and consolidating democracy, 57/221 of 18 December 2002 on strengthening the rule of law, 59/201 of 20 December 2004 on enhancing the role of regional, subregional and other organizations and arrangements in promoting and consolidating democracy and 66/102 of 9 December 2011 on the rule of law at the national and international levels, all relevant

⁵⁴ A/HRC/19/40.

resolutions of the Commission on Human Rights, in particular resolutions 1999/57 of 27 April 1999 on the promotion of the right to democracy, 2000/47 of 25 April 2000 on promoting and consolidating democracy, 2001/41 of 23 April 2001 on continuing dialogue on measures to promote and consolidate democracy, 2002/46 of 23 April 2002 on further measures to promote and consolidate democracy, 2003/36 of 23 April 2003 on interdependence between democracy and human rights, 2004/30 of 19 April 2004 on enhancing the role of regional, subregional and other organizations and arrangements in promoting and consolidating democracy, 2005/32 of 19 April 2005 on democracy and rule of law, and Human Rights Council resolution 18/15 of 29 September 2011 on the incompatibility between democracy and racism,

Reaffirming that democracy, development and respect for all human rights and fundamental freedoms are interdependent and mutually reinforcing and that priority should be given to national and international action aimed at their promotion and strengthening,

Reaffirming also that democracy is based on the freely expressed will of people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives,

Recalling that each State has the responsibility for the promotion of all human rights, including the right to development, and the elimination of poverty and extreme poverty, all of which can contribute substantially to the promotion and consolidation of democracy and constitute a common and shared responsibility of States, and that good governance, including through transparency and accountability, is indispensable for building peaceful, prosperous and democratic societies,

Noting the adoption by various regional, subregional and other organizations and initiatives of institutional rules and structures that recognize the interdependent relationship between democracy and the protection of human rights, and the adoption of mechanisms designed to promote it, to prevent situations which affect or threaten democratic institutions or to implement measures for the collective defence of democracy in the event of a serious disturbance or disruption of the democratic system,

Recognizing that human rights, democracy and the rule of law are strengthened when States work to eliminate discrimination on account of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, disability or other status and when they strive to ensure equality between men and women in decision-making,

Encouraged by the wish of an increasing number of countries all over the world to devote their energy, means and political will to the building of democratic societies where individuals have the opportunity to shape their own destiny,

Welcoming the democratization processes taking place in various countries and regions of the world, which are motivated by the aspirations of peoples for dignity, peace, justice, democracy, respect for human rights and development,

Recalling General Assembly resolution 65/32 of 6 December 2010, in which the Assembly decided to convene a high-level meeting on the rule of law at the national and international levels during the high-level segment of its sixty-seventh session,

Reaffirming that, while democracies share common features, there is no single model of democracy and that democracy does not belong to any country or region, and reaffirming also the necessity of due respect for sovereignty and the right to self-determination,

1. *Stresses* that democracy includes respect for all human rights and fundamental freedoms, inter alia, freedom of association and of peaceful assembly, freedom

of expression and opinion, freedom of thought, conscience, religion or belief, the right to be recognized everywhere as a person before the law and the right to take part in the conduct of public affairs, directly or through freely chosen representatives, to vote in a pluralistic system of political parties and organizations and to be elected at genuine, periodic, free and fair elections by universal and equal suffrage and by secret ballot guaranteeing the free expression of the will of the people, as well as respect for the rule of law, the separation of powers, the independence of the judiciary, transparency and accountability in public administration and decision-making and free, independent and pluralistic media;

2. *Reaffirms* the right of every citizen to vote and be elected at genuine periodic elections without discrimination of any kind, such as race, colour, sex, language, religion or belief, political or other opinion, national or social origin, property, birth or other status, and stresses that persons entitled to vote must be free to vote for any candidate of party for election and free to support or to oppose government, without undue influence or coercion of any kind that may distort or inhibit the free expression of the elector's will, and that the results of genuine, periodic, free and fair elections representing the choice of the people for their representatives should be respected by the international community, as well as by all parties and stakeholders;

3. *Stresses* therefore that everyone must be able to express their grievances or aspirations in a peaceful manner, including through public protests, without fear of being injured, beaten, arbitrarily arrested and detained, tortured, killed or subjected to enforced disappearance;

4. *Reaffirms* that democracy is vital for the promotion and protection of all human rights;

5. *Recalls* that the interdependence between a functioning democracy, strong and accountable institutions, transparent and inclusive decision-making and effective rule of law is essential for a legitimate and effective Government that is respectful of human rights;

6. *Emphasizes* the crucial role played by the political opposition and civil society in the proper functioning of a democracy;

7. *Calls upon* States to ensure a safe and enabling environment for the media, including for journalists, media workers and associated personnel;

8. *Urges* States to acknowledge publicly the important contribution of human rights defenders to the promotion of human rights, democracy and the rule of law, and to create a safe and enabling environment for their work;

9. *Stresses* the need for the international community to assist and support countries, upon their request, that are emerging from conflict or undergoing democratization, as they may face special challenges in addressing legacies of human rights violations during their transition and in moving towards democratic governance and the rule of law;

10. *Welcomes* the encouraging developments in countries on all continents where free elections have taken place for the first time, positive constitutional changes have been enacted and democratic institutions have been strengthened, thus building confidence in representational governance and contributing to greater national and regional peace and stability;

11. *Recalls* that democratization can be a fragile process and that the respect of human rights and the rule of law are essential for the stability of democratic societies, including in the context of using information and communication technologies such as the Internet, mobile networks and social media tools;

12. *Also recalls* that States are guarantors of democracy, human rights, good governance and the rule of law, and bear responsibility for their full implementation;

13. *Reaffirms* that democracy and racism are incompatible and that any form of impunity condoned by public authorities for crimes motivated by racist, xenophobic or other discriminatory attitudes plays a role in weakening the rule of law and democracy and tends to encourage the recurrence of such acts, and condemns political platforms and organizations based on racism, xenophobia or doctrines of racial superiority and related discrimination, as well as legislation and practices based on racism, racial discrimination, xenophobia and related intolerance;

14. *Acknowledges* the fundamental importance of education and training on human rights and democracy in contributing to the promotion, protection and effective realization of all human rights;

15. *Emphasizes* the importance of effective, transparent and accountable legislative bodies, and acknowledges their fundamental role in the promotion and protection of human rights, democracy and the rule of law;

16. *Calls upon* States to make continuous efforts to strengthen the rule of law and promote democracy by:

(a) Upholding the separation of powers by taking appropriate constitutional, legislative, judicial and other institutional measures;

(b) Upholding the independence and the integrity of the judiciary;

(c) Ensuring that a sufficient degree of legal certainty and predictability is provided in the application of the law, in order to avoid any arbitrariness;

(d) Taking active and consistent measures aimed at increasing awareness among the population of their human rights and of their possibilities of resorting to remedies, as established by law and international human rights instruments and mechanisms, when their rights are infringed;

(e) Engaging with civil society organizations and institutions and enabling them to participate in the public debate on decisions that would contribute to the promotion and protection of human rights and the rule of law and of any other relevant decisions;

(f) Ensuring increased public access to information in a manner that can be understood by people and groups in society regarding the exercise of their rights;

(g) Taking active measures to provide equal access to persons with disabilities through means such as the identification and elimination of obstacles and barriers to accessibility, in order to ensure their full participation in all aspects of the democratic processes;

(h) Taking appropriate measures and steps to amend electoral laws in order to enable people to vote and participate in elections, without unreasonable restrictions;

(i) Establishing or strengthening national human rights institutions, in compliance with the Paris Principles;

(j) Guaranteeing that no individual or public or private institution is above the law, by ensuring that:

(i) The principles of equal protection before the courts and under the law are respected within their legal systems and applied without discrimination to all persons within their jurisdiction;

- (ii) Impunity is not tolerated for violations of human rights law and international humanitarian law, and that such violations are properly investigated and appropriately sanctioned, including by bringing the perpetrators of any crimes to justice, through domestic mechanisms or, where appropriate, international mechanisms, in accordance with international human rights obligations and the commitments of States;
- (iii) All Government agents, irrespective of their positions, are promptly held fully accountable, consistent with applicable domestic law and international obligations, for any violation of the law that they commit;
- (iv) The administration of justice is free from any form of discrimination;
- (v) Comprehensive anti-corruption strategies and measures are adequately developed and applied in order to maintain the independence and impartiality of the judiciary, and to ensure the moral integrity and accountability of the members of the judiciary, legislative and executive powers;
- (vi) The military remains accountable to relevant national civilian authorities;
- (vii) Military courts or special tribunals are independent, competent and impartial, and that such courts or tribunals apply established procedures of due process of law and guarantees of a fair trial, in accordance with domestic law, international human rights obligations and international humanitarian law;
- (k) Respecting equal protection under the law, by:
 - (i) Ensuring the right to life, liberty and security of person without discrimination, fully guaranteeing the right of everyone to recognition as a person before the law;
 - (ii) Ensuring that everyone has equal access to information regarding their rights and equal access to justice, including through non-judicial measures;
 - (iii) Taking active measures to improve the access to justice for all, including minorities, whose full exercise of human rights is impeded by, inter alia, the lack of information and/or resources and any discriminatory or arbitrary measures;
 - (iv) Incorporating the principle of equality of men and women under the law;
 - (v) Guaranteeing the right to a fair trial and to a due process of law without discrimination, including the right to be presumed innocent until proven guilty according to law, and the right of everyone convicted of a crime to have their conviction and sentence reviewed by a higher tribunal according to law;
 - (vi) Promoting continuously the independence, impartiality and integrity of the judiciary;
 - (vii) Guaranteeing to victims of human rights violations the right to effective remedies, including reparations, as subject to determination by competent authorities and consistent with international obligations;
 - (viii) Encouraging the continuous training of public servants, military personnel, parliamentary experts, lawyers, judges at all levels and the staff of the courts, as appropriate to their area of responsibility, on international human rights obligations and commitments, in particular with respect to legal aspects and procedures relating to equality under the law;

- (ix) Supporting inclusive and democratic approaches in the elaboration and revision of fundamental laws and regulations that underpin democracy and the rule of law, human rights and fundamental freedoms;

17. *Calls upon* Member States to enhance social cohesion and solidarity, as important elements of democracy, by:

- (a) Developing and strengthening institutional and educational capabilities at the local, regional and national levels to mediate conflicts, resolve disputes peacefully and prevent and eliminate the use of violence in addressing social tensions and disagreements;

- (b) Improving social protection systems, including appropriate and necessary social services;

- (c) Encouraging social dialogue and tripartism with regard to labour relations among Government, trade unions and employer organizations;

- (d) Encouraging the political and economic empowerment of women, including by increasing their representation in parliaments, cabinets and the work force, thereby reflecting equality between men and women;

18. *Encourages* Member States to continue to strengthen their cooperation with the United Nations system, relevant intergovernmental regional, subregional and other organizations and arrangements, and national human rights institutions, as well as with relevant non-governmental organizations in the field of electoral assistance and support for the promotion of democratization, and to initiate or reinforce networks and partnerships for the dissemination of knowledge and information about the role of democratic institutions and mechanisms in facing the political, economic, social and cultural challenges in their respective societies;

19. *Invites* intergovernmental regional, subregional and other organizations and arrangements, national human rights institutions and relevant non-governmental organizations to engage actively in work at the local, national, subregional and regional levels to consistently support and consolidate democracy and the rule of law, and to initiate exchanges with the United Nations system on their experiences by, inter alia:

- (a) Identifying and disseminating best practices and experiences at the regional, subregional and cross-regional levels in promoting and protecting democratic processes, including in the field of electoral reform;

- (b) Establishing and supporting regional, subregional and national civic education programmes that provide access to information on democratic governance and the rule of law, and stimulate dialogue on the functioning of democracy;

- (c) Encouraging the study, in schools and universities, of democracy, the rule of law, human rights and good governance, as well as the functioning of public administration, political institutions and civil society organizations;

- (d) Elaborating and widely distributing reports, assessments, training materials, handbooks, case studies and documentation on various types of democratic constitutions, electoral systems and administration in order to assist populations in making more informed choices;

- (e) Encouraging the use of democratic consultative mechanisms in decision-making processes and disputes as an opportunity for stakeholders to advance their rights and reach well-informed decisions within institutional frameworks;

20. *Invites* States members of intergovernmental regional organizations and arrangements to include or reinforce provisions of the constitutive acts of their

organizations and arrangements that aim at promoting democratic values and principles and at protecting and consolidating democracy in their respective societies;

21. *Encourages* the Secretary-General, in consultation and cooperation with Member States, to give priority to improving the capacity of the United Nations system as an effective partner for Member States in the process of building democratic societies based on the rule of law, where individuals and peoples have the opportunity to shape their own destiny;

22. *Encourages* the Office of the United Nations High Commissioner for Human Rights, the United Nations Development Programme, the United Nations Entity for Gender Equality and the Empowerment of Women and other relevant United Nations structures to make a concerted effort to integrate and mainstream democracy and the rule of law into their strategic planning;

23. *Acknowledges* that the Human Rights Council, by promoting the normative content and the realization of the human rights enshrined in various international instruments, can play a role in developing and promoting the fulfilment of the principles, norms and standards that are the basis of democracy and the implementation of the rule of law;

24. *Requests* the Office of the High Commissioner, in consultation with States, national human rights institutions, civil society, relevant intergovernmental bodies and international organizations, to draft a study on common challenges facing States in their efforts to secure democracy and the rule of law from a human rights perspective, as well as on lessons learned and best practices in the engagement of the State with the international community to support such processes, and to present the study to the Human Rights Council at its twenty-second session;

25. *Urges* the Office of the High Commissioner to further develop, in close cooperation with other relevant United Nations funds and programmes, its assistance programmes in the area of the promotion and consolidation of democracy and the rule of law, and to include more training for members of the executive, legislative and judicial bodies of interested Member States;

26. *Decides* to organize, at its twenty-third session, a panel discussion on common challenges facing States in their efforts to secure democracy and the rule of law from a human rights perspective, as well as on lessons learned and best practices in the engagement of the State with the international community to support such processes;

27. *Requests* the Office of the High Commissioner to prepare a report on the outcome of the panel discussion in the form of a summary.

*55th meeting
23 March 2012*

[Adopted by a recorded vote of 43 to 0, with 2 abstentions. The voting was as follows:

In favour:

Angola, Austria, Bangladesh, Belgium, Benin, Botswana, Burkina Faso, Cameroon, Chile, Congo, Costa Rica, Czech Republic, Djibouti, Ecuador, Guatemala, Hungary, India, Indonesia, Italy, Jordan, Kyrgyzstan, Libya, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Norway, Peru, Philippines, Poland, Qatar, Republic of Moldova, Romania, Russian Federation, Senegal, Spain, Switzerland, Thailand, Uganda, United States of America, Uruguay

Abstaining:

China, Cuba]

19/37 Rights of the child

The Human Rights Council,

Emphasizing that the Convention on the Rights of the Child constitutes the standard in the promotion and protection of the rights of the child, and bearing in mind the importance of the Optional Protocols to the Convention, as well as other human rights instruments,

Reaffirming all previous resolutions on the rights of the child of the Commission on Human Rights, the Human Rights Council and the General Assembly, the most recent being Council resolutions 7/29 of 28 March 2008, 10/14 of 26 March 2009, 13/20 of 26 March 2010 and 16/12 of 24 March 2011, and Assembly resolution 66/141 of 19 December 2011,

Welcoming the reports of the Secretary-General on the status of the Convention on the Rights of the Child,⁵⁵ on the follow-up to the special session of the General Assembly on children⁵⁶ and on the girl child,⁵⁷

Taking note with appreciation of the report of the Special Representative of the Secretary-General on violence against children,⁵⁸ the report of the Special Representative of the Secretary-General for Children and Armed Conflict,⁵⁹ and the reports of the Special Rapporteur on the sale of children, child prostitution and child pornography,⁶⁰

Welcoming the study of the United Nations High Commissioner for Human Rights on challenges, lessons learned and best practices in a holistic, child rights and gender-based approach to protect and promote the rights of children working and/or living on the street,⁶¹

Taking note with appreciation of the adoption by the General Assembly of the third Optional Protocol to the Convention on the Rights of the Child, on a communications procedure,⁶² and of the signing ceremony held on 28 February 2012, at which 20 States signed the Optional Protocol,

Recognizing the contribution of the International Criminal Court in ending impunity for the most serious crimes against children, including genocide, crimes against humanity and war crimes, calling upon States not to grant amnesties for such crimes and acknowledging the contribution of the international criminal tribunals and special courts in ending impunity for the most serious crimes against children, including genocide, crimes against humanity and war crimes,

Welcoming the work of the Committee on the Rights of the Child, and taking note with interest of recent general comments, in particular general comment No. 10 (2007) on children's rights in juvenile justice,

Welcoming also the attention paid by the special procedures of the Human Rights Council to the rights of the child in the context of their respective mandates, inter alia, the reports of the Special Rapporteur on the right to education,⁶³ the Special Rapporteur on

⁵⁵ A/66/230.

⁵⁶ A/66/258.

⁵⁷ A/66/257.

⁵⁸ A/HRC/19/64.

⁵⁹ A/66/256.

⁶⁰ A/66/228 and A/HRC/19/63.

⁶¹ A/HRC/19/35.

⁶² General Assembly resolution 66/13.

⁶³ A/HRC/17/29.

trafficking in persons, especially women and children,⁶⁴ and the Special Rapporteur on contemporary forms of slavery, including its causes and consequences,⁶⁵

Profoundly concerned that the situation of children in many parts of the world remains critical, and convinced that urgent and effective national and international action is called for,

Mindful that regional instruments can play an important role in protecting and promoting the rights of the child,

Deeply concerned that more than seven million six hundred thousand children under the age of 5 die each year, mostly from preventable and treatable causes, caused by lack of access to health care and services, including access to skilled birth attendants and immediate newborn care, as well as to health determinants, such as clean and safe water and sanitation, and safe and adequate nutrition, and that mortality remains highest among children belonging to the poorest and most marginalized communities,

Underlining the need to mainstream a gender perspective and to recognize the child as a rights-holder in all policies and programmes relating to children,

Welcoming the progress made towards the universal ratification of the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict, ahead of the tenth anniversary in 2012 of their entry into force,

Recognizing that environmental damage and hazards have potentially negative effects on children and their enjoyment of their rights to life, to the highest attainable standards of health and to an adequate standard of living,

I. Implementation of the Convention on the Rights of the Child and other instruments

1. *Reaffirms* that the general principles of, inter alia, the best interests of the child, non-discrimination, participation and survival and development provide the framework for all actions concerning children, including adolescents;

2. *Acknowledges* that the Convention on the Rights of the Child is the most universally ratified human rights treaty, and urges the States that have not yet done so to become parties, as a matter of priority, to the Convention and the first two Optional Protocols thereto, and to consider signing and ratifying the third Optional Protocol thereto, on a communications procedure, and, concerned at the great number of reservations to the Convention, urges States parties to withdraw reservations incompatible with the object and purpose of the Convention and the Optional Protocols thereto and to consider reviewing regularly other reservations with a view to withdrawing them;

3. *Calls upon* States parties to implement the Convention and the Optional Protocols thereto fully and in accordance with the best interests of the child by, inter alia, putting in place effective national legislation, policies and action plans, and to comply in a timely manner with their reporting obligations under the Convention and the first two Optional Protocols thereto, taking fully into consideration the guidelines elaborated by the Committee on the Rights of the Child, as well as taking into account the recommendations made by the Committee in the implementation of the provisions of the Convention;

4. *Also calls upon* States parties to designate, establish or strengthen relevant governmental structures for children, including, where appropriate, ministries in charge of

⁶⁴ A/HRC/17/35.

⁶⁵ A/HRC/18/30.

child issues, independent ombudspersons and other independent institutions for children, and to ensure adequate and systematic training on the rights of the child for professionals working with and for children;

5. *Encourages* States to develop and strengthen the collection, analysis and dissemination of data for national statistics, including in the area of juvenile justice and on children deprived of liberty, as well as children of incarcerated parents, and, as far as possible, to use data disaggregated by, inter alia, age, sex, ethnicity, location, language, family income, disability and other relevant factors that may lead to disparities, and other statistical indicators at the national, subnational, subregional, regional and international levels, to develop and assess social policies and programmes so that economic and social resources are used efficiently and effectively for the full realization of the rights of the child;

6. *Calls upon* all States to strengthen their international commitment, cooperation and mutual assistance with the objective of fully realizing the rights of the child, including through the sharing of good practices, research, policies, monitoring and capacity-building;

7. *Calls upon* States to ensure that their national legal systems are able to provide remedies to children who are victims of violations of their rights, and to ensure that such systems are accessible and appropriate for all children without discrimination of any kind;

8. *Reaffirms* the right of the child to express his or her views freely in all matters affecting him or her and giving those views due weight in accordance with his or her age and maturity, and calls upon States to provide disability-, gender- and age-appropriate assistance to enable the active and equal participation of all children;

9. *Calls upon* all States to take all necessary measures to establish holistic child protection systems, including laws, policies, regulations and services across all social sectors, especially social welfare, education, health, security and justice, in order to address the multiple needs and underlying vulnerabilities of children in the most disadvantaged and marginalized situations;

II. Mainstreaming of the rights of the child

10. *Reaffirms* its commitment to effectively integrate the rights of the child into its work and that of its mechanisms in a regular, systematic and transparent manner, taking into account the specific needs of boys and girls;

11. *Decides* to continue to incorporate into its programme of work sufficient time, at a minimum an annual full-day meeting, to discuss different specific themes on the rights of the child, including the identification of challenges to the realization of the rights of the child, as well as measures and best practices that can be adopted by States and other stakeholders, and to assess the effective integration of the rights of the child into its work;

12. *Urges* all stakeholders to take into full account the rights of the child in the second and subsequent cycles of the universal periodic review, in the preparation of information submitted for the review and during its dialogue, outcome and follow-up, in particular with regard to the implementation of recommendations on the rights of the child, and encourages States to consult civil society and children to this end, as appropriate;

13. *Encourages* special procedures and other human rights mechanisms of the Human Rights Council to integrate the rights of the child into their work and to include in their reports specific information, qualitative analysis and recommendations aimed at improving the situation of children, in accordance with their mandates;

14. *Encourages* all human rights treaty bodies to integrate the rights of the child into their work, in accordance with their mandates;

III. Protecting and promoting the rights of the child

Non-discrimination

15. *Calls upon* States to ensure the enjoyment by children of all their civil, cultural, economic, political and social rights without discrimination of any kind;

16. *Notes with concern* the large number of children belonging to national, ethnic, religious and linguistic minorities, migrant children, refugee or asylum-seeking children, internally displaced children and children of indigenous origin that are victims of discrimination, including racism, racial discrimination, xenophobia and related intolerance, and stresses the need to incorporate special measures, in accordance with the principle of the best interests of the child and respect for his or her views and the child's gender-specific needs, in education programmes and programmes to combat these practices, and calls upon States to provide special support and to ensure equal access to services for those children;

The girl child

17. *Calls upon* all States to take all necessary measures, including by enacting and enforcing legislation and, where appropriate, formulating comprehensive, multidisciplinary and coordinated national plans, policies, programmes or strategies to promote and protect the human rights of the girl child, in order to:

(a) Eliminate all forms of discrimination against girls and women and take measures to address stereotyped gender roles and other prejudices based on the idea of the inferiority or the superiority of either of the sexes, and to mainstream in this context a gender perspective in all development policies and programmes, including those relating to children and those specific to the girl child;

(b) Protect girls from all forms of violence and exploitation, including female infanticide, female genital mutilation, rape, domestic violence, incest, sexual abuse, sexual exploitation, child prostitution and child pornography, human trafficking, forced migration, forced labour, early and forced marriage and forced sterilization, including by addressing their root causes, to eliminate prenatal sex selection and to develop age-appropriate safe and confidential programmes and medical, social and psychological support services to assist girls who are subjected to violence and discrimination;

(c) Promote gender equality and equal access to basic social services, such as education, nutrition, birth registration, health care, including sexual and reproductive health, in line with the International Conference on Population and Development, vaccinations and protection from diseases representing the major causes of mortality;

(d) Involve girls and their representative organizations in decision-making processes, as appropriate, and include them as full and active partners in identifying their own needs and in developing, planning, implementing and assessing policies and programmes to meet those needs;

Children with disabilities

18. *Recognizes* that children with disabilities should have full enjoyment of all human rights and fundamental freedoms on an equal basis with other children, and recalls the obligations to that end undertaken by the States parties to the Convention on the Rights of the Child and to the Convention on the Rights of Persons with Disabilities;

19. *Calls upon* all States:

(a) To take all necessary measures to ensure the full and equal enjoyment of all human rights and fundamental freedoms by children with disabilities, in both the public and private spheres, including by incorporating an explicit focus on the specific needs of children with disabilities into policies and programmes for children, taking into account the particular situation of children with disabilities, who may be subject to multiple or aggravated forms of discrimination, including girls and children living in poverty;

(b) To ensure the protection of the dignity of children with disabilities, to promote their self-reliance and to facilitate their full and active participation and inclusion in the community, including by ensuring access to quality, inclusive education and health services, and to enact and enforce legislation protecting children with disabilities against all forms of discrimination, exploitation, human trafficking, violence and abuse;

(c) To consider ratifying the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto as a matter of priority;

Migrant children

20. *Also calls upon* all States to ensure for migrant children, as well as for children of migrant parents, the enjoyment of all human rights of every child within their jurisdiction without discrimination of any kind, to provide access to health care, social services and education of good quality in accordance with domestic laws consistent with applicable international obligations, and to ensure that migrant children, especially those who are unaccompanied and those who are victims of violence and exploitation receive special protection and assistance, in accordance with their obligations, as reflected in articles 9 and 10 of the Convention on the Rights of the Child;

21. *Calls upon* States to establish or strengthen policies and programmes aimed at addressing the situation of children in the context of migration that have a human rights-based approach and are based on general principles, such as the best interests of the child, non-discrimination, participation, survival and development;

Children working and/or living on the street

22. *Calls upon* all States to take a holistic and gender-based approach to the protection and promotion of the rights of children working and/or living on the street in order to prevent violations of their rights, including discrimination, arbitrary detention and extrajudicial, arbitrary and summary execution, torture, all kinds of violence and exploitation, and human trafficking, and to bring the perpetrators to justice, to adopt and implement policies for the protection, social and psychosocial rehabilitation and reintegration of those children, and to adopt economic, social and educational strategies to address the problems of children working and/or living on the street;

Refugee and internally displaced children

23. *Also calls upon* all States to comply with their obligations as assumed under relevant provisions of international law, and to protect refugee, asylum-seeking and internally displaced children, in particular those who are unaccompanied and who are particularly exposed to risks in connection with armed conflict and post-conflict situations, such as recruitment, sexual violence and exploitation; to pay particular attention to programmes for voluntary repatriation and, wherever possible, local integration and resettlement, to give priority to family tracing and reunification; and, where appropriate, to cooperate with international humanitarian and refugee organizations;

Freedom from violence

24. *Encourages* States to implement the recommendations made in the United Nations study on violence against children,⁶⁶ building upon the follow-up process promoted by the Special Representative of the Secretary-General on violence against children, urging them to prioritize prevention in order to address the serious incidence and long-term impact of all forms of violence against children perpetrated throughout the world, in their homes and families, in schools and other education centres, in care and justice systems, workplaces and in communities;

25. *Notes with appreciation* the consolidated partnerships promoted by the Special Representative of the Secretary-General on violence against children in coordination with national Governments, United Nations agencies, regional organizations, human rights bodies and mechanisms and representatives of civil society, and with the participation of children;

26. *Calls upon* all States and invites United Nations entities and agencies, regional organizations and civil society, including non-governmental organizations, to cooperate with the Special Representative of the Secretary-General on violence against children in promoting further implementation of the recommendations made in the United Nations study on violence against children, and encourages States to provide support to the Special Representative, including adequate and predictable financial support, for the continued, effective and independent performance of her mandate, as set out by the General Assembly in its resolution 62/141 of 18 December 2007, and invites the private sector to provide voluntary contributions for that purpose;

27. *Calls upon* States to take effective and appropriate legislative and other measures or, where they already exist, to strengthen legislation and policy to prohibit and eliminate all forms of violence against children in all settings;

28. *Also calls upon* States to take, as a matter of urgency, all appropriate measures to prevent, and to protect children from, torture and other cruel, inhuman or degrading treatment or punishment and from all forms of violence, including physical, mental and sexual violence, to tackle all forms of bullying, child abuse and exploitation, domestic violence and neglect, human trafficking and violence perpetrated by the police, other law enforcement authorities and employees and officials in detention centres or welfare institutions, including orphanages, giving priority to the gender dimension, and to address underlying causes through a systematic and comprehensive approach;

29. *Further calls upon* States to ensure that all child victims of violence have access to appropriate child-sensitive health care and services, as well as social services, and that special attention is paid to the gender-specific needs of girls and boys who are victims of violence;

Identity, family relations and birth registration

30. *Urges* all States to intensify their efforts to comply with their obligations under the Convention on the Rights of the Child to preserve the child's identity, including nationality, name and family relations, as recognized by law, to ensure birth registration of all children immediately after birth, irrespective of their status, through universal, free, accessible, simple, expeditious and effective registration procedures in accordance with article 7 of the Convention on the Rights of the Child and article 24 of the International Covenant on Civil and Political Rights, to raise awareness of the importance of birth

registration at the national, regional and local levels, to facilitate late registration of birth, and to ensure that children who have not been registered have access without discrimination to health care, protection, education, safe drinking water and sanitation, and other basic services;

31. *Recalls* that every child has the right to acquire a nationality, recognizes the special needs of children for protection against arbitrary deprivation of nationality, and encourages States that have not acceded to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness to consider doing so;

32. *Reaffirms* paragraphs 17 and 18 of Human Rights Council resolution 7/29, and calls upon States to consider ratifying the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children, the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, and the Convention on the Civil Aspects of International Child Abduction;

33. *Encourages* States to take into account the Guidelines for the Alternative Care of Children, and to adopt and enforce laws and improve the implementation of policies and programmes, budget allocation and human resources to protect children growing up without parents or caregivers; where alternative care is necessary, decision-making should be in the best interests of the child, in full consultation with the child as age-appropriate and with his or her legal guardians;

34. *Calls upon* States to cooperate, to the extent consistent with the obligations of each State, to ensure the right of children whose parents reside in different States to maintain, on a regular basis, save in exceptional circumstances, personal relations and direct contact with both parents by facilitating access and visitation in both States and by respecting the principle that both parents have common responsibilities for the upbringing and development of their children;

Eradication of poverty

35. *Calls upon* States and the international community to support, cooperate and participate in the intensification of global efforts for poverty eradication at the global, regional and country levels by, inter alia, accelerating progress towards all development and poverty reduction goals, as set out in the Millennium Declaration and reaffirmed during its review, so as to ensure the realization of the rights of the child;

36. *Calls upon* States to ensure that all efforts to achieve child poverty-related international development goals by and beyond 2015 are guided by the obligations and commitments of States to respect, protect and fulfil human rights;

Right to the enjoyment of the highest attainable standard of health

37. *Calls upon* all States:

(a) To take all necessary measures to ensure that the right of the child to life, survival and the enjoyment of the highest attainable standard of physical and mental health is promoted and protected, without any kind of discrimination, including through the development and implementation of laws, strategies and policies, gender-responsive budgeting and resource allocation, and adequate investment in health systems, including comprehensive and integrated primary health care, and in the health work force, including in efforts to achieve health-related international development goals by and beyond 2015, and to ensure access to adequate food and nutrition, safe drinking water and sanitation;

(b) To address, as a matter of priority, the vulnerabilities faced by children affected by and living with HIV, by providing those children, their families and caregivers

with support and rehabilitation, including social and psychological rehabilitation and care, including paediatric services and medicines, by intensifying efforts to develop tools for early diagnosis, child-friendly medicine combinations and new treatments for children, particularly for infants living in resource-limited settings, and by accelerating efforts towards the elimination of mother-to-child transmission of the virus;

(c) To ensure confidentiality and informed consent in the provision of health care and services, in particular with regard to sexual and reproductive health, to children and adolescents, according to their evolving capacities;

Right to education

38. *Also calls upon* all States:

(a) To recognize and ensure the realization of the right to education on the basis of equal opportunity and non-discrimination by making primary education available, free and compulsory for all children, ensuring that all children have access to good-quality education from an early age, and making secondary education generally available and accessible for all, in particular by the progressive introduction of free education, bearing in mind that special measures to ensure equal access, including affirmative action, contribute to achieving equal opportunity and combating exclusion;

(b) To ensure children's education is restored in emergency situations, and that disaster risk reduction strategies take into due account the right of the child to education;

(c) To design and implement programmes to provide pregnant adolescents and adolescent mothers with education, social services and support, to enable them to continue and complete their education and ensure that they are not discriminated against;

Child labour

39. *Further calls upon* all States to translate into concrete action their commitment to the progressive and effective elimination of child labour that is likely to be hazardous, interfere with the child's education or be harmful to the child's health or physical, mental, spiritual, moral or social development, to eliminate immediately the worst forms of child labour, to promote education as a key strategy in this regard, including the creation of vocational training and apprenticeship programmes and the integration of working children into the formal education system, and to examine and devise economic policies, where necessary, in cooperation with the international community, that address factors contributing to these forms of child labour;

40. *Urges* all States that have not yet ratified the Conventions of the International Labour Organization concerning the Minimum Age for Admission to Employment (Convention No. 138) and the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Convention No. 182) to consider doing so as a matter of priority, and encourages States to consider ratifying the Convention on Decent Work for Domestic Workers (Convention No. 189);

41. *Notes with interest* the outcome of the Hague Global Child Labour Conference, including the Road Map for Achieving the Elimination of the Worst Forms of Child Labour by 2016;

IV. Prevention and eradication of the sale of children, child prostitution and child pornography

42. *Calls upon* all States:

(a) To take all measures necessary to eliminate, criminalize and penalize effectively all forms of sexual exploitation and sexual abuse of children, including within the family or for commercial purposes, child pornography and child prostitution, human trafficking, child sex tourism, the sale of children for any purpose (including sexual exploitation, organ transfer, illegal adoption and forced labour), including when these acts are committed through the Internet, and to take effective measures against the criminalization of children who are victims of exploitation;

(b) To take effective measures to ensure the prosecution of offenders, including through international assistance in connection with investigations or criminal or extradition proceedings, and to increase cooperation at all levels to prevent and dismantle networks trafficking in children;

(c) To address effectively the needs of victims of human trafficking, sale of children, child prostitution and child pornography, including their safety and protection, physical and psychological recovery and full reintegration into their family and society, and bearing in mind the best interests of the child, to combat the demand that encourages such criminal practices against children and factors leading to these practices, and to take the measures necessary to eliminate the sale of children, child prostitution and child pornography by adopting a holistic approach and addressing all contributing root causes;

(d) To consider signing and ratifying or acceding to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;

V. Protection of children affected by armed conflict

43. *Condemns* in the strongest terms all violations of applicable international law committed against children in armed conflict involving the recruitment and use of children, as well as killing or maiming, rape or other sexual violence, abduction, attacks against schools and hospitals, denial of humanitarian access and the forced displacement of children and their families, and urges all parties to armed conflict to end all violations and to seek to end impunity for perpetrators by ensuring rigorous investigation and prosecution of crimes committed;

44. *Reaffirms* the essential role of the General Assembly, the Economic and Social Council and the Human Rights Council in the promotion and protection of the rights and welfare of children, including children affected by armed conflict, and takes note of Security Council resolutions on children and armed conflict, in particular resolutions 1612 (2005) of 26 July 2005, 1882 (2009) of 4 August 2009 and 1998 (2011) of 12 July 2011, and of the undertaking by the Security Council to pay special attention to the protection, welfare and rights of children in armed conflict when taking action aimed at maintaining peace and security, including provisions for the protection of children in the mandates of peacekeeping operations, as well as the inclusion of child protection advisers in these operations;

45. *Notes with appreciation* the steps taken with regard to Security Council resolutions 1612 (2005), 1882 (2009) and 1998 (2011), and the efforts of the Secretary-General to implement the monitoring and reporting mechanism, including in collecting and providing timely, objective, accurate and reliable information on children and armed conflict in accordance with those resolutions, with the participation of and in cooperation with Governments and relevant United Nations and civil society actors, including at the country level, and recognizes in this respect the work of the office of the Special Representative of the Secretary-General for Children and Armed Conflict;

46. *Takes note* of the Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (the Paris Principles), and encourages States that have not

endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups (the Paris Commitments) to consider doing so, and to consider using the Paris Principles to inform their work in protecting children from the effects of armed conflicts, and requests the relevant entities of the United Nations system, within their mandates, and invites civil society, to assist Member States in this field;

47. *Calls upon* States:

(a) When ratifying the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, to raise the minimum age for voluntary recruitment of persons into their national armed forces from that set out in article 38, paragraph 3, of the Convention, bearing in mind that, under the Convention, persons under 18 years of age are entitled to special protection, and to adopt safeguards to ensure that such recruitment is not forced or coerced;

(b) To take all feasible measures, in particular long-term educational and social and economic measures, to ensure the demobilization and effective disarmament of children used in armed conflicts, and to implement effective measures for their rehabilitation, physical and psychological recovery and reintegration into society, taking into account the rights and specific needs of girls affected by armed conflict, and paying special attention to their protection and welfare;

(c) To ensure that children accused of committing crimes during conflict while associated with armed forces are also treated as victims and that, in cases where accountability of the child is sought, the decision takes into consideration the best interests of the child and his or her reintegration into society;

(d) To take effective preventive measures against sexual exploitation and abuse by military and civilian peacekeepers, to ensure that investigations and prosecutions are carried out independently and in the best interests of the child, and to hold perpetrators to account;

48. *Calls upon* all States and other parties to armed conflict to respect fully international humanitarian law and, in this regard, calls upon States parties to respect fully the provisions of the Geneva Conventions of 12 August 1949, and the Additional Protocols thereto of 8 June 1977;

VI. Children and the administration of justice

49. *Reaffirms* all resolutions of the General Assembly and the Human Rights Council on juvenile justice, in particular Assembly resolution 65/213 of 21 December 2010 and Council resolution 18/12 of 29 September 2011;

50. *Encourages* States to develop and implement a comprehensive juvenile justice policy to protect and address the needs of children in contact with the law with a view to promoting, inter alia, crime prevention programmes, the use of alternative measures, such as diversion and restorative justice, and ensuring compliance with the principle that deprivation of liberty of children should only be used as a measure of last resort and for the shortest appropriate period of time, as well as to avoid, wherever possible, the use of pretrial detention for children;

51. *Calls upon* States to abolish by law and in practice, as soon as possible, the death penalty and life imprisonment without possibility of release for those under 18 years of age at the time of the commission of the offence;

52. *Also calls upon* States to commute immediately such sentences and to ensure that any child previously sentenced to the death penalty or life imprisonment without possibility of release is removed from special prison facilities, especially from death row,

and transferred to regular institutions of detention appropriate for the age of the offender and the offence committed;

53. *Calls upon* all States to protect children deprived of their liberty from torture and other cruel, inhuman or degrading treatment or punishment, and to ensure that, if they are arrested, detained or imprisoned, children are provided with adequate legal assistance and that they have the right to maintain contact with their family through correspondence and visits from the moment they are arrested, save in exceptional circumstances, and that no child is sentenced or subject to forced labour or corporal punishment, or deprived of access to and provision of health care and services, hygiene and environmental sanitation, education, basic instruction and vocational training, and to undertake prompt investigations of all reported acts of violence and ensure that perpetrators are held accountable;

54. *Urges* States to take special measures to protect children in contact with the law, including by means of the provision of adequate legal assistance, training in juvenile justice for judges, police officers, prosecutors and specialized lawyers, in addition to other representatives who provide other appropriate assistance, such as social workers; the establishment of specialized courts, as appropriate; the promotion of universal birth registration and age documentation; and the protection of the right of juvenile offenders to maintain contact with their families through correspondence and visits, save in exceptional circumstances;

55. *Also urges* States to presume children alleged as, accused of or recognized as having infringed the criminal law to be under the age of majority when their age is in doubt until such an assumption is rebutted by the prosecution, and to treat the accused as a juvenile if the burden is not met;

56. *Further urges* States to ensure that, from the very first contact with the justice system, special measures are in place so that the child understands the nature of proceedings and what is at stake for the child, and that the child is informed of his or her rights in a comprehensible manner, according to his or her age and level of maturity;

57. *Urges* States to ensure that the child is assisted during all judicial proceedings by a competent adult, parent or guardian, in addition to the child's lawyer, and to ensure that the child's right to be heard in proceedings is observed;

58. *Calls upon* States to respect the privacy of the child throughout criminal proceedings, and to ensure that any identification of the child is only made in exceptional and duly justified circumstances;

59. *Also calls upon* States to enact or review legislation to ensure that any conduct not considered a criminal offence or not penalized if committed by an adult is not considered a criminal offence and not penalized if committed by a child, in order to prevent the child's stigmatization, victimization and criminalization;

60. *Urges* States to take all necessary and effective measures, including legal reform where appropriate, to prevent and respond to all forms of violence against children within the justice system;

61. *Encourages* States to collect relevant information concerning children within their criminal justice systems so as to improve their administration of justice, while being mindful of the children's right to privacy, with full respect for relevant international human rights instruments, and bearing in mind applicable international standards on human rights in the administration of justice;

62. *Calls upon* States to consider establishing independent national or subnational mechanisms to contribute to the monitoring and safeguarding of the rights of

the child, including children within their criminal justice systems, and to address children's concerns;

63. *Encourages* States to foster close cooperation between the justice sectors, different services in charge of law enforcement, social welfare and education sectors in order to promote the use and improved application of alternative measures in juvenile justice;

64. *Stresses* the importance of including rehabilitation and reintegration strategies for former child offenders in juvenile justice policies, in particular through education programmes, with a view to their assuming a constructive role in society;

65. *Encourages* States not to set the minimum age of criminal responsibility at too low an age level, bearing in mind the emotional, mental and intellectual maturity of the child, and, in this respect, refers to the recommendation of the Committee of the Rights of the Child to increase their lower minimum age of criminal responsibility to the age of 12 years as the absolute minimum age, and, where applicable, to continue to increase it to a higher age level;

66. *Calls upon* relevant special procedures of the Human Rights Council to pay special attention to questions relating to the effective protection of human rights in the administration of justice, including juvenile justice, and to provide, wherever appropriate, specific recommendations in this regard;

67. *Invites* States, upon their request, to benefit from technical advice and assistance in juvenile justice provided by the relevant United Nations agencies and programmes, in particular the Interagency Panel on Juvenile Justice, in order to strengthen national capacities and infrastructures in the field of the administration of justice, in particular juvenile justice, and encourages States to provide the secretariat of the Panel and its members with adequate resources;

Children of incarcerated parents

68. *Welcomes* the day of general discussion on children of incarcerated parents, held by the Committee on the Rights of the Child on 30 September 2011, takes note with interest of the outcomes thereof, and invites States to take the recommendations made at the discussion into account;

69. *Calls upon* States:

(a) To give priority, when sentencing or deciding on pretrial measures for a pregnant woman or a child's sole or primary care-giver, to non-custodial measures, bearing in mind the gravity of the offence and after taking into account the best interests of the child;

(b) To ensure that the best interests of the child should be a primary consideration in relation to the question of whether and how long children of imprisoned mothers should stay with them in prison, and emphasizing the responsibility of the State to provide adequate care for women in prison and their children;

(c) To provide children of persons accused or convicted of offences with access to their incarcerated parents or parental caregivers throughout judicial proceedings and the period of detention, including regular and private meetings with the prisoners, and, wherever possible, contact visits for younger children, subject to the best interests of the child, taking into account the need to ensure the administration of justice;

(d) To recognize, promote and protect the rights of the child affected by parental incarceration, in particular the right to have their best interests included as an important consideration in decisions relating to one or both of their parent's involvement with the

criminal justice system, as well as the right not to be discriminated against because of the actions or alleged actions of one or both of their parents;

(e) Bearing in mind the best interests of the child, to keep children or their legal guardians informed of the place of imprisonment of their incarcerated parents or parental caregivers and, in advance, of any transfer, as well as of the progress of petitions for pardons, reports presented to bodies such as clemency commissions, and the reasoning behind the recommendations of these bodies to support or reject petitions;

(f) To ensure that children whose parents or parental caregivers are on death row, the inmates themselves, their families and their legal representatives are provided, in advance, with adequate information about a pending execution, its date, time and location, to allow a last visit or communication with the convicted person, the return of the body to the family for burial or to inform on where the body is located, unless this is not in the best interests of the child;

VII. Follow-up

70. *Decides:*

(a) To request the Secretary-General to ensure the provision of appropriate staff and facilities from the United Nations regular budget for the effective and expeditious performance of the functions of the Committee on the Rights of the Child, special procedures and special representatives of the United Nations system in the implementation of their mandates and, where appropriate, to invite States to continue to make voluntary contributions;

(b) To request the Secretary-General to submit to the Human Rights Council, at its twenty-second session, a report on the rights of the child, including information on the status of the Convention on the Rights of the Child;

(c) To remain seized of the issue and to consider, in accordance with the programme of work of the Human Rights Council, an omnibus resolution on the rights of the child every five years, and to focus on a theme of the rights of the child on an annual basis in the intervening period;

(d) To request the High Commissioner to prepare a summary of the full-day meeting on the rights of the child before the twenty-first session of the Human Rights Council;

(e) To focus its next full-day meeting on the right of the child to the enjoyment of the highest attainable standard of health, and invites the Office of the High Commissioner to prepare a report on that issue, in close collaboration with relevant stakeholders, including States, the United Nations Children's Fund, the World Health Organization and other relevant United Nations bodies and agencies, relevant special procedures mandate holders, regional organizations and human rights bodies, civil society, national human rights institutions and children themselves, and to present it to the Human Rights Council at its twenty-second session, to inform the annual day of discussion on children's rights, and to request the High Commissioner to circulate a summary report on the next full-day meeting on the rights of the child.

*55th meeting
23 March 2012*

[Adopted without a vote.]

19/38

The negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights, and the importance of improving international cooperation

The Human Rights Council,

Reaffirming the purposes and principles of the Charter of the United Nations,

Guided by the Universal Declaration of Human Rights, the Declaration on the Right to Development, the Vienna Declaration and Programme of Action and other relevant human rights instruments,

Recalling General Assembly resolutions 60/251 of 15 March 2006, 62/219 of 22 December 2007 and 65/281 of 17 June 2011, and Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007, 11/11 of 18 June 2009 and 16/21 of 25 March 2011,

Recalling also General Assembly resolutions 54/205 of 22 December 1999, 55/61 of 4 December 2000, 55/188 of 20 December 2000, 56/186 of 21 December 2001, 57/244 of 20 December 2002, 58/205 of 23 December 2003, 59/242 of 22 December 2004, 60/207 of 22 December 2005, 61/209 of 20 December 2006, 62/202 of 19 December 2007, 63/226 of 19 December 2008, 64/237 of 24 December 2009 and 65/169 of 20 December 2010,

Recalling further Human Rights Council resolution 17/23 of 17 June 2011,

Reiterating the commitment to ensure the effective enjoyment of all civil, political, economic, social and cultural rights for everyone, including the right to development, and the obligation of all States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms,

Reaffirming that all peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic cooperation, based upon the principle of mutual benefit, and international law, and that in no case may a people be deprived of its own means of subsistence,

Recognizing that corruption is a serious barrier to effective resource mobilization and allocation and diverts resources away from activities that are vital for poverty eradication, the fight against hunger, and economic and sustainable development,

Alarmed at cases of corruption that involve vast quantities of assets, which may constitute a substantial proportion of the resources of States, the deprivation of which threatens the political stability and sustainable development of those States and has a negative impact on the application by States of the maximum available resources to the full realization of all human rights for all,

Deeply concerned that the enjoyment of human rights, be they economic, social and cultural, or civil and political, in particular the right to development, is seriously undermined by the phenomenon of corruption and the transfer of funds of illicit origin, which may endanger the stability and security of societies, undermine the values of democracy and morality and jeopardize social, economic and political development, especially when an inadequate national and international response leads to impunity,

Recalling the United Nations Convention against Corruption, and welcoming the growing number of States parties to it,

Taking note of the work carried out by different United Nations bodies, including the United Nations Office on Drugs and Crime, as well as international and regional organizations, in preventing and combating all forms of corruption,

Recognizing that supportive domestic legal systems are essential in preventing and combating corrupt practices and the transfer of assets of illicit origin and in returning such assets, and recalling that the fight against all forms of corruption requires strong institutions at all levels, including at the local level, able to take efficient preventive and law enforcement measures consistent with the United Nations Convention against Corruption, in particular chapters II and III thereof,

Appreciating the continued efforts of the Conference of the States Parties to the United Nations Convention against Corruption, through its various intergovernmental working groups, to overview the review process of the implementation of the Convention, to advise on the provision of technical assistance to building institutional and human capacity in States parties for the prevention of corruption, and to enhance international cooperation, including in the repatriation of funds of illicit origin,

Affirming the responsibilities of requesting and requested States in the repatriation of funds of illicit origin, cognizant that countries of origin must seek repatriation as part of their duty to ensure the application of the maximum available resources to the full realization of all human rights for all, including the right to development, address human rights violations and combat impunity, and that recipient countries, on the other hand, have a duty to assist and facilitate repatriation as part of their obligation of international cooperation and assistance under chapters IV and V of the United Nations Convention against Corruption and in the field of human rights, and in line with the commitment made at the 2005 World Summit to make the fight against corruption a priority at all levels and to curb the illicit transfer of funds,

Concerned at the difficulties, in particular the practical difficulties, that both requested and requesting States face in the repatriation of funds of illicit origin, taking into account the particular importance of the recovery of stolen assets for sustainable development and stability, and noting the difficulties of providing information establishing a link between the proceeds of corruption in the requested State and the crime committed in the requesting State, which in many cases may be difficult to prove, bearing in mind that everyone charged with a criminal offence has the right to be presumed innocent until proven guilty according to law,

Acknowledging the progress made towards the implementation of the United Nations Convention against Corruption, while recognizing that States continue to face challenges in recovering funds of illicit origin owing to, inter alia, differences in legal systems, the complexity of multijurisdictional investigations and prosecutions, lack of familiarity with the mutual legal assistance procedures of other States and difficulties in identifying the flow of funds of illicit origin, and noting the particular challenges in recovering them in cases involving individuals who are or have been entrusted with prominent public functions and their family members and close associates, and recognizing also that legal difficulties are often exacerbated by factual and institutional obstacles,

Noting with deep concern that, as indicated in the comprehensive study prepared by the United Nations High Commissioner for Human Rights on the negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights, in particular economic, social and cultural rights,⁶⁷ only around 2 per cent of the estimated funds of illicit origin annually leaving the developing world are repatriated to their countries of origin,

Noting the particular concern of developing countries and countries with economies in transition regarding the return of assets of illicit origin derived from corruption, in

⁶⁷ A/HRC/19/42.

particular to countries from which they originated, consistent with the principles of the United Nations Convention against Corruption, in particular chapter V thereto, so as to enable countries to design and fund development projects in accordance with their national priorities in view of the importance that such assets can have to their sustainable development,

Convinced that the illicit acquisition of personal wealth can be particularly damaging to democratic institutions, national economies and the rule of law, and stressing that any resource that the State is deprived of because of corruption has potentially the same negative effect, regardless of whether it is exported or domestically retained,

1. *Takes note with appreciation* of the comprehensive study prepared by the United Nations High Commissioner for Human Rights on the negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights, in particular economic, social and cultural rights;¹

2. *Calls upon* all States that have not yet acceded to the United Nations Convention against Corruption to consider doing so as a matter of priority;

3. *Asserts* the urgent need to repatriate illicit funds to the countries of origin without conditionalities, consistent with the United Nations Convention against Corruption and in line with the commitment made at the 2005 World Summit to make the fight against corruption a priority at all levels and to curb the illicit transfer of funds, and urges all States to step up their efforts to trace, freeze and recover those funds;

4. *Acknowledges* the importance of compliance with international human rights law in relation to the repatriation of funds of illicit origin through, inter alia, promoting human rights-based policy coherence in the deliberations and actions by States Members of the Human Rights Council and in the intergovernmental process of implementing the United Nations Convention against Corruption;

5. *Invites* the Conference of the States Parties to the United Nations Convention against Corruption to consider ways of adopting a human rights-based approach in the implementation of the Convention, including when dealing with the repatriation of funds of illicit origin, and appreciates the continued efforts of the Open-ended Intergovernmental Working Group on Asset Recovery of the Conference to assist States parties in fulfilling their obligations under the Convention to prevent, detect and deter in a more effective manner the international transfer of funds of illicit origin and to strengthen international cooperation in asset recovery, bearing in mind that, regardless of the capacities, resources and willingness of the requesting State's institutions and authorities, there is a victim society that is suffering the consequences of the transfer of those funds;

6. *Welcomes* the decision made at the fourth session of the Conference of the States Parties to the United Nations Convention against Corruption to convene open-ended intergovernmental expert meetings on international cooperation to advise and assist States with regard to extradition and mutual legal assistance, and notes with appreciation the Stolen Assets Recovery Initiative of the World Bank Group and the United Nations Office on Drugs and Crime, and encourages coordination among existing initiatives;

7. *Calls for* further international cooperation, inter alia, through the United Nations system, in support of national, subregional and regional efforts to prevent and combat corruption practices and the transfer of assets of illicit origin, consistent with the principles of the United Nations Convention against Corruption, and, in this regard, encourages close cooperation at the national and international levels between anti-corruption agencies, law enforcement agencies and financial intelligence units;

8. *Calls upon* all States requested to repatriate funds of illicit origin to fully uphold their commitment to make the fight against corruption a priority at all levels and to

curb the illicit transfer of funds, and to acknowledge that, in fulfilling their obligations in this regard under the United Nations Convention against Corruption, they also have a responsibility towards societies affected by corruption to make every effort to achieve the repatriation of funds of illicit origin to the countries of origin in order to diminish the negative impact of non-repatriation, including on the enjoyment of human rights, in particular economic, social and cultural rights in the countries of origin by, inter alia, lowering the barriers imposed on requiring jurisdictions at the tracing stage and enhancing cooperation in this regard between anti-corruption agencies, law enforcement agencies and financial intelligence units, in particular taking into account the risks of dissipation of those funds, and, where appropriate, by delinking confiscation measures from a requirement of conviction in the country of origin;

9. *Also calls upon* all States requesting the repatriation of funds of illicit origin to fully uphold their commitment to make the fight against corruption a priority at all levels and to curb the illicit transfer of funds, and to apply the principles of accountability, transparency and participation in the decision-making process regarding the allocation of repatriated funds to the realization of economic, social and cultural rights in order to improve prevention and detection procedures, correct identified weaknesses or mismanagement, prevent impunity, provide effective remedies directed at creating conditions for avoiding new human rights violations and improve the overall administration of justice;

10. *Reaffirms* that it is the obligation of the State to investigate and prosecute corruption, calls upon all States to strengthen criminal proceedings directed at freezing or restraining funds of illicit origin, and encourages requesting States to ensure that adequate national investigative procedures have been initiated and substantiated for the purpose of presenting mutual legal assistance requests and, in this context, encourages requested States to provide, when appropriate, information on legal frameworks and procedures to the requesting State;

11. *Underlines* that there is also a corporate responsibility to comply with and respect all applicable laws and human rights, and a need for greater access to effective remedies by victims in order to realize effective prevention of, and remedy for, business-related human rights harm, as set out in the guiding principles on business and human rights;⁶⁸

12. *Stresses* the need for transparency in financial institutions and effective due diligence measures to be applied by financial intermediaries, calls upon States to seek appropriate means in accordance with their international obligations to ensure the cooperation and responsiveness of financial institutions to foreign requests to freeze and recover funds of illicit origin and the provision of efficient mutual legal assistance regime to States requesting repatriation of those funds, and encourages the promotion of human and institutional capacity-building in that regard;

13. *Requests* 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 to present to the Human Rights Council, at its twenty-second session, an in-depth study on the negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the application by States of the maximum available resources to the full realization of all human rights, in particular economic, social and cultural rights, with special attention paid to developing countries and countries with economies in transition burdened by foreign debt;

⁶⁸ A/HRC/17/31, annex.

14. *Requests* the High Commissioner to bring the present resolution to the attention of all Member States and different forums dealing with the issue of the repatriation of funds of illicit origin within the United Nations system for consideration and necessary action and coordination as appropriate, particularly within the context of the Conference of State Parties to the United Nations Convention against Corruption;

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

*55th meeting
23 March 2012*

[Adopted by a recorded vote of 35 to 1, with 11 abstentions. The voting was as follows:

In favour:

Angola, Bangladesh, Benin, Botswana, Burkina Faso, Cameroon, Chile, China, Congo, Costa Rica, Cuba, Djibouti, Ecuador, Guatemala, India, Indonesia, Jordan, Kuwait, Kyrgyzstan, Libya, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, Thailand, Uganda, Uruguay

Against:

United States of America

Abstaining:

Austria, Belgium, Czech Republic, Hungary, Italy, Norway, Poland, Republic of Moldova, Romania, Spain, Switzerland]

19/39

Assistance for Libya in the field of human rights

The Human Rights Council,

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

Recalling General Assembly resolutions 60/251 of 15 March 2006, and 66/11 of 18 November 2011, on the restoration of the rights of membership of Libya in the Human Rights Council,

Recalling also Human Rights Council resolution 5/1 of 18 June 2007 on institution-building of the Council,

Recalling further Human Rights Council resolutions S-15/1 of 25 February 2011, 17/17 of 17 June 2011 and 18/9 of 29 September 2011,

Reaffirming that all States are bound to promote and protect all human rights and fundamental freedoms enshrined in the Charter, the Universal Declaration of Human Rights and international human rights treaties to which they are party,

Reaffirming also that it is the primary responsibility of States to promote and protect all human rights and fundamental freedoms,

Recalling its strong commitment to the sovereignty and independence, unity and territorial integrity of Libya,

1. *Welcomes:*

(a) The Constitutional Charter for the Transitional Stage in Libya of 3 August 2011, where promotion and protection of human rights are core elements;

(b) The statement made by the Prime Minister of Libya on 28 February 2012, during the high-level segment of the nineteenth session of the Human Rights Council, including the invitation addressed to the United Nations High Commissioner for Human Rights to visit Libya, and the willingness to extend a standing invitation to thematic special procedures to visit the country in due course;

(c) The ongoing efforts of the transitional Government of Libya to fulfil its obligations under the international human rights treaties to which Libya is party, to promote and protect human rights and fundamental freedoms, and to cooperate with the Human Rights Council and the Office of the High Commissioner;

(d) The recent establishment of a national institution for human rights, namely, the Council of Human Rights and Fundamental Freedoms in Libya;

(e) The political transitional process in Libya, and the arrangements to hold the election of the Libyan National Congress later in 2012, as a step towards the establishment of a constitution and constitutional institutions that promote and protect human rights and fundamental freedoms;

2. *Commends* the courage of the people of Libya, and strongly supports the efforts of the transitional Government of Libya towards a swift and peaceful political transition and the full realization of human rights;

3. *Takes note* of the final report submitted by the international commission of inquiry on Libya,⁶⁹ and encourages the transitional Government of Libya to implement the recommendations addressed to it;

4. *Recognizes* the ongoing human rights challenges in Libya, and strongly encourages the transitional Government of Libya to increase its efforts to protect and promote human rights and prevent any violations;

5. *Takes note* of the adoption of the report of the Working Group on the Universal Periodic Review on Libya⁷⁰ at the nineteenth session of the Human Rights Council, and commends the cooperation of Libya with Council mechanisms, including its willingness to implement the accepted recommendations contained in the addendum to the above-mentioned report;⁷¹

6. *Strongly encourages* the transitional Government of Libya to investigate human rights violations and to bring those responsible before Libyan Justice;

7. *Recognizes* that the availability of Libyan resources may help the transitional Government of Libya to utilize those resources in the field of human rights;

8. *Requests* the Office of the High Commissioner, in collaboration with the transitional Government of Libya and upon its request, to explore ways of cooperation in the field of human rights, including technical assistance and capacity-building;

9. *Invites* the Office of the High Commissioner to inform the Human Rights Council, at its twenty-second session, under agenda item 10, on its technical assistance, capacity-building and cooperation with the transitional Government of Libya.

55th meeting

⁶⁹ A/HRC/19/68.

⁷⁰ A/HRC/16/15.

⁷¹ A/HRC/16/15/Add.1.

23 March 2012

[Adopted without a vote.]

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

19/101

Outcome of the Universal Periodic Review: Tajikistan

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 Tajikistan on 3 October 2011 in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on Tajikistan which is constituted of the report of the Working Group on Tajikistan (A/HRC/19/3), together with the views of Tajikistan 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/19/3/Add.1 and A/HRC/19/2, chapter VI).

*37th meeting
14 March 2012*

[Adopted without a vote]

19/102

Outcome of the Universal Periodic Review: United Republic of Tanzania

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 United Republic of Tanzania on 3 October 2011 in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on the United Republic of Tanzania which is constituted of the report of the Working Group on the United Republic of Tanzania (A/HRC/19/4), together with the views of the United Republic of Tanzania 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/19/4/Add.1 and A/HRC/19/2, chapter VI).

*37th meeting
14 March 2012*

[Adopted without a vote]

19/103

Outcome of the Universal Periodic Review: Libya

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 Libya on 9 November 2010 in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on Libya which is constituted of the report of the Working Group on Libyan Arab Jamahiriya (A/HRC/16/15), together with the views of Libya 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/16/15/Add.1 and A/HRC/19/2, chapter VI).

*37th meeting
14 March 2012*

[Adopted without a vote]

19/104

Outcome of the Universal Periodic Review: Swaziland

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 Swaziland on 4 October 2011 in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on Swaziland which is constituted of the report of the Working Group on Swaziland (A/HRC/19/6), together with the views of Swaziland 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/19/6/Add.1 and A/HRC/19/2, chapter VI).

*38th meeting
15 March 2012*

[Adopted without a vote]

19/105

Outcome of the Universal Periodic Review: Trinidad and Tobago

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 Trinidad and Tobago on 5 October 2011 in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on Trinidad and Tobago which is constituted of the report of the Working Group on Trinidad and Tobago (A/HRC/19/7), together with the views of Trinidad and Tobago 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/19/7/Add.1 and A/HRC/19/2, chapter VI).

*38th meeting
15 March 2012*

[Adopted without a vote]

19/106

Outcome of the Universal Periodic Review: Thailand

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 Thailand on 5 October 2011 in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on Thailand which is constituted of the report of the Working Group on Thailand (A/HRC/19/8), together with the views of Thailand 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/19/8/Add.1 and A/HRC/19/2, chapter VI).

*38th meeting
15 March 2012*

[Adopted without a vote]

19/107

Outcome of the Universal Periodic Review: Ireland

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 Ireland on 6 October 2011 in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on Ireland which is constituted of the report of the Working Group on Ireland (A/HRC/19/9), together with the views of

Ireland 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/19/9/Add.1 and A/HRC/19/2, chapter VI).

*39th meeting
15 March 2012*

[Adopted without a vote]

19/108

Outcome of the Universal Periodic Review: Togo

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 Togo on 6 October 2011 in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on Togo which is constituted of the report of the Working Group on Togo (A/HRC/19/10), together with the views of Togo 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/19/10/Add.1 and A/HRC/19/2, chapter VI).

*39th meeting
15 March 2012*

[Adopted without a vote]

19/109

Outcome of the Universal Periodic Review: Syrian Arab Republic

The Human Rights Council,

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

Having conducted the review of the Syrian Arab Republic on 7 October 2011 in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on the Syrian Arab Republic which is constituted of the report of the Working Group on the Syrian Arab Republic (A/HRC/19/11), together with the views of the Syrian Arab Republic concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/19/11/Add.1 and A/HRC/19/2, chapter VI).

*39th meeting
15 March 2012*

[Adopted without a vote]

19/110

Outcome of the Universal Periodic Review: Venezuela (Bolivarian Republic of)

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 Bolivarian Republic of Venezuela on 7 October 2011 in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on the Bolivarian Republic of Venezuela which is constituted of the report of the Working Group on the Bolivarian Republic of Venezuela (A/HRC/19/12), together with the views of the Bolivarian Republic of Venezuela 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/19/12/Add.1 and A/HRC/19/2, chapter VI).

*40th meeting
15 March 2012*

[Adopted without a vote]

19/111

Outcome of the Universal Periodic Review: Iceland

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 Iceland on 10 October 2011 in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on Iceland which is constituted of the report of the Working Group on Iceland (A/HRC/19/13), together with the views of Iceland 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/19/13/Add.1 and A/HRC/19/2, chapter VI).

*40th meeting
15 March 2012*

[Adopted without a vote]

19/112

Outcome of the Universal Periodic Review: Zimbabwe

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 Zimbabwe on 10 October 2011 in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on Zimbabwe which is constituted of the report of the Working Group on Zimbabwe (A/HRC/19/14), together with the views of Zimbabwe 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/19/2, chapter VI).

*40th meeting
15 March 2012*

[Adopted without a vote]

19/113

Outcome of the Universal Periodic Review: Lithuania

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 Lithuania on 11 October 2011 in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on Lithuania which is constituted of the report of the Working Group on Lithuania (A/HRC/19/15), together with the views of Lithuania 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/19/15/Add.1 and A/HRC/19/2, chapter VI).

*41st meeting
16 March 2012*

[Adopted without a vote]

19/114

Outcome of the Universal Periodic Review: Uganda

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 Uganda on 11 October 2011 in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on Uganda which is constituted of the report of the Working Group on Uganda (A/HRC/19/16), together with the views of Uganda 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/19/2, chapter VI).

*41st meeting
16 March 2012*

[Adopted without a vote]

19/115

Outcome of the Universal Periodic Review: Timor Leste

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 Timor Leste on 12 October 2011 in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on Timor Leste which is constituted of the report of the Working Group on Timor Leste (A/HRC/19/17), together with the views of Timor Leste 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/19/17/Add.1 and A/HRC/19/2, chapter VI).

*41st meeting
16 March 2012*

[Adopted without a vote]

19/116

Outcome of the Universal Periodic Review: Republic of Moldova

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 Republic of Moldova on 12 October 2011 in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on Republic of Moldova which is constituted of the report of the Working Group on Republic of Moldova (A/HRC/19/18),

together with the views of Republic of Moldova 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/19/18/Add.1 and A/HRC/19/2, chapter VI).

*42nd meeting
16 March 2012*

[Adopted without a vote]

19/117

Outcome of the Universal Periodic Review: Haiti

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 Haiti on 13 October 2011 in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on Haiti which is constituted of the report of the Working Group on Haiti (A/HRC/19/19), together with the views of Haiti 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/19/19/Add.1 and A/HRC/19/2, chapter VI).

*42nd meeting
16 March 2012*

[Adopted without a vote]

19/118

Outcome of the Universal Periodic Review: Antigua and Barbuda

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 Antigua and Barbuda on 4 October 2011 in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on Antigua and Barbuda which is constituted of the report of the Working Group on Antigua and Barbuda (A/HRC/19/5), together with the views of Antigua and Barbuda 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/19/5/Add.1 and A/HRC/19/2, chapter VI).

42nd meeting

16 March 2012

[Adopted without a vote]

19/119

Task force on secretariat services, accessibility for persons with disabilities and use of information technology

At its 52nd meeting, on 22 March 2012, the Human Rights Council decided to adopt the following text:

“The Human Rights Council,

Recalling General Assembly resolution 65/281 of 29 June 2011 on the review of the Human Rights Council,

Recalling also Human Rights Council resolution 16/21 of 25 March 2011 on the review of the work and functioning of the Human Rights Council, in particular paragraph 61 of the annex thereto, in which the Council decided to establish a task force to study the issues of secretariat services, accessibility for persons with disabilities and use of information technology, as envisaged in paragraphs 57, 58, 59 and 60 of the annex,

Recalling further that, in resolution 16/21, the Human Rights Council requested the task force to submit concrete recommendations to the Council at its nineteenth session,

Reaffirming that compliance with the applicable rules of procedure of the Council shall be ensured,

1. *Welcomes* the report submitted by the task force, annexed to the present decision;
2. *Endorses* the report of the task force, including its recommendations with the modalities made therein in the report;
3. *Invites* all concerned stakeholders to follow up adequately on the recommendations with the modalities described made by the task force in its report, and to immediately commence implementing those without financial implications and those which may be implemented from within existing resources;
4. *Decides* to consider, at its twenty-first session, the task force recommendations with the modalities described in the report that cannot be implemented from within existing resources, in the context of the preparations for the 2014-2015 regular budget biennium, and to transmit thereafter the task force recommendations together with relevant programme budget implications to the General Assembly for its consideration;
5. *Invites* the Human Rights Council to review the status of implementation of the task force recommendations contained in its report at its twenty-second session.”

[Adopted without a vote.]

III. President’s statements

PRST/19/1

At the 53rd meeting, held on 22 March 2012, the President of the Human Rights Council read out the following statement:

“The Human Rights Council,

Bearing in mind President’s statement 18/2 of 20 September 2011,

1. *Welcomes* the decision by the United Nations High Commissioner for Human Rights that the launch of the annual report of the Office of the High Commissioner will be accompanied, annually, by meetings with the participation of States Members of the United Nations and other stakeholders to provide information on, inter alia, the issues identified in the fourth paragraph of President’s statement 18/2;

2. *Also welcomes* the assurance of the High Commissioner to take into account the comments made during the meetings, and that the said comments will be compiled by the Office of the High Commissioner and made publicly available.”

[Adopted without a vote.]

PRST 19/2

Situation of human rights in Haiti

At the nineteenth session of the Human Rights Council, held from 27 February to 23 March 2012, during consideration of agenda item 10, entitled “Technical assistance and capacity-building”, the President of the Council made the following statement:

“1. The Human Rights Council welcomes the latest legal and political developments in Haiti, which have been marked by:

(a) The recent peaceful transfer of power from one democratically elected president to another who is from an opposition party, and stresses the importance of ensuring that forthcoming local and parliamentary elections are carried out under proper conditions;

(b) The appointment and investiture of 11 of the 12 judges of the Court of Cassation, including the chief justice, and progress towards placing sufficient material and human resources at the disposal of the justice system to permit the implementation of the judicial reform adopted in 2007, and underscores the need to improve the operation of the Haitian prison system.

2. The Council also welcomes the Haitian authorities’ plans to build housing for victims of the earthquake of 12 January 2010. It further welcomes the establishment of a special fund for children’s schooling in Haiti.

3. The Council applauds the reaffirmation of the Haitian authorities’ commitment and determination to improve the living conditions of Haitian women and men by, inter alia, devoting greater attention to respect for human rights.

4. The Council also applauds the priorities set by the President of the Republic, which include the rule of law, education, the environment and employment, and urges donors to honour their commitments without delay.

5. The Council emphasizes that the strengthening of national human rights institutions, such as the Office of Citizen Protection, as well as respect for human rights and due process of law, the fight against crime and its causes, and the effort to combat impunity are essential in order to ensure the rule of law and security in Haiti.

6. The Council invites the Government of Haiti to continue to adopt the necessary political and legal measures, including measures to combat the trafficking of children, in order to guarantee the rights of members of vulnerable groups.

7. The Council also invites the Government of Haiti to continue to adopt the necessary political and legal measures to increase women's participation in political affairs and to continue to combat gender-based violence and discrimination.

8. The Council is aware of the many obstacles to development in Haiti and the difficulties encountered by its leaders following the earthquake of 12 January 2010. It recognizes that the full enjoyment of civil and political, economic, social and cultural human rights is a factor in peace, stability and development in Haiti.

9. The Council encourages the international community as a whole and, in particular, international donors, the Group of Latin American and Caribbean States, the group of countries known as the Friends of Haiti and United Nations specialized agencies to step up their cooperation with the Haitian authorities with a view to the full realization in Haiti of civil, political, economic, social and cultural rights, including the right to development.

10. The Council welcomes the request of the Haitian authorities for a one-year extension of the mission of the independent expert on the situation of human rights in Haiti, whose mandate concerns technical assistance and capacity-building, and decides to approve this request.

11. The Council encourages the independent expert to work with international institutions, donors and the international community to raise their awareness of the need to provide their expertise and sufficient resources to support the Haitian authorities' efforts to rebuild the country in the wake of the earthquake of 12 January 2010.

12. The Council also encourages the independent expert to continue to work with Haitian non-governmental organizations and civil society organizations in Haiti.

13. The Council invites the independent expert to assist the Government of Haiti to act upon the recommendations made in the course of the universal periodic review. He will also provide his experience, expertise and contribution to the cause of human rights, including civil and political rights and with particular emphasis on economic, social and cultural rights, in Haiti.

14. The Council also invites the independent expert to submit his report at the twentieth session, to pursue his mission in Haiti in the near future and to report to the Council thereon at its twenty-second session. It encourages the Haitian authorities to continue to cooperate with the independent expert."

*55th meeting
23 March 2012*

[Adopted without a vote.]

Part Two

Summary of proceedings

I. Organizational and procedural matters

A. Opening and duration of the session

1. The Human Rights Council held its nineteenth session at the United Nations Office at Geneva from 27 February to 23 March 2012. The President of the Council opened the session.
2. At the 1st meeting, on 27 February 2012, the United Nations High Commissioner for Human Rights, the President of the General Assembly and Didier Burkhalter, Federal Councillor and Head of the Federal Department for Foreign Affairs of Switzerland, addressed the plenary.
3. In accordance with rule 8 (b) of the rules of procedure of the Council, as contained in part VII of the annex to Council resolution 5/1, the organizational meeting of the nineteenth session was held on 13 February 2012.
4. The nineteenth session consisted of 55 meetings over 20 days (see paragraph 39 below).

B. Attendance

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

C. High-level segment

6. At its 1st, 3rd, 6th, 7th, 9th, 10th and 12th meetings, from 27 February to 1 March 2012, the Council held a high-level segment, at which 83 dignitaries addressed the plenary, including one vice-president, two prime ministers, 5 vice-prime ministers, 49 ministers, 11 vice-ministers and 6 representatives of observer organizations.
7. The following dignitaries addressed the Council during the high-level segment, in the order that they spoke:

(a) At the 1st meeting, on 27 February 2012: Angelino Garzon, Vice-President of Colombia; Mohamed Shiaa Al-Sudani, Minister for Human Rights of Iraq; Maria Benvinda Levi, Minister of Justice of Mozambique; Luis Almagro, Minister for Foreign Affairs of Uruguay; Khaled Bin Mohammad Al-Attiyah, Minister of State and Foreign Affairs of Qatar; Jeremy Browne, Minister of State, Foreign and Commonwealth Office of the United Kingdom of Great Britain and Northern Ireland; Abdou Diouf, Secretary-General of Organisation internationale de la Francophonie; Margarita Zavala, First Lady of Mexico and President of the National System for the Family of Mexico; Abdelwahad Radi, President of the Inter-Parliamentary Union;

(b) At the 3rd meeting, on the same day: Yerzhan Kazykhanov, Minister for Foreign Affairs of Kazakhstan; Teodoro Ribera Neumann, Minister of Justice of Chile; Mahinda Samarasinghe, Minister of Plantation Industries and Special Envoy of the President on Human Rights of Sri Lanka; Giulio Terzi di Sant'Agata, Minister Foreign Affairs of Italy; Anifah Aman, Minister for Foreign Affairs of Malaysia; Surapong Tovichakchaikul, Minister for Foreign Affairs of Thailand; Huriyah Mashoor, Minister of Human Rights of Yemen; Ali Akbar Salehi, Minister for Foreign Affairs of the Islamic Republic of Iran; Maria do Rosário Nunes, Minister, head of the Human Rights Secretariat of Brazil; Enrique Castillo Barrantes, Minister of Foreign Affairs and Worship of Costa Rica; Alain Juppé, Minister for Foreign Affairs and European Affairs of France; Bandar bin Mohammed Al-Aban, Chairman of the Human Rights Commission of Saudi Arabia; Wolfgang Waldner, State Secretary at the Federal Ministry for European and International Affairs of Austria; Bong-Hyun Kim, Vice-Minister for Multilateral and Global Affairs of Republic of Korea;

(c) At the 6th meeting, on 28 February 2012, Iveta Radičová, Prime Minister of Slovakia; Abderrahim Al-Keib, Prime Minister of Libya; Karl Erjavec, Deputy Prime Minister and Minister for Foreign Affairs of Slovenia; Pierre Moukoko Mbonjo, Minister for Foreign Affairs of Cameroon; Paulo Sacadura Cabral Portas, Minister of State and Foreign Affairs of Portugal; Maharafa Traore, Minister of Justice of Mali; Nasser Judeh, Minister for Foreign Affairs of Jordan; Mustafa Ramid, Minister of Justice of Morocco; Marty M. Natalegawa, Minister for Foreign Affairs of Indonesia; Utoni Nujoma, Minister for Foreign Affairs of Namibia; Kristina Schröder, Federal Minister of Family Affairs, Senior Citizens, Women and Youth of Germany; Mourad Medelci, Minister for Foreign Affairs of Algeria; Fatima Al Balooshi, Minister of Human Rights and Social Development of Bahrain; Gonzalo de Benito Secades, Secretary of State for Foreign Affairs of Spain; Ryuji Yamane, Parliamentary Senior Vice-Minister for Foreign Affairs of Japan; Gry Larsen, Deputy Minister for Foreign Affairs of Norway; Ekmeleddin Ihsanoglu, Secretary-General of the Organization of Islamic Cooperation;

(d) At the 7th meeting, on 29 February 2012: Salomon Nguema Owono, Vice Prime Minister in charge of Social Affairs and Human Rights of Equatorial Guinea; Basile Ikouebe, Minister for Foreign Affairs and Cooperation of the Congo; Villy Sovndal, Minister for Foreign Affairs of Denmark (on behalf of the European Union); Vuk Jeremić, Minister for Foreign Affairs of Serbia; Uri Rosenthal, Minister for Foreign Affairs of the Netherlands; Samir Dilou, Minister for Human Rights of Tunisia; Carl Bildt, Minister for Foreign Affairs of Sweden; Iurie Leanca, Deputy Prime Minister and Minister for Foreign Affairs of the Republic of Moldova; Asta Skaisgirytė-Liauškienė, Vice-Minister for Foreign Affairs of Lithuania; Gennady Gatilov, Deputy Minister for Foreign Affairs of the Russian Federation; Ashot Hovakimian, Deputy Minister for Foreign Affairs of Armenia; Karel Schwarzenberg, Deputy Prime Minister and Minister for Foreign Affairs of the Czech Republic; Lucinda Creighton T.D, Minister for European Affairs of Ireland; Marius Fransman, Deputy Minister for International Relations and Cooperation of South Africa; Kamallesh Sharma, Secretary-General of the Commonwealth Secretariat; Rui Jorge Carneiro Manguera, Secretary of State for External Relations of Angola; Clotilde Niragira, Minister of National Solidarity, Human Rights and Gender of Burundi;

(e) At the 9th meeting, on the same day: Erato Kazakou-Markoullis, Minister for Foreign Affairs of Cyprus; Dikgakgamatso N. Seretse, Minister of Defence, Justice and Security of Botswana; Marie-Elise Gbedo, Minister of Justice, Legislation and Human Rights of Benin; Urmas Paet, Minister for Foreign Affairs of Estonia; Vesna Pusić, Minister for Foreign and European Affairs of Croatia; Luzolo Bambi Lessa, Minister of Justice and Human Rights of the Democratic Republic of the Congo; Harold Caballeros, Minister for Foreign Affairs of Guatemala; Nikola Poposki, Minister for Foreign Affairs of the former Yugoslav Republic of Macedonia; Akmal Saidov, Chairman of the National

Centre for Human Rights of Uzbekistan; Le Luong Minh, Vice-Minister for Foreign Affairs of Viet Nam; Nebojša Kuđerović, State Secretary for Political Affairs of Montenegro; Temir Porras Ponceleón, Vice-Minister for Foreign Affairs of the Bolivarian Republic of Venezuela; Ana Trišić Babić, Deputy Minister for Foreign Affairs of Bosnia and Herzegovina; Ruslan Kazakbaev, Minister for Foreign Affairs of Kyrgyzstan; Akin Fayomi, Under Secretary of the Ministry of Foreign Affairs of Nigeria, Julia D. Joiner, Commissioner for Political Affairs of the African Union;

(f) At the 10th meeting, on 1 March 2012: Patrick Antony Chinamasa, Minister of Justice and Legal Affairs of Zimbabwe; Dunya Maumoon, State Minister for Foreign Affairs of Maldives; Mohamed Abdallahi Ould Khattra, Commissioner for Human Rights, Humanitarian Action and Relations with Civil Society of Mauritania; Mohamed Bushara Dousa, Minister of Justice of Sudan; Abelardo Moreno, Vice-Minister for Foreign Affairs of Cuba;

(g) At the 12th meeting on the same day, Didier Reynders, Vice-Prime Minister, Minister for Foreign Affairs of Belgium; Zsolt Németh, Minister of State for Foreign Affairs of Hungary; Grażyna Bernatowicz, Under-Secretary of State at the Ministry for Foreign Affairs of Poland; Ms. Erika Feller, Assistant High Commissioner for Protection of the United Nations High Commissioner for Refugees.

8. At the 3rd meeting, on 27 February 2012, statements in exercise of the right of reply were made by the representatives of China, Democratic People's Republic of Korea, Israel, Japan and Republic of Korea.

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

10. At the 6th meeting, on 28 February 2012, statements in exercise of the right of reply were made by the representatives of the Democratic People's Republic of Korea and Japan.

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

12. At the 12th meeting, on 1 March 2012, statements in exercise of the right of reply were made by the representatives of: Armenia, Azerbaijan, Belarus, China, Cuba, Ecuador, Egypt, Uzbekistan and Venezuela (Bolivarian Republic of).

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

Panel on Sport and the Universal Declaration of Human Rights

14. At the 2nd meeting, on 27 February 2012, pursuant to its resolution 18/23, the Council held a panel to promote awareness and application of the Universal Declaration of Human Rights through sport and the Olympic ideal. The High Commissioner for Human Rights made introductory remarks for the panel. Jeremy Browne moderated the panel and made a statement. At the same meeting, the panelists Keith Mills, Carlos Nuzman and Vladimir Lukin made statements.

15. At the same meeting, a short film on the subject of the panel discussion was broadcast.

16. During the ensuing panel discussion, the following made statements and asked the panellists questions:

(a) Representatives of States Members of the Council: Mauritania (on behalf of the Group of Arab States), Norway (also on behalf of Denmark, Finland, Iceland and Sweden), Qatar;

(b) Representatives of the following observer States: Azerbaijan, Brazil, Costa Rica, Greece;

(c) Observers for non-governmental organizations: Amnesty International, The European Disability Forum (also on behalf of the International Disability Alliance).

17. At the same meeting, the panelists answered questions and made their concluding remarks.

Panel on human rights mainstreaming and international cooperation

18. At the 4th meeting, on 28 February 2012, pursuant to its resolution 16/21, the Council held a panel to promote human rights mainstreaming and international cooperation. The Council listened to a video message from the Secretary-General on the subject of this panel discussion and the High Commissioner for Human Rights made introductory remarks for the panel.

19. At the same meeting, the panelists Jordan Ryan (United Nations Development Programme), Flavia Bustreo (World Health Organization), Marie-Pierre Poirier (United Nations Children's Fund), Constance Thomas (International Labour Organization), Siobhan McInerney-Lankford (The World Bank) and Barbara Ekwall (Food and Agriculture Organization of the United Nations) made statements.

20. During the ensuing panel discussion, the following made statements and asked the panelists questions:

(a) Representatives of States Members of the Council: Austria, China, Cuba, Egypt⁷² (on behalf of the Non-Aligned Movement), Indonesia, Maldives, Mauritania (on behalf of the Group of Arab States), Mexico, Pakistan⁷² (on behalf of the Organization of Islamic Cooperation), Senegal (on behalf of the Group of African States), Uruguay;

(b) Representatives of the following observer States: Algeria, Brazil, Morocco, Islamic Republic of Iran, Ireland, New Zealand (also on behalf of Australia and Canada), Turkey, Uzbekistan;

(c) Observer for United Nations entities, specialized agencies and related organizations: Coordination Committee of Special Procedures;

(d) Representative of one intergovernmental organization: European Union;

(e) Observer for national human rights institutions: International Coordinating Committee of National Human Rights Institutions.

21. At the same meeting, the panelists answered questions and made their concluding remarks.

D. General segment

22. At the 12th meeting, on 1 March 2012, a general segment was held, during which the following made statements:

⁷² Observer of the Council speaking on behalf of members and observers of the Council.

- (a) Representatives of States Members of the Council: China, Ecuador, India, Romania;
- (b) Representatives of the following observer States: Albania, Argentina, Barbados, Belarus, Democratic People's Republic of Korea, Egypt, Honduras, Luxemburg, Nepal, Nicaragua, Oman, Pakistan, Ukraine, United Arab Emirates;
- (c) Observer for the Holy See;
- (d) Observer for a national human rights institution: International Coordinating Committee of National Human Rights Institutions;
- (e) Invited members of civil society: Mr. Hossam Bahgat, Ms. Maryam Al-Khawaja, Mr. Marcos Orellana and Ms. Haifa Zangana.

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

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

E. Agenda and programme of work

25. The agenda of the nineteenth session is as contained in Council's resolution 5/1 (see Annex II).

26. At the 13th meeting, on 2 March 2012, the programme of work of the nineteenth session was adopted.

27. At the same meeting, the representative of Cuba made a statement in relation to the programme of work.

28. Also at the same meeting, the President made a statement in relation to the Council's taskforce on secretariat services, accessibility for persons with disabilities and use of information technology.

F. Organization of work

29. At the 2nd meeting, on 27 February 2012, the President outlined the modalities for the panel discussion to promote awareness and application of the Universal Declaration of Human Rights through sport and the Olympic ideal, which would be 2 minutes for States Members of the Council and 2 minutes for observer States and other observers.

30. At the 4th meeting, on 28 February 2012, and at the 11th meeting, on 1 March 2012, the President outlined the modalities for the interactive debate of panel discussions, which would be 7 minutes for panellists, 3 minutes for States Members of the Council and 2 minutes for observer States and other observers.

31. At the 5th meeting, on 29 February 2012, and at the 10th meeting, on 1 March 2012, the President outlined the modalities for the urgent debate on the human rights and humanitarian situations in the Syrian Arab Republic, which would be 2 minutes for States Members of the Council and 2 minutes for observer States and other observers.

32. At the 11th meeting, on 1 March 2012, the President revised the modalities for the annual interactive debate on the rights of persons with disabilities, which would be 7

minutes for panellists, 3 minutes for States Members of the Council and 2 minutes for observer States and other observers.

33. At the 12th meeting, on 1 March 2012, the President outlined the modalities for the general segment, which would be 5 minutes for statements by States Members of the Council and 3 minutes for statements by observer States of the Council and other observers.

34. At the 13th meeting, on 2 March 2012, the President outlined the modalities for the interactive dialogue for the annual report of the High Commissioner, which would be 3 minutes for States Members of the Council and 2 minutes for observer States and other observers.

35. At the 15th meeting, on 5 March 2012, the President outlined the modalities for the general debate, which would be 3 minutes for States Members of the Council and 2 minutes for observer States and other observers.

36. At the 16th meeting, on 5 March 2012, the President outlined the modalities for the interactive dialogue with special procedures mandate holders, which would be 10 minutes for the presentation by the mandate holder of the main report, with a further 2 minutes to present each additional report; 5 minutes for concerned countries, if any, and States Members of the Council; 3 minutes for statements by observer States of the Council and other observers, including United Nations entities, specialized agencies and related organizations, intergovernmental organizations and other entities, national human rights institutions and non-governmental organizations; and 5 minutes for concluding remarks by the mandate holder.

37. At the 37th meeting, on 14 March 2012, the President outlined the modalities for the consideration of the outcomes of the universal periodic review under agenda item 6, which would be 20 minutes for the State concerned to present its views, 20 minutes for States Members of the Council, observer States and United Nations agencies to express their views on the outcome of the review and 20 minutes for stakeholders to make general comments on the outcome of the review. Speaking time would be 3 minutes for States Members of the Council and 2 minutes for observer States and stakeholders.

38. At the 15th meeting, on 5 March 2012, the President made a statement in relation to alleged acts of intimidation and reprisal against individuals or non-governmental organizations in participation of the work of the Council.

G. Meetings and documentation

39. The Human Rights Council held 55 fully serviced meetings during its nineteenth session.

40. The resolutions, decisions and President's statements adopted by the Council are contained in part one of this report.

41. The list of documents distributed for the nineteenth session is contained in annex III.

H. Visits

42. At the 13th meeting, on 2 March 2012, Maria Otero, Secretary of State for Civilian Security, Democracy and Human Rights of the United States of America, delivered a statement to the Council.

43. At the 14th meeting, on the same day, statements in exercise of the right of reply were made by the representatives of China, the Democratic People's Republic of Korea, Islamic Republic of Iran and Sri Lanka.

I. Urgent debate on the human rights and humanitarian situation in the Syrian Arab Republic

44. At its 1st meeting, on 27 February 2012, the President of the Council announced that following a request received from Bahrain, Denmark (on behalf of the European Union), Egypt, Kuwait, Libya, Morocco, Oman, Qatar, Saudi Arabia, Tunisia, Turkey, United Arab Emirates and the United States of America, the Council would convene in the afternoon of 28 February 2012, an urgent debate on the human rights and humanitarian situation in the Syrian Arab Republic.

45. At its 5th meeting, on 28 February 2012, the Council held the urgent debate on the human rights and humanitarian situation in the Syrian Arab Republic. The President of General Assembly made introductory remarks for the urgent debate. The High Commissioner made a statement for the urgent debate.

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

47. During the ensuing discussion at the same meeting, the 6th meeting on the same day and the 10th meeting on 1 March 2012, the following made statements:

(a) Representatives of States Members of the Council: Angola, Austria, Belgium, Botswana, Chile, China, Costa Rica, Cuba, Czech Republic, Ecuador, Guatemala, Hungary, India, Indonesia, Italy, Jordan, Kuwait, Libya, Maldives, Mauritania (on behalf of the Arab Group), Mexico, Nigeria, Norway (also on behalf of Denmark, Finland, Iceland and Sweden), Peru, Poland, Portugal⁷² (on behalf of the European Union), Qatar, Romania, Russian Federation, Saudi Arabia, Spain, Switzerland, Thailand, United States of America, Uruguay;

(b) Representatives of the following observer States: Argentina, Australia, Belarus, Brazil, Bulgaria, Canada, Democratic People's Republic of Korea, Egypt, France, Gabon, Germany, Honduras, Iran (Islamic Republic of), Ireland, Israel, Japan, Luxembourg, Morocco, Netherlands, New Zealand, Nicaragua, Paraguay, Republic of Korea, Slovakia, Slovenia, Tunisia, Turkey, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of);

(c) Observer for the Holy See;

(d) Representatives of the following observer non-governmental organizations: Cairo Institute for Human Rights Studies, Human Rights Watch, International Commission of Jurists, International Federation for Human Rights, Nord-Sud XXI, Press Emblem Campaign, Union of Arab Jurists, United Nations Watch.

J. Election of a member of the Advisory Committee

48. At its 55th meeting, on 23 March 2012, the Council elected, pursuant to its resolution 5/1, one expert to the Human Rights Council Advisory Committee. The Council has before it a note by the Secretary-General (A/HRC/19/81) containing the nomination of a candidate for election, in accordance with Council decision 6/102, and the biographical data of the candidate.

The candidate was as follows:

Asian States

Nominating Member States

Philippines

Expert nominated

Cecilia Rachel V. Quisumbing

49. The number of candidate for the regional group corresponds to the number of seat to be filled. The practice of holding a secret ballot pursuant to paragraph 70 of Council resolution 5/1 was dispensed with and Cecilia Rachel V. Quisumbing was elected as a member of the Advisory Committee by consensus (see annex IV).

K. Selection and appointment of mandate holders

50. At its 55th meeting, on 23 March 2012, the Council appointed special procedures mandate holders in accordance with Council resolution 5/1 (see annex V).

51. At the same meeting, the representative of India made a statement in relation to the appointment of special procedures mandate holders.

L. Consideration of and action on draft proposals

The escalating grave human rights violations and deteriorating humanitarian situation in the Syrian Arab Republic

52. At the 10th meeting, on 1 March 2012, the representative of Turkey introduced draft resolution A/HRC/19/L.1/Rev.1, sponsored by Kuwait, Qatar, Saudi Arabia and Turkey and co-sponsored by Albania, Andorra, Australia, Austria, Bahrain, Belgium, Botswana, Bulgaria, Canada, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Egypt, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Jordan, Latvia, Libya, Lithuania, Luxembourg, Maldives, Malta, Monaco, Morocco, the Netherlands, New Zealand, Nigeria, Norway, Oman, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tunisia, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland and United States of America. Subsequently, Georgia, Liechtenstein, Mauritius, Montenegro, Palestine and Senegal joined the sponsors.

53. At the same meeting, the representative of Russian Federation made a general comment in relation to the draft resolution.

54. Also at the same meeting, the representatives of China, Cuba, Ecuador and Thailand made statements in explanation of vote before the vote.

55. At the same meeting, at the request of the representative of the Russian Federation, a recorded vote was taken on draft resolution A/HRC/19/L.1/Rev.1. The draft resolution was adopted by 37 votes in favour, 3 against, with 3 abstentions. The voting was as follows⁷³:

In favour:

Austria, Bangladesh, Belgium, Benin, Botswana, Cameroon, Chile, Congo, Costa Rica, Czech Republic, Djibouti, Guatemala, Hungary, Indonesia, Italy, Jordan,

⁷³ At the same meeting, Burkina Faso and Kyrgyzstan made statements to the effect that they had not been present during the vote but had they been present they would have voted in favour of the resolution; Angola made a statement to the effect that its representatives had not been present during the vote but had they been present they would have abstained.

Kuwait, Libya, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Norway, Peru, Poland, Qatar, Republic of Moldova, Romania, Saudi Arabia, Senegal, Spain, Switzerland, Thailand, United States of America, Uruguay;

Against:

China, Cuba, Russian Federation;

Abstaining:

Ecuador, India, Philippines.

56. At the same meeting, the representatives of Bangladesh and Czech Republic (on behalf of members of the European Union that are members of the Council) made statements in explanation of vote after the vote.

57. For the text as adopted, see part one, chapter I, resolution 19/1.

Task force on secretariat services, accessibility for persons with disabilities and use of information technology

58. At the 51st meeting, on 21 March 2012, the President of the Council introduced the draft decision on the Council's task force on secretariat services, accessibility for persons with disabilities and use of information technology.

59. At the same meeting, the draft decision was adopted without a vote (for the text as adopted, see part one, chapter II, decision 19/119).

60. Also at the same meeting, the President of the Council made a statement in relation to the adopted decision.

M. Adoption of the report of the session

61. At the 55th meeting, on 23 March 2012, the President of the Council made a statement regarding the tentative yearly voluntary calendar of thematic resolutions.

62. At the same meeting, the representatives of Brazil, Egypt, Pakistan, South Africa, Sri Lanka, Sudan, Venezuela (Bolivarian Republic of) and Zimbabwe made statements with regard to adopted resolutions and the session.

63. Also at the same meeting, the Rapporteur and Vice-President of the Council made a statement in connection with the draft report of the Council (A/HRC/19/2).

64. At the same meeting, the draft report was adopted *ad referendum* and the Council decided to entrust the Rapporteur with the finalization of the report.

65. Also at the same meeting, the representative of International Service for Human Rights (also on behalf of the Amnesty International, Asian Forum for Human Rights and Development, Cairo Institute for Human Rights Studies, Canadian HIV/AIDS Legal Network, CIVICUS-World Alliance for Citizen Participation, Human Rights House Foundation and International Federation of Human Rights), Indian Council of South America, and Mouvement contre le racisme et pour l'amitié entre les peuples made general comments in connection with the session.

66. At the same meeting, the representative of Afghanistan made a statement with regard to the celebration of international day of Nowruz.

67. Also at the same meeting, the President of the Council made a closing statement.

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

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

68. At the 13th meeting, on 2 March 2012, the High Commissioner for Human Rights made a statement in connection with her annual report (A/HRC/19/21).

69. During the ensuing interactive dialogue, at the 13th and 14th meetings, on the same day, the following made statements and asked the High Commissioner questions:

(a) Representatives of States Members of the Council: Angola, Austria, Bangladesh, Benin, Botswana, Burkina Faso, Chile, China, Costa Rica, Cuba, Denmark⁷² (on behalf of the European Union and Albania, Bosnia and Herzegovina, Croatia, Iceland, Liechtenstein, Montenegro, Republic of Moldova, Serbia, the Former Yugoslav Republic of Macedonia and Ukraine), Ecuador, Egypt⁷² (on behalf of Non-Aligned Movement), India, Indonesia, Maldives, Malaysia, Mauritania (on behalf of the Group of Arab States), Nigeria, Norway, Pakistan⁷² (on behalf of the Organization of Islamic Cooperation), Peru, Philippines, Senegal (on behalf of Group of the African States), Poland, Republic of Moldova, Russian Federation, Saudi Arabia, Switzerland, Thailand, Uganda, Uruguay;

(b) Representatives of the following observer States: Algeria, Armenia, Argentina, Australia, Azerbaijan, Brazil, Canada, Colombia, Czech Republic, Egypt, Ethiopia, France, Germany, Greece, Honduras, Iran (Islamic Republic of), Iraq, Ireland, Israel, Japan, Morocco, Nepal, Latvia, Paraguay, Republic of Korea, Romania, Rwanda, Slovenia, South Africa, Sri Lanka, Sudan, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, Uzbekistan;

(c) Observers for the following national human rights institutions: International Coordinating Committee of National Human Rights Institutions;

(d) Observers for the following non-governmental organizations: Action Internationale Pour La Paix Et Le Développement dans La Région Des Grands Lacs, Badil Resource Center for Palestinian Residency and Refugee Rights, CIVICUS-World Alliance for Citizen Participation, Comité International Pour le Respect et l'Application de la Charte Africaine des Droits de l'Homme et des Peuples, Commission to Study the Organization of Peace, European Region of the International Lesbian and Gay Federation, International Islamic Federation of Student Organizations, International Service for Human Rights, International Society for Human Rights (also on behalf of Indian Council of South America), Lawyers' Rights Watch Canada, Liberation, Nord-Sud XXI, Rencontre Africaine Pour la Defense des Droits de l'Homme, Society for Threatened Peoples, Touro Law Center-Institute on Human Rights and the Holocaust, United Nations Watch.

70. At the 14th meeting, on the same day, the High Commissioner answered questions and made her concluding remarks.

71. At the 15th meeting, on 5 March 2012, statements in exercise of the right of reply were made by the representative of Israel and the Syrian Arab Republic.

72. At the same meeting, a statement in exercise of a second right of reply was made by the representative of the Syrian Arab Republic.

B. Reports of the Office of the High Commissioner and the Secretary-General and general debates on agenda item 2

73. At the 15th meeting, on 5 March 2012, the Deputy High Commissioner for Human Rights presented thematic reports prepared by OHCHR and the Secretary-General.

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

(a) Representatives of States Members of the Council: Belgium, Cuba, India, Libya, Maldives, Mauritius, Pakistan⁷² (on behalf the Organization of Islamic Cooperation), Qatar (on behalf of the Group of Arab States), Senegal (on behalf of the Group of African States), Spain, United States of America;

(b) Representatives of the following observer States: Argentina, Australia, Bahrain, Egypt, Tunisia, Turkey,

(c) Observer for an intergovernmental organization: Council of Europe.

(d) Observers for the following non-governmental organizations: Action Internationale pour la Paix et le Développement dans la Région des Grands Lacs (AIPD-GL), Caritas Internationalis (International Confederation of Catholic Charities) (also on behalf of Associazione Comunita Papa Giovanni XXIII, Association Points-Coeur, Dominicans for Justice and Peace-Order of Preachers, Dominican Leadership Conference, , Fondazione Marista per la Solidarietà Internazionale ONLUS, International Catholic Child Bureau, International Catholic Rural Association (ICRA), International Federation of Catholic Medical Associations, Istituto Internazionale Maria Ausiliatrice delle Salesiane di Don Bosco, International Volunteerism Organization for Women, Education and Development – VIDES, New Humanity and World Union of Catholic Women's Organizations), Center for Environmental and Management Studies, Comité International pour le Respect et l'Application de la Charte Africaine des Droits de l'Homme et des Peuples (CIRAC), Commission to Study the Organization of Peace, European Union of Public Relations, Human Rights Watch, Indian Council of South America (CISA), International Commission of Jurists, International Federation of Journalists, International Human Rights Association of American Minorities, International Humanist and Ethical Union, International Movement ATD Fourth World (also on behalf of Associazione Comunita Papa Giovanni XXIII, CIVICUS – World Alliance for Citizen Participation, Franciscans International, and International Catholic Child Bureau), International Institute for Peace, International Islamic Federation of Student Organizations, Mouvement contre le racisme et pour l'amitié entre les peuples (also on behalf of France Libertés: Fondation Danielle Mitterrand and Society for Threatened Peoples), Nord-Sud XXI - North-South XXI, Reporters Without Borders International, United Nations Watch, United Schools International, Verein Sudwind Entwicklungspolitik, World Environment and Resources Council (WERC), World Muslim Congress.

75. At the 44th meeting, on 19 March 2012, the High Commissioner presented reports concerning the human rights situation in Palestine and other occupied Arab territories, prepared by the High Commissioner and the Secretary-General (see chapter VII).

76. At the 49th meeting, on 21 March 2012, the Deputy High Commissioner for Human Rights introduced country-specific reports submitted under agenda item 2. (A/HRC/19/21/Add.1-4, A/HRC/19/22 and A/HRC/19/82)

77. At the same meeting, the representatives of Bolivia (Plurinational State of), Colombia, Cyprus, Guatemala, Iran (Islamic Republic of) and Nepal made statements as concerned countries.

78. During the ensuing general debate on country-specific reports submitted under agenda item 2 at the same meeting, and at the 51st meeting on the same day, the following made statements:

(a) Representatives of States Members of the Council: China, Norway, Russian Federation, Spain, Switzerland;

(b) Representatives of the following observer States: Armenia, Greece, Turkey, United Kingdom of Great Britain and Northern Ireland;

(c) Observers for national human rights institutions: Australian Human Rights Commission, Network of African National Human Rights Institutions;

(d) Observers for the following non-governmental organizations: Amnesty International, Association for the Prevention of Torture, Columbian Commission of Jurists, Human Rights Watch, Verein Sudwind Entwicklungspolitik.

79. At the 51st meeting, a statement in exercise of the right of reply was made by the representative of Colombia.

C. Consideration of and action on draft proposals

Promoting reconciliation and accountability in Sri Lanka

80. At the 52nd meeting, on 22 March 2012, the representative of the United States of America introduced draft resolution A/HRC/19/L.2, sponsored by the United States of America. Subsequently, Australia, Austria, Belgium, Bulgaria, Cameroon, Canada, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, the Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Somalia, Spain, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland joined the sponsors.

81. At the same meeting, the representatives of Belgium (on behalf of members of the European Union that are members of the Council), China, Cuba and Czech Republic made general comments in relation to the draft resolution.

82. Also at the same meeting, the representative of Sri Lanka made a statement as the concerned country.

83. At the same meeting, the representatives of Angola, Bangladesh, China, Cuba, Ecuador, Indonesia, Kyrgyzstan, Maldives, Mexico, Nigeria, Philippines, Russian Federation, Thailand, Uganda and Uruguay made statements in explanation of vote before the vote.

84. Also at the same meeting, at the request of the representative of Cuba, a recorded vote was taken on draft resolution A/HRC/19/L.2. The draft resolution was adopted by 24 votes in favour, 15 against, with 8 abstentions. The voting was as follows:

In favour:

Austria, Belgium, Benin, Cameroon, Chile, Costa Rica, Czech Republic, Guatemala, Hungary, India, Italy, Libya, Mauritius, Mexico, Nigeria, Norway, Peru, Poland, Republic of Moldova, Romania, Spain, Switzerland, United States of America, Uruguay;

Against:

Bangladesh, China, Congo, Cuba, Ecuador, Indonesia, Kuwait, Maldives, Mauritania, Philippines, Qatar, Russian Federation, Saudi Arabia, Thailand, Uganda;

Abstaining:

Angola, Botswana, Burkina Faso, Djibouti, Jordan, Kyrgyzstan, Malaysia, Senegal.

85. For the text as adopted, see part one, chapter I, resolution 19/2.

86. At the same meeting, the representatives of India made statements in explanation of vote after the vote.

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

87. At the 52nd meeting, on 22 March 2012, the representative of Cuba introduced draft resolution A/HRC/19/L.19, sponsored by Cuba and co-sponsored by Algeria, Belarus, Bolivia (Plurinational State of), Burkina Faso, Burundi, China, Democratic People's Republic of Korea, Djibouti, Ecuador, Indonesia, Iran (Islamic Republic of), Malaysia, Myanmar, Nicaragua, Pakistan, Palestine, the Russian Federation, Singapore, Sri Lanka, the Syrian Arab Republic, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam and Zimbabwe. Subsequently, Angola, Bangladesh, the Dominican Republic, Ethiopia, Haiti, Lebanon, Maldives, Nigeria, Panama, the Philippines, Rwanda, South Africa and the Sudan joined the sponsors.

88. At the same meeting, the representatives of Belgium (on behalf of members of the European Union that are members of the Council) and the United States of America made statements in explanation of vote before the vote.

89. Also at the same meeting, at the request of the representative of Belgium (on behalf of member of the European Union that are members of the Council), a recorded vote was taken on draft resolution A/HRC/19/L.19. The draft resolution was adopted by 33 votes in favour, 12 against, with 2 abstentions. The voting was as follows:

In favour:

Angola, Bangladesh, Benin, Botswana, Burkina Faso, Cameroon, China, Costa Rica, Cuba, Djibouti, Ecuador, Guatemala, India, Indonesia, Jordan, Kuwait, Kyrgyzstan, Libya, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, Thailand, Uganda, Uruguay;

Against:

Austria, Belgium, Czech Republic, Hungary, Italy, Norway, Poland, Republic of Moldova, Romania, Spain, Switzerland, United States of America;

Abstaining:

Chile, Congo.

90. For the text as adopted, see part one, chapter I, resolution 19/3.

President's statement

91. At the 52nd meeting, on 22 March 2012, the President of the Council introduced the draft statement.

92. At the same meeting, the draft statement was adopted by the Council (for the text as adopted, see part one, chapter III, PRST 19/1).

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

A. Panels

Panel on the promotion and protection of freedom of expression on the internet

93. At the 8th meeting, on 29 February 2012, pursuant to its decision 18/119, the Council held a panel to discuss the promotion and protection of freedom of expression on the internet, focusing on the ways and means to improve its protection in accordance with international human rights law. The High Commissioner for Human Rights made introductory remarks for the panel. Riz Khan of Al Jazeera moderated the discussion in the panel. At the same meeting, the panelists Carlos Afonso, Hesti Armiwulan, Carl Bildt, William Echikson, Anriette Esterhuysen, and Frank La Rue made statements.

94. During the ensuing panel discussion, the following made statements and asked the panelists questions:

(a) Representatives of States Members of the Council: Chile, China, Cuba, Ecuador, Guatemala, India, Indonesia, Norway, Peru, Switzerland, Thailand, United States of America, Uruguay;

(b) Representatives of the following observer States: Algeria, Azerbaijan, Canada, Egypt, Estonia, Finland, France, Germany, Honduras, Japan, Morocco, Netherlands, Turkey;

(c) Representatives of the following observer intergovernmental organization: Council of Europe, European Union;

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

(e) Representatives of the following observer non-governmental organizations: Cairo Institute for Human Rights Studies, Human Rights House Foundation, Internet Society, Press Emblem Campaign.

95. At the same meeting, the panelists answered questions and made concluding remarks.

Annual discussion on human rights and persons with disabilities

96. At the 11th meeting, on 1 March 2012, pursuant to its resolution 16/15, the Council held an annual interactive debate on the rights of persons with disabilities. The High Commissioner for Human Rights made introductory remarks for the panel. At the same meeting, the panelists Theresia Degener, Shantha Rau Barriga and Patrick Clark made statements. Also at the same meeting, a video message from María Alejandra Villanueva of the Peruvian Down Syndrome Society was shown.

97. During the ensuing panel discussion for the first slot, at the same meeting, the following made statements and asked the panelists questions:

(a) Representatives of States Members of the Council: China, Indonesia, Mexico, Mauritania (on behalf of the Group of Arab States), Russian Federation, Saudi Arabia, Spain, Uruguay;

(b) Representatives of the following observer States: Argentina, Brazil, Ethiopia, New Zealand;

(c) Representative from the United Nations agencies: The United Nations Children's Fund,

(d) Representative of National Human Rights Institutions: International Coordinating Committee of National Human Rights Institutions;

(e) Observer for a non-governmental organization: All-Russian Society of the Deaf.

98. At the end of the first slot, Signmark featuring with hip-hop artist Brandon conducted a musical performance.

99. During the panel discussion for the second slot, at the same meeting, the following made statements and asked the panelists questions:

(a) Representatives of States Members of the Council: Austria, Bangladesh, Burkina Faso, Ecuador, Peru, Senegal, Thailand;

(b) Representatives of the following observer States: Australia, Azerbaijan, Finland, Morocco, Pakistan, South Africa, Turkey,

(c) Representative of a National Human Rights Institution: National Council for Human Rights of Morocco;

(d) Observer for a non-governmental organization: International Humanist and Ethical Union.

100. At the same meeting, the panelists answered questions and made their concluding remarks.

Panel on discrimination and violence based on sexual orientation and gender identity

101. At the 22nd meeting, on 7 March 2012, pursuant to its decision 17/19, the Council held a panel on discrimination and violence based on sexual orientation and gender identity. The High Commissioner for Human Rights made introductory remarks for the panel. Abdul Minty, Permanent Representative of the Republic of South Africa moderated the discussion in the panel. At the same meeting, the panelists Hans Ytterberg, Hina Jilani, Irina Karla Bacci and Laurence Helfer made statements.

102. At the same meeting, a video message from the Secretary General was shown.

103. During the ensuing panel discussion for the first slot, at the same meeting, the following made statements and asked the panelists questions:

(a) Representatives of States Members of the Council: Argentina⁷² (on behalf of MERCOSUR), Austria, Cuba, Ecuador, Mauritania (on behalf of the Group of Arab States), Nigeria, Norway, Pakistan⁷² (on behalf of the Organization of Islamic Cooperation), Russian Federation, Senegal (on behalf of the Group of African States), Switzerland, Thailand, Uruguay;

(b) Representatives of the following observer States: Australia, Germany, Greece, Honduras, Ireland, Israel, Sweden;

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

(d) Representative of a National Human Rights Institution: Equality and Human Rights Commission of Great Britain;

(e) Observers for non-governmental organizations: Federatie van Nederlandse Verenigingen tot Integratie Van Homoseksualiteit-COC Nederland, International Commission of Jurists (also on behalf of Amnesty International and Human Rights Watch) and International Lesbian and Gay Association (also on behalf of Commonwealth Human

Rights Initiative, Development Alternatives with Women for a New Era, Federatie van Nederlandse Verenigingen tot Integratie Van Homoseksualiteit-COC Nederland, Human Rights First, International Planned Parenthood Federation, Lesbian and Gay Federation in Germany and Swedish Federation of Lesbian, Gay, Bisexual and Transgender Rights);

104. At the same meeting, the panelists answered questions and made their concluding remarks.

105. During the ensuing panel discussion for the second slot, at the same meeting, the following made statements and asked the panelists questions:

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

(b) Representatives of the following observer States: Croatia, Estonia, Finland, France, Netherlands, Nicaragua, Portugal, Republic of Korea, United Kingdom of Great Britain and Northern Ireland;

(c) Observer for an intergovernmental organization: Council of Europe;

(d) Observer for United Nations entities, specialized agencies and related organizations: Joint United Nations Programme on HIV/AIDS;

(e) Observer for a non-governmental organization: Canadian HIV/AIDS Legal Network (also on behalf of Asian Forum for Human Rights and Development, Centro Regional de Derechos Humanos Justicia de Genero, International Alliance of Women, Madre Inc. and World Organization Against Torture).

106. Also at the same meeting, Maria Nazareth Farani Azevedo, the Permanent Representative of Brazil made concluding remarks.

Annual full-day meeting on the rights of the child

107. An annual full-day meeting on the rights of the child was held on 8 March 2012, in accordance with Council resolution 16/12. The topic of discussion was children and the administration of justice. The meeting was divided into two panel discussions: the first panel discussion was held at the 24th meeting, on 8 March 2012; the second panel discussion was held at the 26th meeting, on the same day.

108. At the 24th meeting, the High Commissioner made introductory remarks for the first panel. At the same meeting, the following panelists of the first panel made statements: Antonio Caparros Linares, Susan Bissell, Jorge Cardona, Julia Sloth Nielsen, Connie de la Vega, and Renate Winter

109. During the ensuing panel discussion for the first panel, for the first slot, at the same meeting, the following made statements and asked the panelists questions:

(a) Representatives of States Members of the Council: Austria, Cuba, Guatemala, Mauritania (on behalf of the Group of Arab States), Pakistan⁷² (on behalf of the Organization of Islamic Cooperation), Qatar, Thailand;

(b) Representatives of the following observer States: Australia, Iran (Islamic Republic of), Paraguay, Sudan;

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

(d) Observers for the following non-governmental organizations: Amnesty International, International Juvenile Justice Observatory (also on behalf of Open Society Institute and Penal Reform International).

110. During the ensuing panel discussion for the first panel, for the second slot, at the same meeting, the following made statements and asked the panelists questions:

(a) Representatives of States Members of the Council: Belgium, Hungary, India, Malaysia, Poland, Saudi Arabia, Uruguay (on behalf of the Group of Latin American and Caribbean States);

(b) Representatives of the following observer States: France, Honduras, Ireland, Namibia, Nepal, United Arab Emirates;

(c) Observers for the following non-governmental organizations: Human Rights Advocates, Inc., Consortium for Street Children.

111. At the same meeting, the panelists of the first panel answered questions and made their concluding remarks.

112. At the 26th meeting, on the same day, Sandeep Chawla, Deputy Executive Director of the United Nations Office on Drugs and Crime made introductory remarks for the second panel and moderated the discussion. The following panelists of the second panel made statements: Abdul Manaff Kemokai, Marta Santos Pais, Luis Pedernera, Dainius Puras, Rani Shankardass, The Council divided the second panel discussion into two slots, both held at the 26th meeting.

113. During the ensuing panel discussion for the second panel, for the first slot, at the 26th meeting, the following made statements and asked the panelists questions:

(a) Representatives of States Members of the Council: Mauritania (on behalf of the Group of Arab States), Norway, Switzerland, United States of America;

(b) Representatives of the following observer States: Algeria, Argentina, Armenia, Azerbaijan, Belarus, Brazil, Germany, United Kingdom of Great Britain and Northern Ireland;

(c) Observers for the following non-governmental organizations: Friends World Committee for Consultation (also on behalf of International Catholic Child Bureau and SOS Kinderdorf International), Union of Arab Jurists (also on behalf of Nord-Sud XXI).

114. During the ensuing panel discussion for the second panel, for the second slot, at the same meeting, the following made statements and asked the panelists questions:

(a) Representatives of States Members of the Council: Chile, China, Cuba, Indonesia, Maldives, Russian Federation, Uruguay;

(b) Representatives of the following observer States: Republic of Korea, Democratic Republic of the Congo, Georgia, Morocco, Portugal, Slovenia, Tunisia, Turkey;

(c) Observer for United Nations entities, specialized agencies and related organizations: International Labour Organization.

(d) Observers for one non-governmental organization: Defence for Children International.

115. At the same meeting, the panelists of the second panel answered questions and made their concluding remarks.

Panel discussion to commemorate the twentieth anniversary of the Declaration of the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

116. At the 33rd meeting, on 13 March 2012, pursuant to its resolution 18/3, the Council held a panel discussion to commemorate the twentieth anniversary of the Declaration of the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

The Deputy High Commissioner for Human Rights made introductory remarks for the panel. Mark Lattimer, Director of Minority Rights Group International moderated the discussion. At the same meeting, the panelists Joshua Castellino, Rita Izsák, Soyata Maiga, and Pastor Elias Murillo Martinez made statements.

117. During the ensuing panel discussion for the first slot, at the same meeting, the following made statements and asked the panelists questions:

(a) Representatives of States Members of the Council: Angola, Austria, China, Costa Rica, Hungary, Italy, Kuwait, Malaysia, Pakistan⁷² (on behalf of the Organization of Islamic Cooperation), Russian Federation, United States of America;

(b) Representatives of the following observer States: Azerbaijan, Iran (Islamic Republic of);

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

(d) Observers for non-governmental organizations: BADIL Resource Center for Palestinian Residency and Refugee Rights, National Association for the Advancement of Colored People.

118. At the same meeting, the panelists answered questions.

119. During the ensuing panel discussion for the second slot, at the same meeting, the following made statements and asked the panelists questions:

(a) Representatives of States Members of the Council: Ecuador, India, Norway, Romania;

(b) Representatives of the following observer States: Ethiopia, Greece, Honduras, Latvia, Morocco, Nepal, Slovenia, Sri Lanka.

120. At the same meeting, the panelists answered questions.

Panel discussion to give voice to people living with or affected by HIV/AIDS

121. At the 47th meeting, on 20 March 2012, pursuant to its resolution 16/28, the Council held a panel discussion to give voice to people living with or affected by HIV/AIDS. The High Commissioner for Human Rights made introductory remarks for the panel. Bience Philomina Gawanas, African Union Commissioner for Social Affairs and Commissioner of the Global Commission on HIV and Law, moderated the discussion in the panel. At the same meeting, the panelists Paul De Lay, Nontobeko Dlamini, Nick Rhoades, Dmytro Sherembei and Moysés Toniolo made statements.

122. During the ensuing panel discussion for the first slot, at the same meeting, the following made statements and asked the panelists questions:

(a) Representatives of States Members of the Council: Belgium, Cuba, Ecuador, Indonesia, Norway, Pakistan⁷² (on behalf of the Organization of the Islamic Cooperation), Senegal (on behalf of the Group of African States), Uruguay;

(b) Representatives of the following observer States: Algeria, Brazil, Germany, Ireland, Morocco;

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

(d) Observer for United Nations entities, specialized agencies and related organizations: United Nations Development Programme;

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

(f) Observers for non-governmental organizations: Canadian HIV/AIDS Legal Network, Conectas Direitos Humanos.

123. At the same meeting, the panelists answered questions.

124. During the ensuing panel discussion for the second slot, at the same meeting, the following made statements and asked the panelists questions:

(a) Representatives of States Members of the Council: Chile, Mexico, Russian Federation, Spain, United States of America;

(b) Representatives of the following observer States: Australia, France, Georgia, Honduras, Kenya;

(c) Observers for United Nations entities, specialized agencies and related organizations: International Labour Organization, United Nations Children's Fund.

125. At the same meeting, the panelists answered questions and made concluding remarks.

B. Interactive dialogue with special procedures mandate holders

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

126. At the 16th meeting, on 5 March 2012, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan Ernesto Mendez, presented his reports (A/HRC/19/61 and Add. 1-5).

127. At the same meeting, the representatives of Kyrgyzstan and Tunisia made statements as concerned countries.

128. During the ensuing interactive dialogue, at the same meeting and at the 17th meeting on the same day, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Human Rights Council: Austria, Belgium, Botswana, China, Costa Rica, Cuba, Czech Republic, Ecuador, Indonesia, Norway, Pakistan⁷² (on behalf of the Organization of Islamic Cooperation), Republic of Moldova, Switzerland, United States of America, Uruguay;

(b) Representatives of the following observer States: Algeria, Argentina, Bahrain, Brazil, Democratic Republic of the Congo, Egypt, France, Georgia, Greece, Iran (Islamic Republic of), Ireland, Morocco, Nepal, Paraguay, South Africa, Sri Lanka, Turkey, United Kingdom of Great Britain and Northern Ireland, Uzbekistan;

(c) Observers for intergovernmental organizations: European Union, Organisation Internationale de la Francophonie;

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

(e) Observers for the following non-governmental organizations: American Civil Liberties Union (also on behalf of Indian Council of South America), Helsinki Foundation for Human Rights, World Organization Against Torture.

129. At the 17th meeting, on 5 March 2012, the Special Rapporteur answered questions and made his concluding remarks.

130. Also at the same meeting, statements in exercise of the right of reply were made by the representative of Belarus and China.

Special Rapporteur on the situation of human rights defenders

131. At the 16th meeting, on 5 March 2012, the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, presented her reports (A/HRC/19/55 and Adds. 1-2).

132. At the same meeting, the representative of India made a statement as the concerned country.

133. During the ensuing interactive dialogue at the same meeting and at the 17th meeting on the same day, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Council: Austria, Bangladesh, Belgium, Botswana, China, Costa Rica, Cuba, Czech Republic, Ecuador, Malaysia, Norway, Pakistan⁷² (on behalf of the Organization of the Islamic Cooperation), Poland, Senegal (on behalf of the Group of African States), Spain, Switzerland, United States of America, Uruguay;

(b) Representatives of the following observer States: Algeria, Armenia, Australia, Belarus, Brazil, Colombia, Democratic Republic of the Congo, Egypt, France, Honduras, Ireland, Morocco, Nepal, Tunisia, United Kingdom of Great Britain and Northern Ireland;

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

(e) Observers for the following non-governmental organizations: Amnesty International, Asian Forum for Human Rights and Development (also on behalf of Asian Centre for Human Rights, Commonwealth Human Rights Initiative and Habitat International Coalition), Canadian HIV/AIDS Legal Network, Cairo Institute for Human Rights Studies, Colombian Commission of Jurists, International Federation for Human Rights Leagues (also on behalf of World Organization Against Torture), International Service for Human Rights.

134. At the 17th meeting, on 5 March 2012, the Special Rapporteur answered questions and made her concluding remarks.

135. Also At the same meeting, a statement in exercise of the right of reply was made by the representative of Belarus.

Working Group on Enforced or Involuntary Disappearances

136. At the 17th meeting, on 5 March 2012, the Chairperson-Rapporteur of the Working Group on Enforced or Involuntary Disappearances, Jeremy Sarkin, presented the reports of the Working Group (A/HRC/19/58/Rev.1).

137. At the same meeting, the representatives of Congo, Mexico and Timor-Leste made statements concerned countries.

136. Also at the same meeting, the Provedoria for Human Rights and Justice of Timor-Leste (by video message) and the National Human Rights Commission of Mexico made statements.

138. During the ensuing interactive dialogue, at the 18th and 19th meetings, on 6 March 2012, the following made statements and asked the Chairperson- Rapporteur questions:

(a) Representatives of States Members of the Council: Argentina⁷² (on behalf of MERCOSUR and Bolivia (Plurinational State of), Colombia, Chile, Ecuador and Venezuela (Bolivarian Republic of)), Austria, Belgium, China, Cuba, Ecuador, Indonesia, Thailand, United States of America, Uruguay;

(b) Representatives of the following observer States: Algeria, Armenia, Bahrain, Colombia, Democratic People's Republic of Korea, Egypt, France, Iran (Islamic Republic of), Japan, Morocco, Nepal, Pakistan, Republic of Korea;

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

(d) Observers for the following non-governmental organizations: International Association for Democracy in Africa, International Movement against All Forms of Discrimination and Racism.

139. At the 19th meeting, the Chairperson-Rapporteur answered questions and made his concluding remarks.

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

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

Special Rapporteur on freedom of religion or belief

142. At the 17th meeting, on 5 March 2012, the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt, presented his reports (A/HRC/19/60).

143. At the same meeting, the representative of Paraguay made a statement as a concerned country.

144. At the 18th meeting, on 6 March 2012, the representative of Republic of Moldova made a statement as a concerned country.

145. During the ensuing interactive dialogue at the 18th and 19th meetings, on 6 March 2012, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Council: Angola, Austria, Bangladesh, China, Cuba, Czech Republic, Ecuador, India, Indonesia, Italy, Kuwait, Mauritania (on behalf of the Group of Arab States), Malaysia, Norway, Pakistan⁷² (on behalf of the Organization of the Islamic Cooperation), Poland, Romania, Russian Federation, United States of America;

(b) Representatives of the following observer States: Algeria, Armenia, Australia, Belarus, Brazil, Canada, Croatia, Egypt, Georgia, Germany, Iran (Islamic Republic of), Ireland, Luxembourg, Morocco, Netherlands, Slovenia, United Kingdom of Great Britain and Northern Ireland;

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

(d) Observer for Sovereign Military Order of Malta;

(e) Observers for the following non-governmental organizations: Center for Environmental and Management Studies, Human Rights First, International Fellowship of Reconciliation, Jubilee Campaign, International Humanist and Ethical Union.

146. At the 19th meeting, on the same day, the Special Rapporteur answered questions and made his concluding remarks.

147. At the 20th meeting, on 6 March 2012, statements in exercise of the right of reply were made by the representatives of Nigeria, Romania and Serbia.

Special Rapporteur on the right to food

148. At the 19th meeting, on 6 March 2012, the Special Rapporteur on the right to food, Olivier De Schutter, presented his reports (A/HRC/19/59 and Add.1-6).

149. At the same meeting, the representative of China, Madagascar, Mexico and South Africa made a statement as a concerned country.

150. Also at the same meeting, the Human Rights Commission of South Africa delivered a video message to the Council.

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

(a) Representatives of States Members of the Council: Angola, Argentina⁷² (on behalf of MERCOSUR, Chile and Colombia), Bangladesh, Benin, Burkina Faso, Chile, China, Cuba, Ecuador, India, Indonesia, Malaysia, Norway, Pakistan⁷² (on behalf of the Organization of Islamic Cooperation), Senegal (on behalf of the Group of African States), Switzerland, United States of America, Uruguay;

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

(c) Observer for United Nations entities, specialized agencies and related organizations: World Health Organization;

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

(e) Observer for Sovereign Military Order of Malta;

(f) Observers for the following non-governmental organizations: Canners International Permanent Committee, Caritas Internationalis (International Confederation of Catholic Charities) (also on behalf of Association Points-Coeur, Associazione Comunita Papa Giovanni XXIII, Church World Service, Dominican Leadership Conference, Dominicans for Justice and Peace-Order of Preachers, Fondazione Marista per la Solidarietà Internazionale ONLUS, International Catholic Child Bureau, International Catholic Rural Association (ICRA), International Federation of Catholic Medical Associations, Istituto Internazionale Maria Ausiliatrice delle Salesiane di Don Bosco, New Humanity, International Volunteerism Organization for Women, Education and Development-VIDES, Pax Christi International, World Alliance of Young Men's Christian Associations and World Union of Catholic Women's Organizations), Helsinki Foundation for Human Rights, Human Rights Watch, International Institute for Non-Aligned Studies, ONG Hope International, Save the Children International (also on behalf of World Vision International).

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

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

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

154. At the 19th meeting, on 6 March 2012, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Raquel Rolnik, presented her reports (A/HRC/19/53 and Add.1-3).

155. At the same meeting, the representatives of Algeria and Argentina made statements as concerned countries.

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

(a) Representatives of States Members of the Council: Bangladesh, Chile, China, Cuba, Ecuador, India, Indonesia, Kuwait, Mauritania (on behalf of the Group of Arab States), Norway, Pakistan⁷² (on behalf of the Organization of Islamic Cooperation), Saudi Arabia, Senegal (on behalf of the Group of African States), Switzerland, United States of America;

(b) Representatives of the following observer States: Brazil, Democratic Republic of the Congo, Egypt, Finland, Germany, Iran (Islamic Republic of), Morocco, South Africa, Sri Lanka, Venezuela (Bolivarian Republic of);

(c) Observer for Palestine;

(d) Observer for Holy See;

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

(f) Observers for the following non-governmental organizations: Conectas Direitos Humanos.

157. At the 20th meeting, the Special Rapporteur answered questions and made her concluding remarks.

Working Group on Arbitrary Detention

158. At the 20st meeting, on 6 March 2012, the member of the Working Group on Arbitrary Detention, Mads Andenas, presented the reports of the Working Group (A/HRC/19/57 and Add.1-4).

159. At the 21st meeting, on 7 March 2012, the representatives of Germany and Georgia made statements as concerned countries.

160. At the same meeting, the Public Defender of Human Rights (by video message) of Georgia and the German Institute for Human Rights made statements.

161. During the ensuing interactive dialogue at the same meeting, the following made statements and asked the working group questions:

(a) Representatives of States Members of the Council: Angola, Austria, China, Cuba, Hungary, Malaysia, Maldives, Norway, Pakistan⁷² (on behalf of the Organization of the Islamic Cooperation), United States of America, Uruguay;

(b) Representatives of the following observer States: Algeria, Bahrain, Bhutan, Bolivia (Plurinational State of), Colombia, Democratic Republic of the Congo, France, Greece, Morocco, Venezuela (Bolivarian Republic of);

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

(d) Observers for the following non-governmental organizations: BADIL Resource Center for Palestinian Residency and Refugee Rights, Canners International Permanent Committee, CIVICUS - World Alliance for Citizen Participation, France Libertes (also on behalf of American Association of Jurists, International Educational Development, Mouvement contre le racisme et pour l'amitié entre les peuples, and World Federation of Trade Unions), Human Rights Advocates Inc., United Schools International, World Federation of Trade Unions (also on behalf of American Association of Jurists, International Association of Democratic Lawyers, Mouvement contre le racisme et pour l'amitié entre les peuples).

162. At the 23rd meeting, on 7 March 2012, a statement in exercise of the right of reply was made by the representative of Uzbekistan.

Special Rapporteur on the human rights of internally displaced persons

163. At the 21st meeting, on 7 March 2012, the Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani, presented the reports of the mandate (A/HRC/19/54 and Add.1 and 2).

164. At the same meeting, the representative of Kenya and Maldives made a statement as concerned countries.

165. Also at the same meeting, the Kenya National Commission on Human Rights made a statement.

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

(a) Representatives of States Members of the Council: Austria, Bangladesh, China, Kyrgyzstan, Norway, Pakistan⁷² (on behalf of the Organization of Islamic Cooperation), Switzerland, United States of America;

(b) Representatives of the following observer States: Algeria, Armenia, Azerbaijan, Colombia, Georgia, France, Morocco, Sri Lanka;

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

167. At the 23rd meeting, on the same day, the Special Rapporteur answered questions and made his concluding remarks.

168. At the same meeting, statements in exercise of the right of reply were made by the representative of Armenia, Azerbaijan, Georgia and the Russian Federation.

169. Also at the same meeting, statements in exercise of a second right of reply were made by Armenia, Azerbaijan and the Russian Federation.

Special Rapporteur on the sale of children, child prostitution and child pornography

170. At the 23rd meeting, on 7 March 2012, the Special Rapporteur on the sale of children, child prostitution and child pornography, Najat Maalla M'jid, presented her reports (A/HRC/19/63 and Add.1-2).

171. At the same meeting, the representatives of France and Mauritius made statements as concerned countries.

172. Also at the same meeting, the French Commission on Human Rights made a statement.

173. During the ensuing interactive dialogue at the same meeting, and at 25th meeting, on 8 March 2012, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Council: Austria, Belgium, China, Costa Rica, Cuba, Ecuador, Indonesia, Kuwait, Kyrgyzstan, Malaysia, Norway, Pakistan⁷² (on behalf of the Organization of Islamic Cooperation), Peru, Russian Federation, Senegal (on behalf of the Group of African States), Spain, United States of America, Uruguay (also on behalf of the Group of Latin American and Caribbean States);

(b) Representatives of the following observer States: Algeria, Egypt, Greece, Iran (Islamic Republic of), Morocco, Portugal, Slovenia, Sri Lanka, Sudan, Turkey;

(c) Observer for United Nations entities, specialized agencies and related organizations: United Nations Children's Fund;

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

(e) Observer for a non-governmental organization: Union of Arab Jurists (also on behalf of International Educational Development, International Organization for the Elimination of All Forms of Racial Discrimination, International Youth and Student Movement for the United Nations and North-South XXI).

174. At the 25th meeting, the Special Rapporteur answered questions and made her concluding remarks.

Independent expert on minority issues

175. At the 35th meeting, on 14 March 2012, the independent expert on minority issues, Rita Izsák, presented her reports (A/HRC/19/56 and Add.1-2).

176. At the same meeting, the representatives of Bulgaria and Rwanda made statements as concerned countries.

177. During the ensuing interactive dialogue at the same meeting, and at the 36th meeting, on the same day, the following made statements and asked the independent expert questions:

(a) Representatives of States Members of the Council: Austria, Bangladesh, Cameroon, China, Hungary, Norway, Pakistan¹ (on behalf of the Organization of Islamic Cooperation), Romania, Russian Federation, United States of America;

(b) Representatives of the following observer States: Armenia, Canada, Croatia, Greece, Latvia, Slovakia, Slovenia, Viet Nam;

(c) Observer for United Nations entities, specialized agencies and related organizations: United Nations Children's Fund;

(d) Observer for the Holy See;

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

(f) Observers for the following non-governmental organizations: Asian Legal Resource Centre (also on behalf of International Movement Against All Forms of Discrimination and Racism), Mouvement contre le racisme et pour l'amitié entre les peuples, National Association for the Advancement of Colored People.

178. At the 36th meeting, the independent expert answered questions and made her concluding remarks.

179. At the same meeting, statements in exercise of the right of reply were made by the representatives of China, Georgia and the Russian Federation.

180. Also at the same meeting, a statement in exercise of a second right of reply was made by the representative of Georgia.

C. Interactive dialogue with the Special Representative of the Secretary-General on violence against children

181. At the 23rd meeting, on 7 March 2012, the Special Representative of the Secretary-General on violence against children, Marta Santos Pais, presented her report (A/HRC/19/64).

182. During the ensuing interactive dialogue, at the same meeting, and at the 25th meeting, on 8 March 2012, the following made statements and asked the Special Representative questions:

(a) Representatives of States Members of the Council: Angola, Austria, Belgium, China, Costa Rica, Cuba, Ecuador, Indonesia, Kuwait, Kyrgyzstan, Malaysia, Norway, Pakistan⁷² (on behalf of the Organization of Islamic Cooperation), Peru, Romania, Russian Federation, Senegal (on behalf of the Group of African States), Spain, Thailand, United States of America, Uruguay (also on behalf of the Group of Latin American and Caribbean States);

(b) Representatives of the following observer States: Algeria, Australia, Belarus, Croatia, Egypt, Greece, Germany, Iran (Islamic Republic of), Morocco, New Zealand, Paraguay, Portugal, Sri Lanka, Sweden, Slovenia, Syrian Arab Republic, Sudan, Turkey;

(c) Observer for United Nations entities, specialized agencies and related organizations: United Nations Children's Fund;

(d) Observer for the Holy See;

(e) Observers for intergovernmental organizations: European Union, Organisation Internationale de la Francophonie;

(f) Observers for the following non-governmental organizations: CIVICUS - World Alliance for Citizen Participation (also on behalf of the International Association for Religious Freedom), Defence for Children International (also on behalf of International Catholic Child Bureau, International Federation Terre Des Hommes, Save the Children International and World Organisation Against Torture), Franciscans International (also on behalf of Fondazione Marista per la Solidarietà Internazionale ONLUS and World Vision International), International Institute for Peace, International Movement ATD Fourth World, Plan International, Inc. (also on behalf of Child Helpline International, Fundacion Intervida, International Council of Women/Conseil international des femmes, Myochikai (Arigatou Foundation) and Save the Children International), Union of Arab Jurists (also on behalf of International Educational Development, International Organization for the Elimination of All Forms of Racial Discrimination, International Youth and Student Movement for the United Nations and North-South XXI).

183. At the 25th meeting, the Special Representative answered questions and made her concluding remarks.

D. General debate on agenda item 3

184. At the 25th meeting, on 8 March 2012, the Chairperson-Rapporteur of the Working Group on the Right to Development, Tamara Kunanayakam, presented the report of the Working Group on its twelfth session (A/HRC/19/52).

185. At the same meeting, at the 27th meeting, on 9 March 2012, and at the 29th meeting, on 12 March 2012, the Council held a general debate on agenda item 3, during which the following made statements:

(a) Representatives of States Members of the Council: Costa Rica (also on behalf of Côte d'Ivoire, Ecuador, Germany, Maldives, Mauritius, Morocco, Peru, Slovenia, Switzerland and Uruguay), Denmark⁷² (on behalf of the European Union, Albania, Bosnia and Herzegovina, Croatia, Georgia, Iceland, Montenegro, Serbia, the former Yugoslav Republic of Macedonia and Ukraine), Egypt⁷² (on behalf of the Non-Aligned Movement), Cuba, Djibouti, India, Indonesia, Libya, Mexico (also on behalf of Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Canada, Chile, Colombia, Costa Rica, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominican Republic, Ecuador, Equatorial Guinea, Estonia, Egypt, Finland, Former Yugoslav Republic

of Macedonia, France, Georgia, Germany, Ghana, Greece, Guatemala, Honduras, Hungary, Iceland, India, Indonesia, Ireland, Israel, Italy, Jamaica, Japan, Kenya, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Maldives, Malaysia, Malta, Mauritius, Moldova, Monaco, Montenegro, Morocco, Netherlands, Namibia, Nigeria, New Zealand, Nicaragua, Norway, Palestine, Panama, Peru, Poland, Portugal, Republic of Congo, Republic of Korea, Romania, Russian Federation, Rwanda, San Marino, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Spain, St. Kitts and Nevis, Sweden, Switzerland, Thailand, Togo, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela (Bolivarian Republic of), Vietnam.), Morocco⁷² (on behalf of Platform on Human Rights Education and Training), Norway, Qatar, Senegal (on behalf of the Group of African States), Spain (on behalf of the Blue Group), Sweden⁷² (also on behalf of Denmark, Finland, Iceland and Norway), Russian Federation, United States of America (also on behalf of Brazil, Indonesia, Mexico, Norway, South Africa, and United Kingdom of Great Britain and Northern Ireland);

(b) Representatives of the following observer States: Algeria, Bolivia (Plurinational State of), Iran (Islamic Republic of), Morocco, Namibia, Nepal, Pakistan, South Africa, Sri Lanka, Sudan, Turkey, Venezuela (Bolivarian Republic of);

(c) Observer for an intergovernmental organization: Council of Europe;

(d) Observer for United Nations entities, specialized agencies and related organizations: United Nations Children's Fund (also on behalf of the Office of the United Nations High Commissioner for Refugees, United Nations Population Fund and the World Health Organization);

(e) Observer for the Holy See;

(f) Observers for the following non-governmental organizations: Action internationale pour la paix et le développement dans la région des Grands Lacs, Agence internationale pour le développement, Amnesty International, Asian Indigenous and Tribal Peoples Network (AITPN) (also on behalf of Helsinki Foundation for Human Rights and Society for Threatened Peoples), Associazione Comunità Papa Giovanni XXIII (also on behalf of Association Points-Coeur, Caritas Internationalis (International Confederation of Catholic Charities), Company of the Daughters of Charity of St. Vincent de Paul, Dominicans for Justice and Peace - Order of Preachers, Fondazione S.A.V.E. (Scienza, Allenza, Vita, Ambiente), International Association of Charities, International Catholic Child Bureau, International Catholic Migration Commission, Istituto Internazionale Maria Ausiliatrice delle Salesiane di Don Bosco, International Organization for the Right to Education and Freedom of Education (OIDEL), International Volunteerism Organization for Women, Education and Development-VIDES and New Humanity), Canners International Permanent Committee, Center for Environmental and Management Studies, Centre for Human Rights and Peace Advocacy, Charitable Institute for Protecting Social Victims, China Association for Preservation and Development of Tibetan Culture (CAPDTC), China NGO Network for International Exchanges (CNIE), CIVICUS-World Alliance for Citizen Participation, Commission to Study the Organization of Peace, Conectas Direitos Humanos, European Region of the International Lesbian and Gay Federation, European Union of Public Relations, France Libertés : Fondation Danielle Mitterrand (also on behalf of American Association of Jurists and Mouvement contre le racisme et pour l'amitié entre les peuples), Franciscans International (also on behalf of Fondazione Marista per la Solidarietà Internazionale ONLUS), Friends World Committee for Consultation, Human Rights Advocates Inc., Human Rights Watch, International Association for Democracy in Africa, Indian Council of Education, Indian Council of South America (CISA), International Association of Democratic Lawyers (IADL) (also on behalf of American Association of Jurists), International Buddhist Relief Organisation, International Educational Development, Inc., International Fellowship of Reconciliation

(also on behalf of Friends World Committee for Consultation), International Human Rights Association of American Minorities (IHRAAM) (also on behalf of International Muslim Women Union), International Humanist and Ethical Union (also on behalf of Center for Inquiry), International Institute for Non-Aligned Studies, International Institute for Peace, International Islamic Federation of Student Organizations, Iranian Elite Research Center, Khiam Rehabilitation Center for Victims of Torture, Lawyers Rights' Watch Canada, Liberation, Maarij Foundation for Peace and Development, Mouvement contre le racisme et pour l'amitié entre les peuples (also on behalf of France Libertés : Fondation Danielle Mitterrand and International Educational Development), North-South XXI, Organization for Defending Victims of Violence, Organisation pour la communication en Afrique et de promotion de la coopération économique internationale-OCAPROCE Internationale, Permanent Assembly for Human Rights (also on behalf of African Association of Education for Development and American Association of Jurists), Press Emblem Campaign, Rencontre Africaine pour la défense des droits de l'homme, Society for Threatened Peoples, Save a Child's Heart in Memory of Dr. Ami Cohen, Soka Gakkai International (also on behalf of Al-Khakim Foundation, Asia-Pacific Human Rights Information Center, Asian Forum for Human Rights and Development, Association apprentissage sans frontières, Association Point-Coeur, CIVICUS - World Alliance for Citizen Participation, David M. Kennedy Center for International Studies, Human Rights Education Associates (HREA), International Association for Religious Freedom, International Association of Gerontology and Geriatrics, International Council of Women/Conseil international des femmes, International Federation of University Women, International Movement Against All Forms of Discrimination and Racism (IMADR), International Organization for the Elimination of All Forms of Racial Discrimination, International Organization for the Right to Education and Freedom of Education (OIDEL), Institute for Planetary Synthesis, Myochikai (Arigatou Foundation), ONG Hope International, Planetary Association for Clean Energy, Servas International, Soroptimist International, Sovereign Military Order of the Temple of Jerusalem (OSMTH), Teresian Association, The Salvation Army, Union of Arab Jurists (also on behalf of Arab Lawyers Union), United Nations Association of China (UNA-China), United Schools International, United Towns Agency for North-South Cooperation, Universal Peace Federation, Verein Sudwind Entwicklungspolitik, Women's Federation for World Peace International and Women's World Summit Foundation), World Environment and Resources Council (WERC), World Muslim Congress, World Russian People's Council.

186. At the 25th meeting, a short film on safe drinking water and sanitation was broadcast to the Council.

187. At the 27th meeting, statements in exercise of the right of reply were made by the representatives of Brazil and China.

188. At the 29th meeting, on 12 March 2012, statements in exercise of the right of reply were made by the representatives of China and the Holy See.

E. Consideration of and action on draft proposals

Adequate housing as a component of the right to an adequate standard of living in the context of disaster settings

189. At the 52nd meeting, on 22 March 2012, the representative of Finland, on behalf of Germany and Finland, introduced draft resolution A/HRC/19/L.4, sponsored by Germany and Finland and co-sponsored by Albania, Austria, Belgium, Bosnia and Herzegovina, Burundi, Canada, Chad, Chile, Colombia, Costa Rica, Croatia, Cyprus, Djibouti, the Dominican Republic, Estonia, France, Georgia, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Japan, Kenya, Latvia, Lithuania, Luxembourg, Maldives, Monaco,

Montenegro, Nigeria, Norway, Panama, Peru, Poland, Portugal, Romania, Saint Kitts and Nevis, Senegal, Serbia, Slovakia, Slovenia, Somalia, Spain, Switzerland, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela (Bolivarian Republic of). Subsequently, Andorra, Morocco, the Netherlands, Rwanda, Thailand, Timor-Leste, Tunisia and Turkey joined the sponsors.

190. At the same meeting, the representative of Finland orally revised the draft resolution by modifying operative paragraph 1.

191. Also at the same meeting, the representative of the United States of America made general comments in relation to the draft resolution.

192. At the same meeting, the representatives of India and Saudi Arabia (also on behalf of Afghanistan, Algeria, Azerbaijan, Bahrain, Bangladesh, Benin, Brunei Darussalam, Burkina Faso, Cameroon, Comoros, Djibouti, Egypt, Gabon, Gambia, Guinea Bissau, Guinea, Guyana, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kazakhstan, Kuwait, Lebanon, Libya, Malaysia, Mali, Mauritania, Mozambique, Niger, Nigeria, Oman, Pakistan, Palestine, Qatar, Senegal, Sierra Leone, Somalia, Sri Lanka, Sudan, Suriname, the Syrian Arab Republic, Tajikistan, Togo, Turkmenistan, United Arab Emirates, Uganda, Uzbekistan and Yemen) made statements in explanation of vote before the vote, disassociating themselves from the consensus in relation to the seventh preambular paragraph of the draft resolution.

193. Also at the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 19/4).

Question of the realization in all countries of economic, social and cultural rights

194. At the 52nd meeting, on 22 March 2012, the representative of Portugal introduced draft resolution A/HRC/19/L.10/Rev.1, sponsored by Portugal and co-sponsored by Albania, Angola, Armenia, Austria, Belgium, Bosnia and Herzegovina, Brazil, Chile, Costa Rica, Croatia, Cuba, Egypt, Finland, France, Germany, Greece, Honduras, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Nicaragua, Malta, Mexico, Montenegro, Morocco, Peru, Romania, Senegal, Serbia, Slovakia, Slovenia, Spain, Switzerland, Thailand, Ukraine, Uruguay and Venezuela (Bolivarian Republic of). Subsequently Belarus, Cape Verde, Côte d'Ivoire, Ecuador, Estonia, Guinea, Japan, Kyrgyzstan, the Netherlands, Panama, Romania, South Africa, Sweden, Thailand, Timor-Leste and Tunisia joined the sponsors.

195. At the same meeting, the representative of the United States of America made general comments in relation to the draft resolution.

196. Also at the same meeting, in accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of the draft resolution.

197. At the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 19/5).

Mandate of Special Rapporteur in the field of cultural rights

198. At the 52nd meeting, on 22 March 2012, the representative of Cuba introduced draft resolution A/HRC/19/L.18, sponsored by Cuba and co-sponsored by Austria, Belarus, Bolivia (Plurinational State of), Botswana, Burkina Faso, Congo, the Democratic People's Republic of Korea, Djibouti, Ecuador, France, Georgia, Indonesia, Iran (Islamic Republic of), Mexico, Morocco, Nicaragua, Palestine, Portugal, Russian Federation, Spain, Sri Lanka, the Syrian Arab Republic, Venezuela (Bolivarian Republic of), Viet Nam and

Zimbabwe. Subsequently, Angola, Bangladesh, China, the Dominican Republic, Ethiopia, Haiti, Lebanon, Nigeria, Senegal, the Sudan and Uruguay joined the sponsors.

199. At the same meeting, in accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated administrative and programme budget implications of the draft resolution.

200. Also at the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 19/6).

The right to food

201. At the 52nd meeting, on 22 March 2012, the representative of Cuba introduced draft resolution A/HRC/19/L.21, sponsored by Cuba and co-sponsored by Algeria, Austria, Belarus, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Burkina Faso, Cape Verde, China, Congo, Costa Rica, Croatia, Democratic People's Republic of Korea, Djibouti, Ecuador, Ghana, Guatemala, Indonesia, Iran (Islamic Republic of), Ireland, Lao People's Democratic Republic, Luxembourg, Mauritius, Mexico, Montenegro, Morocco, Myanmar, Nicaragua, Pakistan, Palestine, Panama, Peru, Portugal, San Marino, Serbia, Spain, Sri Lanka, the Syrian Arab Republic, Thailand, Venezuela (Bolivarian Republic of), Viet Nam and Zimbabwe. Subsequently, Andorra, Angola, Australia, Belgium, Cambodia, Cyprus, the Dominican Republic, El Salvador, Ethiopia, Finland, Greece, Haiti, Honduras, Iraq, Japan, Kyrgyzstan, Lebanon, Lithuania, Malaysia, Maldives, Monaco, Nigeria, Norway, the Philippines, Rwanda, Senegal, Slovenia, South Africa, the Sudan, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey and the United Kingdom of Great Britain and Northern Ireland joined the sponsors.

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

203. Also at the same meeting, the representatives of Belgium (on behalf of Members of the European Union that are Members of the Council), Uganda and the United States of America made general comments in relation to the draft resolution.

204. At the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 19/7).

Freedom of Religion or Belief

205. At the 53rd meeting, on 22 March 2012, the representative of Denmark (on behalf of the European Union and co-sponsors) introduced draft resolution A/HRC/19/L.23, sponsored by Denmark (on behalf of the European Union) and co-sponsored by Albania, Australia, Brazil, Canada, Chile, Costa Rica, Croatia, Georgia, Iceland, Israel, Liechtenstein, Montenegro, Norway, Peru, Serbia, Switzerland, Turkey, Ukraine and United States of America. Subsequently, Andorra, Armenia, Benin, Bosnia and Herzegovina, Cape Verde, Colombia, Ecuador, Guatemala, Japan, Monaco, New Zealand, the Republic of Korea, Romania, San Marino, Thailand, the former Yugoslav Republic of Macedonia and Uruguay joined the sponsors.

206. At the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 19/8).

Birth registration and the right to everyone to recognition everywhere as a person before the law

207. At the 53rd meeting, on 22 March 2012, the representative of Mexico introduced draft resolution A/HRC/19/L.24, sponsored by Mexico and Turkey and co-sponsored by Albania, Australia, Austria, Belgium, Cambodia, Canada, Chile, Colombia, Costa Rica, Croatia, Cuba, Czech Republic, Denmark, Ecuador, Egypt, Estonia, Finland, France,

Georgia, Germany, Guatemala, Honduras, Iceland, Ireland, Israel, Japan, Latvia, Lebanon, Lithuania, Maldives, Mauritania, Monaco, Montenegro, Morocco, Nicaragua, Norway, Panama, Paraguay, Peru, Poland, Portugal, Romania, Russian Federation, Slovakia, Slovenia, Somalia, Spain, Sweden, Switzerland, Thailand, United Kingdom of Great Britain and Northern Ireland and Uruguay. Subsequently, Angola, Bolivia (Plurinational State of), Botswana, Brazil, Ghana, Hungary, Luxembourg, New Zealand, Pakistan (on behalf of the Organization of Islamic Cooperation), the Philippines, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Serbia, Ukraine, the United States of America and Venezuela (Bolivarian Republic of) joined the sponsors.

208. At the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 19/9).

Human rights and the environment

209. At the 53rd meeting, on 22 March 2012, the representatives of Maldives and Costa Rica introduced draft resolution A/HRC/19/L.8/Rev.1, sponsored by Costa Rica, Côte d'Ivoire, Ecuador, Germany, Maldives, Mauritius, Morocco, Peru, Slovenia, Switzerland and Uruguay and co-sponsored by Albania, Bosnia and Herzegovina, Botswana, Cambodia, Chad, Congo, Croatia, Democratic Republic of the Congo, Dominican Republic, France, Georgia, Greece, Honduras, Hungary, Ireland, Israel, Kenya, Latvia, Liechtenstein, Lithuania, Luxembourg, Mauritania, Montenegro, Nigeria, Palestine, Panama, Paraguay, Poland, Portugal, Romania, Serbia, Somalia, Spain, Sudan, the former Yugoslav Republic of Macedonia, Timor-Leste, Tunisia, United Republic of Tanzania and Zimbabwe. Subsequently, Angola, Australia, Austria, Belgium, Benin, Bhutan, Burkina Faso, Cameroon, Cape Verde, Congo, Cuba, Cyprus, Djibouti, Finland, Ghana, Guinea, Italy, Lebanon, Madagascar, Mexico, Monaco, Norway, Qatar, the Republic of Moldova, Senegal, Solomon Islands, Uganda and Yemen joined the sponsors.

210. At the same meeting, in accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of the draft resolution.

211. Also at the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 19/10).

Rights of persons with disabilities: participation in political and public life

212. At the 53rd meeting, on 22 March 2012, the representative of Mexico introduced draft resolution A/HRC/19/L.9/Rev.1, sponsored by Mexico and New Zealand and co-sponsored by Argentina, Armenia, Australia, Austria, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Burkina Faso, Canada, Chile, Colombia, Costa Rica, Croatia, Cuba, Czech Republic, Denmark, Dominican Republic, Ecuador, Finland, France, Germany, Greece, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Lithuania, Maldives, Montenegro, Nicaragua, Norway, Panama, Paraguay, Peru, Portugal, Qatar, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Thailand, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland and Venezuela (Bolivarian Republic of). Subsequently, Andorra, Angola, Bulgaria, Cyprus, Djibouti, Egypt, Estonia, Indonesia, Kyrgyzstan, Luxembourg, Malta, Poland, the Republic of Korea, the Republic of Moldova, the Russian Federation, Rwanda, Senegal, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Tunisia, Uganda, the United States of America and Uruguay joined the sponsors.

213. At the same meeting, the representatives of the Philippines and Uganda made general comments in relation to the draft resolution.

214. Also at the same meeting, in accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of the draft resolution.

215. At the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 19/11).

The promotion of human rights and fundamental freedoms while countering terrorism

216. At the 54th meeting, on 23 March 2012, the representative of Mexico introduced draft resolution A/HRC/19/L.25/Rev.1, sponsored by Mexico and co-sponsored by Argentina, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Botswana, Bulgaria, Chile, Colombia, Costa Rica, Croatia, Czech Republic, Denmark, Ecuador, Greece, Guatemala, Ireland, Latvia, Liechtenstein, Lithuania, Monaco, the Netherlands, Norway, Peru, Portugal, San Marino, Serbia, Slovakia, Somalia, Spain, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland. Subsequently, Brazil, Canada, Estonia, Finland, France, Georgia, Germany, Hungary, Iceland, Israel, Japan, Montenegro, Poland, Romania, the Russian Federation, Slovenia, Sweden, Tunisia, Turkey and the United States of America joined the sponsors.

217. At the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 19/19).

The role of good governance in the promotion and protection of human rights

218. At the 54th meeting, on 23 March 2012, the representative of Poland introduced draft resolution A/HRC/19/L.26, sponsored by Poland and co-sponsored by Albania, Australia, Austria, Botswana, Bulgaria, Chile, Colombia, Costa Rica, Croatia, Denmark, Estonia, Georgia, Hungary, Honduras, Iceland, Ireland, Israel, Italy, Latvia, Lithuania, Luxembourg, Montenegro, Netherlands, Norway, Peru, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Kitts and Nevis, Slovakia, Slovenia, Somalia, South Africa, Spain, Switzerland, the former Yugoslav Republic of Macedonia and Ukraine. Subsequently, Angola, Argentina, Armenia, Belgium, Bosnia and Herzegovina, Brazil, Canada, Cape Verde, Cyprus, Czech Republic, the Democratic Republic of the Congo, Djibouti, Egypt, Ethiopia, Finland, France, Germany, Greece, Guatemala, Guinea, Indonesia, Japan, Jordan, Kazakhstan, Libya, Liechtenstein, Maldives, Malta, Mauritius, Mexico, Morocco, New Zealand, Nigeria, Qatar, Rwanda, Serbia, Thailand, Tunisia, Turkey, Uganda, the United States of America, Uruguay and Yemen joined the sponsors.

219. At the same meeting, the representative of Poland orally revised the draft resolution.

220. Also at the same meeting, in accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of the draft resolution.

221. At the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 19/20).

Integrity of the judicial system

222. At the 55th meeting, on 23 March 2012, the representative of the Russian Federation, introduced draft resolution A/HRC/19/L.5/Rev.1, sponsored by the Russian Federation. Subsequently Belarus, Brazil, China, Cuba, Ecuador, Egypt, Honduras, Kazakhstan, Kyrgyzstan, Maldives, Morocco, Serbia, South Africa, Sri Lanka and Venezuela (Bolivarian Republic of) joined the sponsors.

223. At the same meeting, the representative of the Russian Federation orally revised the draft resolution.

224. Also at the same meeting, the representative of Belgium (on behalf of Members of the European Union that are Members of the Council) made general comments in relation to the draft resolution.

225. At the same meeting, the representative of the United States of America made general comments, disassociating itself from consensus on the draft resolution.

226. Also at the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 19/31).

Human Rights and unilateral coercive measures

227. At the 55th meeting, on 23 March 2012, the representative of Egypt introduced draft resolution A/HRC/19/L.12, sponsored by Egypt (on behalf of the Non-Aligned Movement). Subsequently, Armenia joined the sponsors.

228. At the same meeting, the representative of Egypt orally revised the draft resolution.

229. Also at the same meeting, in accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of the draft resolution.

230. At the same meeting, the representatives of Belgium (on behalf of Members of the European Union that are members of the Council) made a statement in explanation of vote before the vote.

231. Also at the same meeting, at the request of the representative of Belgium, a recorded vote was taken on draft resolution A/HRC/19/L.12. The draft resolution, as orally revised, was adopted by 35 votes in favour and 12 against. The voting was as follows:

In favour:

Angola, Bangladesh, Benin, Botswana, Cameroon, Chile, China, Congo, Costa Rica, Cuba, Djibouti, Ecuador, Guatemala, India, Indonesia, Jordan, Kuwait, Libya, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Philippines, Peru, Qatar, Russian Federation, Saudi Arabia, Senegal, Thailand, Uruguay;

Against:

Austria, Belgium, Czech Republic, Hungary, Italy, Norway, Poland, Republic of Moldova, Romania, Spain, Switzerland, United States of America.

232. For the text as adopted, see part one, chapter I, resolution 19/32.

Enhancement of international cooperation in the field of human rights

233. At the 55th meeting, on 23 March 2012, the representative of Egypt introduced draft resolution A/HRC/19/L.13/Rev.1, sponsored by Egypt (on behalf of the Non-Aligned Movement). Subsequently, Brazil and Serbia joined the sponsors.

234. At the same meeting, the representative of Egypt orally revised the draft resolution.

235. Also at the same meeting, the representative of Belgium (on behalf of Members of the European Union that are member states in the Council) made general comments in relation to the draft resolution.

236. At the same meeting, in accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of the draft resolution.

237. Also at the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 19/33).

The right to development

238. At the 55th meeting, on 23 March 2012, the representative of Egypt introduced draft resolution A/HRC/19/L.14, sponsored by Egypt (on behalf of the Non-Aligned Movement). Subsequently, Armenia, Brazil, Serbia and the former Yugoslav Republic of Macedonia joined the sponsors.

239. At the same meeting, the representative of Egypt orally revised the draft resolution.

240. Also at the same meeting, the representatives of Belgium (on behalf of Members of the European Union that are members of the Council) and the United States of America made general comments in relation to the draft resolution.

241. At the same meeting, at the request of the representative of the United States of America, a recorded vote was taken on draft resolution. The draft resolution, as orally revised, was adopted by 46 votes in favour, with 1 abstention. The voting was as follows:

In favour:

Angola, Austria, Bangladesh, Belgium, Benin, Botswana, Burkina Faso, Cameroon, Chile, China, Congo, Costa Rica, Cuba, Czech Republic, Djibouti, Ecuador, Guatemala, Hungary, India, Indonesia, Italy, Jordan, Kuwait, Kyrgyzstan, Libya, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Norway, Peru, Philippines, Poland, Qatar, Republic of Moldova, Romania, Russian Federation, Saudi Arabia, Senegal, Spain, Switzerland, Thailand, Uganda, Uruguay;

Abstaining:

United States of America.

242. For the text as adopted, see part one, chapter I, resolution 19/34.

Promotion and protection of human rights in the context of peaceful protests

243. At the 55th meeting, on 23 March 2012, the representative of Switzerland introduced draft resolution A/HRC/19/L.17, sponsored by Costa Rica, Switzerland and Turkey and co-sponsored by Albania, Argentina, Austria, Belgium, Canada, Colombia, Croatia, Czech Republic, Estonia, Finland, Georgia, Honduras, Hungary, Iceland, Israel, Liechtenstein, Portugal, Romania, Slovakia, Slovenia, Somalia and Spain. Subsequently, Australia, Brazil, Bulgaria, Djibouti, France, Germany, Greece, Italy, Japan, Latvia, Lithuania, Maldives, Morocco, New Zealand, Nigeria, Norway, Palestine, Peru, Poland, the Republic of Korea, Senegal, the former Yugoslav Republic of Macedonia, Tunisia, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America joined the sponsors.

244. At the same meeting, the representative of Switzerland orally revised the draft resolution.

245. Also at the same meeting, in accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of the draft resolution.

246. At the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 19/35).

Human rights, democracy and the rule of law

247. At the 55th meeting, on 23 March 2012, the representative of Romania and Tunisia introduced draft resolution A/HRC/19/L.27, sponsored by Morocco, Norway, Peru, Qatar, Romania and Tunisia and co-sponsored by Albania, Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Denmark, Dominican Republic, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Lithuania, Luxembourg, Maldives, Malta, Mexico, Montenegro, Netherlands, Poland, Portugal, Republic of Moldova, Saint Kitts and Nevis, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Ukraine and the United Kingdom of Great Britain and Northern Ireland. Subsequently, Angola, Bosnia and Herzegovina, Cape Verde, Congo, Czech Republic, Djibouti, El Salvador, Honduras, Japan, Kazakhstan, Liechtenstein, Monaco, New Zealand, Palestine, Panama, the Republic of Korea, Rwanda, Senegal (on behalf of the Group of African States), Somalia, Thailand, the United States of America and Uruguay joined the sponsors.

248. At the same meeting, the representative of Romania orally revised the draft resolution.

249. Also at the same meeting, the representatives of Cuba, Peru and United States of America made general comments in relation to the draft resolutions.

250. At the same meeting, in accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of the draft resolution.

251. Also at the same meeting, the representatives of China and Ecuador made statements in explanation of vote before the vote.

252. At the same meeting, at the request of the representative of Cuba, a recorded vote was taken on draft resolution. The draft resolution, as orally revised, was adopted by 43 votes in favour, with 2 abstentions. The voting was as follows:

In favour:

Angola, Austria, Bangladesh, Belgium, Benin, Botswana, Burkina Faso, Cameroon, Chile, Congo, Costa Rica, Czech Republic, Djibouti, Ecuador, Guatemala, Hungary, India, Indonesia, Italy, Jordan, Kyrgyzstan, Libya, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Norway, Peru, Philippines, Poland, Qatar, Republic of Moldova, Romania, Russian Federation, Senegal, Spain, Switzerland, Thailand, Uganda, United States of America, Uruguay;

Abstaining:

China, Cuba.

253. For the text as adopted, see part one, chapter I, resolution 19/36.

Rights of the child

254. At the 55th meeting, on 23 March 2012, the representative of Uruguay introduced draft resolution A/HRC/19/L.31, sponsored by Denmark (on behalf of the European Union) and Uruguay (on behalf of the Group of Latin American and Caribbean States) and co-sponsored by Albania, Andorra, Armenia, Australia, Bosnia and Herzegovina, Burkina Faso, Congo, Croatia, Democratic Republic of the Congo, Djibouti, El Salvador, Georgia,

Iceland, Israel, Kenya, Madagascar, Maldives, Mauritania, Montenegro, Nigeria, Norway, the Philippines, the Russian Federation, Rwanda, San Marino, Serbia, Thailand, the former Yugoslav Republic of Macedonia and Ukraine. Subsequently, Burundi, Cameroon, Canada, Egypt, Haiti, Jamaica, Lebanon, Morocco, Senegal, Somalia, Switzerland, Tunisia and Uganda joined the sponsors.

255. At the same meeting, the representative of Uruguay orally revised the draft resolution.

256. Also at the same meeting, the representatives of Saudi Arabia (on behalf of the Organization of Islamic Cooperation) and the United States of America made general comments in relation to the draft resolution.

257. Also at the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 19/37).

258. At the same meeting, the representative of Switzerland made statements in explanation of vote after the vote.

The negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights, and the importance of improving international cooperation

259. At the 55th meeting, on 23 March 2012, the representative of Egypt introduced draft resolution A/HRC/19/L.16/Rev.1, sponsored by Senegal (on behalf of the Group of African States). Subsequently, Cuba and Pakistan (on behalf of the Organization of Islamic Cooperation) joined the sponsors.

260. At the same meeting, the representative of Belgium (on behalf of Members of the European Union that are Members of the Council) made general comments in relation to the draft resolutions.

261. Also at the same meeting, in accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of the draft resolution.

262. At the same meeting, the representatives of Norway and the United States of America made statements in explanation of vote before the vote.

263. Also at the same meeting, at the request of the representative of the United States of America, a recorded vote was taken on draft resolution. The draft resolution was adopted by 35 votes in favour, 1 against, with 11 abstentions. The voting was as follows:

In favour:

Angola, Bangladesh, Benin, Botswana, Burkina Faso, Cameroon, Chile, China, Congo, Costa Rica, Cuba, Djibouti, Ecuador, Guatemala, India, Indonesia, Jordan, Kuwait, Kyrgyzstan, Libya, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, Thailand, Uganda, Uruguay;

Against:

United States of America;

Abstaining:

Austria, Belgium, Czech Republic, Hungary, Italy, Norway, Poland, Republic of Moldova, Romania, Spain, Switzerland.

264. For the text as adopted, see part one, chapter I, resolution 19/38.

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

A. Interactive dialogue with special procedures mandate holders

Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea

265. At the 29th meeting, on 12 March 2012, the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, Marzuki Darusman, presented his report (A/HRC/19/65).

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

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

(a) Representatives of States Members of the Council: China, Cuba, Czech Republic, Ecuador, Kyrgyzstan, Spain, Switzerland, Thailand, United States of America;

(b) Representatives of the following observer States: Australia, Belarus, Canada, France, Japan, Lao People's Democratic Republic, Myanmar, Republic of Korea, Slovakia, Syrian Arab Republic, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of), Viet Nam, Zimbabwe;

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

(d) Observers for the following non-governmental organizations: Human Rights Watch, United Nations Watch.

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

Special Rapporteur on the situation of human rights in Myanmar

269. At the 30th meeting, on 12 March 2012, the Special Rapporteur on the situation of human rights in Myanmar, Tomas Ojea Quintana, presented his report (A/HRC/19/67).

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

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

(a) Representatives of States Members of the Council: Austria, Cambodia⁷² (on behalf of the Association of Southeast Asian Nations), China, Cuba, Czech Republic, Maldives, Mexico, Nigeria, Norway, Philippines, Spain, Switzerland, Thailand, United States of America;

(b) Representatives of the following observer States: Australia, Canada, Democratic People's Republic of Korea, France, Germany, Japan, Lao People's Democratic Republic, Republic of Korea, Slovakia, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of), Viet Nam;

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

(d) Representative from the United Nations agencies: United Nations Children's Fund;

(e) Observers for the following non-governmental organizations: Asian Forum for Human Rights and Development (also on behalf of Conectas Direitos Humanos), Asian Legal Resource Centre, Human Rights Watch, International Educational Development, Inc., International Federation for Human Rights Leagues.

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

Special Rapporteur on the situation of human rights in the Islamic Republic of Iran

273. At the 30th meeting, on 12 March 2012, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, Ahmed Shaheed, presented his report (A/HRC/19/66).

274. At the same meeting, the representative of the Islamic Republic of Iran made a statement as the concerned country.

275. During the ensuing interactive dialogue at the same meeting and at the 31st meeting, on the same day, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Council: Austria, Belgium, China, Cuba, Czech Republic, Ecuador, Maldives, Mexico, Norway, Spain, Switzerland, United States of America;

(b) Representatives of the following observer States: Australia, Belarus, Brazil, Canada, France, Germany, Japan, Pakistan, Slovakia, Sri Lanka, Sweden, Syrian Arab Republic, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of), Zimbabwe;

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

(d) Observers for the following non-governmental organizations: Baha'i International Community, Charitable Institute for Protecting Social Victims, Institute for Women's Studies and Research, Nonviolent Radical Party, Transnational and Transparty, Verein Sudwind Entwicklungspolitik.

276. At the 31st meeting, Special Rapporteur answered questions and made his concluding remarks.

277. At the same meeting, the representative of the Islamic Republic of Iran made a statement as the concerned country.

B. Follow-up to the seventeenth and eighteenth special sessions of the Council on the situation of human rights in the Syrian Arab Republic

278. At the 31st meeting, on 12 March 2012, as requested by the Council in its resolution S-17/1, Paulo Pinheiro, the President of the Commission of the Inquiry on the Syrian Arab Republic, presented the report of the Commission of Inquiry (A/HRC/19/69).

279. At the same meeting, the Deputy High Commissioner represented the report of the High Commissioner on the implementation of Council resolution S-17/1 (A/HRC/19/79) and that of the Secretary-General on the implementation of Council resolution S-18/1 (A/HRC/19/80).

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

281. During the ensuing general debate at the same meeting, and at the 32nd meeting, on 13 March 2012, the following made statements:

(a) Representatives of States Members of the Council: Austria (also on behalf of Belgium, Botswana, Costa Rica, Croatia, France, Ireland, Liechtenstein, Maldives, New Zealand, Norway, Slovenia and Switzerland), Belgium, Botswana, Chile, China, Cuba, Costa Rica, Czech Republic, Ecuador, Indonesia, Jordan, Kuwait, Malaysia, Mexico, Norway, Poland, Qatar, Romania, Russian Federation, Saudi Arabia, Spain, Switzerland, Thailand, United States of America, Uruguay;

(b) Representatives of the following observer States: Australia, Brazil, Bulgaria, Canada, Democratic People's Republic of Korea, France, Germany, Iran (Islamic Republic of), Japan, Morocco, Portugal, Slovenia, Turkey, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of);

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

(d) Observers for the following non-governmental organizations: Amnesty International, Arab Lawyers Union, Cairo Institute for Human Rights Studies, International Association of Jewish Lawyers and Jurists, Liberal International (World Liberal Union), Press Emblem Campaign.

282. At the 32nd meeting, on 13 March 2012, the President of the Commission of the Inquiry on the Syrian Arab Republic answered questions and made his concluding remarks.

283. At the same meeting, the Deputy High Commissioner answered questions and made her concluding remarks.

C. Follow-up to the fifteenth special session of the Council on the human rights situation in Libya

284. At the 28th meeting, on 9 March 2012, the Chairperson of the commission of inquiry, Philippe Kirsch, presented the report of the International Commission of Inquiry on Libya (A/HRC/19/68).

285. At the same meeting, the representative of Libya made a statement as the concerned country.

286. During the ensuing general debate, at the same meeting, and at the 29th meeting, on 12 March 2012, the following made statements:

(a) Representatives of States Members of the Council: Belgium, Chile, China, Cuba, Czech Republic, India, Indonesia, Italy, Jordan, Kuwait, Kyrgyzstan, Malaysia, Maldives, Mauritania (on behalf of the Group of Arab States), Mexico, Nigeria, Norway, Poland, Russian Federation, Saudi Arabia, Switzerland, Qatar, United States of America, Uruguay;

(b) Representatives of the following observer States: Algeria, Australia, Brazil, Canada, France, Germany, Japan, Morocco, New Zealand, Slovakia, Sudan, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, United Arab Emirates, Venezuela (Bolivarian Republic of);

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

(d) Observers for the following non-governmental organizations: Amnesty International, Cairo Institute for Human Rights Studies, Human Rights Watch, International Educational Development, Inc. Reporters Sans Frontiers International - Reporters Without Borders International.

287. At the 28th meeting, on 9 March 2012, the Chairperson answered questions.

D. General debate on agenda item 4

288. At the 32nd meeting, on 13 March 2012, at the 34th meeting on the same day, and at the 35th meeting, on 14 March 2012, the Council held a general debate on agenda item 4, during which the following made statements:

(a) Representatives of States Members of the Council: Austria, Belgium, China, Cuba, Czech Republic, Denmark⁷² (on behalf of the European Union, Albania, Croatia, Iceland, Liechtenstein, Montenegro, the former Yugoslav Republic of Macedonia and Serbia), Ecuador, Hungary, Maldives, Norway, Poland, Somalia⁷² (also on behalf of Albania, Austria, Belgium, Benin, Bosnia and Herzegovina, Canada, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Estonia, Finland, France, Germany, Greece, Honduras, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Malta, Maldives, Mauritius, Mexico, Montenegro, the Netherlands, Nigeria, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, St Kitts and Nevis, Sweden, Switzerland, Ukraine and United Kingdom of Great Britain and Northern Ireland, United States of America), Spain, Switzerland, United States of America;

(b) Representatives of the following observer States: Algeria, Australia, Belarus, Canada, Croatia, France, Germany, Iran (Islamic Republic of), Ireland, Japan, Democratic People's Republic of Korea, Netherlands, Slovakia, Slovenia, United Kingdom of Great Britain and Northern Ireland;

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

(d) Observers for the following non-governmental organizations: Action internationale pour la paix et le développement dans la région des Grands Lacs, African Association of Education for Development, Al Zubair Charitable Foundation (also on behalf of Maarif Foundation for Peace and Development), American Association of Jurists (also on behalf of International Association of Jurists, Mouvement contre le racisme et pour l'amitié entre les peuples and World Federation of Trade Unions), Amnesty International, Arab Lawyers Union, Asian Forum for Human Rights and Development (FORUM-ASIA), Asian Indigenous and Tribal Peoples Network, Asian Legal Resource Centre, Baha'i International Community, Cairo Institute for Human Rights Studies, Canadian HIV/AIDS Legal Network, Cannors International Permanent Committee, Center for Inquiry (also on behalf of International Humanist Ethical Union), Centre for Human Rights and Peace Advocacy, Centrist Democratic International, Charitable Institute for Protecting Social Victims, CIVICUS - World Alliance for Citizen Participation, Comité International pour le respect et l'application de la Charte Africaine des Droits de l'Homme et des Peuples, Democracy Coalition Project, Federation International des Droits de l'Homme, France Libertes: Fondation Danielle Mitterrand (also on behalf of International Educational Development and Mouvement contre le racisme et pour l'amitié entre les peuples), Freedom House, Helsinki Foundation for Human Rights, Human Rights House Foundation (also on behalf of B.A.B.E. – Be Active, Be Emancipated), Human Rights Watch, Indian Council of South America, Institute for Women's Studies and Research, International Association for Democracy in Africa, International Association of Schools of Social Work, International Buddhist Foundation, International Buddhist Relief Organisation, International Commission of Jurists, International Committee for the Indians of the Americas (Switzerland), International Educational Development, Inc., International Humanist and Ethical Union, International Human Rights Association of American Minorities, International Islamic Federation of Student Organizations, International Movement Against All Forms of Discrimination and Racism, Iranian Elite Research Center,

Islamic Human Rights Commission, Islamic Women's Institute of Iran, Jubilee Campaign, Lawyer's Rights Watch Canada, Liberation, Ligue internationale contre le racisme et l'antisémitisme, Maarij Foundation for Peace and Development, Mouvement contre le racisme et pour l'amitié entre les peuples (also on behalf of International Educational Development and Women's Human Rights International Association), Nonviolent Radical Party, Transnational and Transparty, Nord-Sud XXI - North-South XXI, Organization for Defending Victims of Violence, Organisation pour la communication en Afrique et de promotion de la coopération économique international-OCAPROCE Internationale, Physicians for Human Rights, Press Emblem Campaign, Regional Center for Human Rights and Gender Justice (also on behalf of Conectas Direitos Humanos), Rencontre Africaine pour la défense des droits de l'homme, Reporters Sans Frontiers International - Reporters Without Borders International, Society for Threatened People (also on behalf of International Educational Development), Union of Arab Jurists, United Nations Watch, United Schools International, United Towns Agency for North-South Cooperation, Verein Sudwind Entwicklungspolitik, World Environment and Resources Council, World Muslim Congress.

289. At the 34th meeting, statements in exercise of the right of reply were made by the representatives of Azerbaijan, Bahrain, Belarus, China, Cuba, Democratic People's Republic of Korea, Egypt, Eritrea, Ethiopia, Georgia, Iran (Islamic Republic of), Japan, Russian Federation, Sri Lanka, Sudan, Turkmenistan, Uzbekistan, Venezuela (Bolivarian Republic of) and Zimbabwe.

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

291. At the 35th meeting, on 14 March 2012, statements in exercise of the right of reply were made by the representatives of Burkina Faso, China, Ethiopia, Honduras, Morocco, Nigeria and Sri Lanka.

E. Consideration of and action on draft proposals

Situation of human rights in the Islamic Republic of Iran

292. At the 53rd meeting, on 22 March 2012, the representative of Sweden introduced draft resolution A/HRC/19/L.22, sponsored by Panama, the Republic of Moldova, Sweden, the former Yugoslavia Republic of Macedonia and the United States of America and co-sponsored by Australia, Albania, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Honduras, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Monaco, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and United Kingdom of Great Britain and Northern Ireland. Subsequently, Andorra and Israel joined the sponsors.

293. At the same meeting, the representative of Cuba made general comments in relation to the draft resolution.

294. Also at the same meeting, the representative of Islamic Republic of Iran made a statement as the concerned country.

295. At the same meeting, in accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of the draft resolution.

296. Also at the same meeting, the representatives of China, Ecuador, the Russian Federation and Uruguay made statements in explanation of vote before the vote.

297. At the same meeting, at the request of the representative of Cuba, a recorded vote was taken on draft resolution A/HRC/19/L.22. The draft resolution was adopted by 22 votes in favour, 5 against, with 20 abstentions. The voting was as follows:

In favour:

Austria, Belgium, Benin, Botswana, Chile, Costa Rica, Czech Republic, Guatemala, Hungary, Italy, Maldives, Mauritania, Mexico, Norway, Peru, Poland, Republic of Moldova, Romania, Senegal, Spain, Switzerland, United States of America;

Against:

Bangladesh, China, Cuba, Qatar, Russian Federation,

Abstaining:

Angola, Burkina Faso, Cameroon, Congo, Djibouti, Ecuador, India, Indonesia, Jordan, Kuwait, Kyrgyzstan, Libya, Malaysia, Mauritius, Nigeria, Philippines, Saudi Arabia, Thailand, Uganda, Uruguay.

298. For the text as adopted, see part one, chapter I, resolution 19/12.

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

299. At the 53rd meeting, on 22 March 2012, the representatives of Denmark and Japan introduced draft resolution A/HRC/19/L.29, sponsored by Denmark (on behalf of the European Union) and Japan, and co-sponsored by Albania, Australia, Bosnia and Herzegovina, Canada, Croatia, Georgia, Iceland, Israel, Liechtenstein, Monaco, Montenegro, New Zealand, Norway, the Republic of Korea, the Republic of Moldova, Serbia, Switzerland, the former Yugoslav Republic of Macedonia and the United States of America. Subsequently, Andorra, Costa Rica, and Turkey joined the sponsors.

300. At the same meeting, the representative of Cuba made general comments in relation to the draft resolutions, disassociating itself from the consensus on the draft resolution.

301. Also at the same meeting, the representative of the Democratic People's Republic of Korea made a statement as the concerned country.

302. At the same meeting, in accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of the draft resolution.

303. Also at the same meeting, the representatives of China and the Russian Federation made statements in explanation of vote before the vote, disassociating from the consensus on the draft resolution.

304. At the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 19/13).

Situation of human rights in Myanmar

305. At the 54th meeting, on 23 March 2012, the representative of Denmark introduced draft resolution A/HRC/19/L.30, sponsored by Denmark (on behalf of the European Union) and co-sponsored by Andorra, Australia, Bosnia and Herzegovina, Canada, Croatia, Iceland, Liechtenstein, Monaco, Montenegro, New Zealand, Republic of Korea, Serbia, Switzerland, the former Yugoslav Republic of Macedonia and the United States of America. Subsequently, Georgia, Norway, and the Republic of Moldova joined the sponsors.

306. At the same meeting, the representative of Denmark orally revised the draft resolution.

307. Also at the same meeting, the representatives of Cuba, India and the Philippines made general comments in relation to the draft resolution, in which Cuba and India disassociated from the consensus on the draft resolution.

309. Also at the same meeting, the representative of Myanmar made a statement as the concerned country.

310. At the same meeting, in accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of the draft resolution.

311. Also at the same meeting, the representatives of China, Indonesia, the Russian Federation and Thailand made statements in explanation of vote before the vote, in which China and the Russian Federation disassociated from the consensus on the draft resolution.

312. At the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 19/21).

Human rights situation in the Syrian Arab Republic

313. At the 54th meeting, on 23 March 2012, the representative of Denmark introduced draft resolution A/HRC/19/L.38/Rev.1, sponsored by Denmark (on behalf of the European Union) and co-sponsored by Albania, Andorra, Australia, Bahrain, Botswana, Canada, Chile, Costa Rica, Côte d'Ivoire, Croatia, Djibouti, Egypt, Georgia, Germany, Honduras, Iceland, Israel, Japan, Jordan, Kuwait, Liechtenstein, Maldives, Mexico, Monaco, Montenegro, Morocco, New Zealand, Norway, Oman, Palestine, Qatar, Republic of Korea, Republic of Moldova, Saint Kitts and Nevis, San Marino, Saudi Arabia, Switzerland, the former Yugoslav Republic of Macedonia, Tunisia, Turkey, United Arab Emirates and the United States of America. Subsequently, Cape Verde, the Federated States of Micronesia, Panama, and Senegal joined the sponsors.

314. At the same meeting, the representative of the Russian Federation made general comments in relation to the draft resolution and introduced an oral amendment to the draft resolution.

315. Also at the same meeting, the representatives of Belgium (on behalf of Member States of the European Union that are Members of the Council), Cuba, Qatar and Saudi Arabia made general comments in relation to the draft resolution and the proposed oral amendment.

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

317. Also at the same meeting, in accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of the draft resolution.

318. At the same meeting, at the request of the representative of Qatar, a recorded vote was taken on the proposed oral amendment. The amendment was rejected by 4 votes in favour, 33 against, with 9 abstentions. The voting was as follows:

In favour:

China, Cuba, Ecuador, Russian Federation;

Against:

Austria, Belgium, Benin, Botswana, Burkina Faso, Chile, Costa Rica, Czech Republic, Djibouti, Guatemala, Hungary, Italy, Jordan, Kuwait, Kyrgyzstan, Libya, Malaysia, Maldives, Mauritania, Mexico, Nigeria, Norway, Peru, Poland, Qatar, Republic of Moldova, Romania, Saudi Arabia, Senegal, Spain, Switzerland, United States of America, Uruguay;

Abstaining:

Angola, Bangladesh, Cameroon, Congo, India, Indonesia, Mauritius, Thailand, Uganda.

319. Also at the same meeting, the representatives of China, Ecuador and the Russian Federation made statements in explanation of vote before the vote on the draft resolution.

320. At the same meeting, at the request of the representative of the Russian Federation, a recorded vote was taken on the draft resolution. The draft resolution was adopted by 41 votes in favour, 3 against, with 2 abstentions. The voting was as follows:⁷⁴

In favour:

Angola, Austria, Bangladesh, Belgium, Benin, Botswana, Burkina Faso, Cameroon, Chile, Congo, Costa Rica, Czech Republic, Djibouti, Guatemala, Hungary, India, Indonesia, Italy, Jordan, Kuwait, Kyrgyzstan, Libya, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Norway, Peru, Poland, Qatar, Republic of Moldova, Romania, Saudi Arabia, Senegal, Spain, Switzerland, Thailand, United States of America, Uruguay;

Against:

China, Cuba, Russian Federation;

Abstaining:

Ecuador, Uganda.

321. Also at the same meeting, the representative of Thailand made a statement in explanation of vote after the vote.

322. For the text as adopted, see part one, chapter I, resolution 19/22.

V. Human rights bodies and mechanisms

A. Complaint procedure

323. At the 28th meeting on 9 March 2012, the 32nd meeting on 13 March, the 46th meeting on 20 March, and the 54th meeting on 23 March 2012, the Council held four closed meetings of the complaint procedure.

324. At the 54th meeting, on 23 March 2012, the President made a statement on the outcome of the meetings, stating “the Human Rights Council has, in closed meetings, examined the human rights situations in the Democratic Republic of the Congo, the Republic of Iraq and Turkmenistan under the complaint procedure established pursuant to Human Rights Council resolution 5/1 of 18 June 2007. The Council has decided to discontinue the consideration of the situation of human rights in Democratic Republic of

⁷⁴ The representative of India subsequently stated that there was an error in its voting and it had intended to abstain in the voting.

the Congo and Turkmenistan. Furthermore, the Council decided to discontinue the consideration of one situation regarding Iraq and recommend the Office of the High Commissioner for Human Rights increase technical cooperation, capacity building, assistance and advisory services to that country. The Council also decided to keep under review the consideration of one situation of human rights in Iraq.”

B. Forum on Minority Issues

325. At the 36th meeting, on 14 March 2012, the independent expert on minority issues, Rita Izsák, presented the recommendations of the Forum on Minority Issues at its fourth session: guaranteeing the rights of minority women and girls (A/HRC/19/71), held 29 and 30 November 2011.

C. Social Forum

326. At the 36th meeting, on 14 March 2012, the Chairperson-Rapporteur of the Social Forum, Minelik Alemu Getahun, introduced the report of the Social Forum (A/HRC/19/70), held from 3 to 5 October 2011.

D. General debate on agenda item 5

327. At the 36th meeting, on 14 March 2012, the Council held a general debate on agenda item 5, during which the following made statements:

(a) Representatives of States Members of the Council: Austria, China, Costa Rica, Cuba, Denmark⁷² (on behalf of the European Union, Albania, Bosnia and Herzegovina, Croatia, Georgia, Iceland, Montenegro, Republic of Moldova, Serbia, Turkey, the former Yugoslav Republic of Macedonia and Ukraine), Ecuador, Hungary, Kuwait, Kyrgyzstan, Switzerland, Uruguay;

(b) Representatives of the following observer States: Bolivia (Plurinational State of), Ethiopia, Luxembourg, Morocco, South Africa, Venezuela (Bolivarian Republic of);

(c) Observer for an international organizations: Council of Europe;

(d) Observers for the following non-governmental organizations: African Association of Education for Development, Center for Environmental and Management Studies, Centre for Human Rights and Peace Advocacy, Centrist Democratic International, Foodfirst Information and Action Network (FIAN), France Libertés : Fondation Danielle Mitterrand, Human Rights Advocates Inc., Indian Council of South America, International Association for Democracy in Africa, International Association of Democratic Lawyers, International Association of Peace Messenger Cities, International Association of Schools of Social Work, International Buddhist Relief Organisation, International Committee for the Indians of the Americas, International Service for Human Rights, International Union of Latin Notariat, Japanese Workers' Committee for Human Rights, Liberation, Nord-Sud XXI - North-South XXI, Reporters Sans Frontiers International - Reporters Without Borders International, United Nations Watch, World Vision International (also on behalf of Save the Children).

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

E. Consideration of and action on draft proposals

Forum on Minority Issues

329. At the 54th meeting, on 23 March 2012, the representative of Austria introduced draft resolution A/HRC/19/L.11, sponsored by Austria and co-sponsored by Albania, Armenia, Australia, Bosnia and Herzegovina, Cameroon, Cape Verde, Chile, Colombia, Costa Rica, Croatia, Czech Republic, Denmark, Ecuador, Finland, Georgia, Germany, Ghana, Greece, Guatemala, Honduras, Hungary, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Malta, Mexico, Montenegro, Nicaragua, Norway, Peru, Poland, Romania, Serbia, Slovakia, Slovenia, Somalia, Switzerland, Timor Leste, Uganda, United Kingdom of Great Britain and Northern Ireland, the United States of America and Venezuela (Bolivarian Republic of). Subsequently, Cyprus, Ethiopia, Guinea, Lebanon, the Republic of Korea, the Russian Federation, San Marino, the former Yugoslav Republic of Macedonia and Ukraine and joined the sponsors.

330. At the same meeting, the representative of China introduced draft amendments to the draft resolution as contained in A/HRC/19/L.41 and A/HRC/19/L.42, sponsored by China. The representative of China also introduced oral revisions to A/HRC/19/L.41.

331. Also at the same meeting, the representative of Austria made general comments on the draft amendments, by which A/HRC/19/L.42 was adopted without a vote.

332. At the same meeting, the Secretariat of the Council made a statement regarding draft amendment A/HRC/19/L.41.

333. Also at the same meeting, the representatives of Austria, Belgium (on behalf of Member States of the European Union that are Members of the Council), China, Costa Rica, Cuba, Norway and Switzerland made general comments in relation to the draft resolution as amended by A/HRC/19/L.42 and on draft amendment A/HRC/19/L.41 as orally revised.

334. At the same meeting, the representatives of the Philippines and Uruguay made statements in explanation of vote before the vote in relation to draft amendment A/HRC/19/L.41 as orally revised.

335. Also at the same meeting, at the request of the representative of Belgium (on behalf of Member States of the European Union that are Members of the Council), Costa Rica, Norway and Switzerland, a recorded vote was taken on draft amendment A/HRC/19/L.41 as orally revised. The draft amendment, as orally revised, was rejected by 15 votes in favour, 18 against, with 12 abstentions. The voting was as follows:

In favour:

Angola, Bangladesh, Cameroon, China, Congo, Cuba, India, Indonesia, Kyrgyzstan, Malaysia, Mauritania, Philippines, Russian Federation, Thailand, Uganda;

Against:

Austria, Belgium, Burkina Faso, Chile, Costa Rica, Czech Republic, Guatemala, Hungary, Italy, Mexico, Norway, Peru, Poland, Romania, Spain, Switzerland, United States of America, Uruguay;

Abstaining:

Benin, Botswana, Djibouti, Ecuador, Jordan, Kuwait, Libya, Maldives, Negeria, Qatar, Saudi Arabia, Senegal.

336. At the same meeting, the representative of China made general comments in relation to draft resolution A/HRC/19/L.11 as amended by A/HRC/19/L.42, disassociating from the consensus on the draft resolution.

337. Also at the same meeting, the draft resolution, as amended by A/HRC/19/L.42, was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 19/23).

The Social Forum

338. At the 54th meeting, on 23 March 2012, the representative of Cuba introduced draft resolution A/HRC/19/L.20, sponsored by Cuba and co-sponsored by Algeria, Belarus, Bolivia (Plurinational State of), Botswana, Burkina Faso, Cape Verde, Democratic People's Republic of Korea, Djibouti, Ecuador, Indonesia, Iran (Islamic Republic of), Malaysia, Nicaragua, Palestine, Panama, Peru, Sri Lanka, the Syrian Arab Republic, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam and Zimbabwe. Subsequently, Angola, Bangladesh, Costa Rica, the Dominican Republic, Ethiopia, Haiti, Lebanon, Serbia, South Africa and the Sudan, joined the sponsors.

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

340. Also at the same meeting, the representative of Belgium (on behalf of Member States of the European Union that are Members of the Council), Costa Rica, Peru, Switzerland, the United States of America and Uruguay made general comments in relation to the draft resolution as orally revised, in which Belgium (on behalf of Member States of the European Union that are Members of the Council) and the United States of America disassociated from the consensus on the draft resolution.

341. At the same meeting, in accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of the draft resolution.

342. At the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 19/24).

VI. Universal periodic review

343. Pursuant to General Assembly resolution 60/251, Council resolution 5/1 and President's statements PRST/8/1 and PRST/9/2 on modalities and practices for the universal periodic review process, the Council considered the outcome of the reviews conducted during the twelfth session of the Working Group on the Universal Periodic Review held from 3 to 14 October 2011 as well as Libya, the UPR outcome of which could not be adopted at an earlier session.

A. Consideration of the universal periodic review outcomes

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

Tajikistan

345. The review of Tajikistan was held on 3 October 2011 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

(a) The national report submitted by Tajikistan in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/12/TJK/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/12/TJK/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/12/TJK/3).

346. At its 37th meeting, on 14 March 2012, the Council considered and adopted the outcome of the review of Tajikistan (see section C below).

347. The outcome of the review of Tajikistan comprises the report of the Working Group on the Universal Periodic Review (A/HRC/19/3), the views of Tajikistan concerning the recommendations and/or conclusions, as well as its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/19/3/Add.1).

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

348. The delegation stated that Tajikistan made its final position towards the recommendations put forward in the framework of the UPR after careful analysis and discussions with representatives of government agencies and of civil society.

349. The delegation reported about a change in Tajikistan's position towards the recommendation to decriminalize defamation and insult, which was formulated in paragraph 90.38 of the Working Group report. Tajikistan has decided to accept this recommendation although it has initially declined to support it in the addendum to the Working Group report. The indication of Tajikistan's commitment in this respect is the statement of the President of Tajikistan made in March 2012 mandating to amend the relevant legislation to decriminalize defamation. Having the above mentioned in mind, the relevant paragraph in the addendum of the Working Group report should read that Tajikistan accepted the recommendation 90.38.

350. The Government pays a special attention to the enhancement of the role of women in society and equality between men and women. The delegation pointed out some measures that the Government has undertaken recently in this respect. The process of drafting a law on domestic violence has started with an aim to combat domestic violence and provide assistance to the victims. Tajikistan has accepted the recommendation to ratify OP-CEDAW. The Government plans to implement recommendations regarding the treatment of women prisoners and non-custodial measures for women offenders.

351. As a continuation of its measures to reform the criminal code, Tajikistan accepted recommendations to ratify the second optional protocol to ICCPR. Tajikistan also accepted recommendations to ensure the independence of the Council of Justice; hold regular medical examination of persons deprived of their liberty and ensure independent and impartial investigations into all human rights allegations.

352. It also accepted the recommendations to ensure the right to challenge the lawfulness of administrative detention and detainees' access to a lawyer, doctor and their family members from the time that they are taken into custody and to amend the Criminal Procedural Code to ensure that the identity of the officers involved in detaining a person is duly recorded.

353. The delegation stated that Tajikistan accepted the recommendation to bring the criminal code in line with international standards on freedom of assembly and religion and

that Tajikistan considered that the recommendation had already been implemented. The delegation explained that under the Criminal Code, participants of public assemblies are subject to criminal action only if they have personally taken part in violent acts or disorders.

354. The delegation stated that national legislation provides necessary guarantees for the establishment of the independent media and it referred to several measures that were taken to ensure freedom of the media. Tajikistan accepted the recommendation regarding freedom of expression and media and transparent procedures for obtaining a broadcasting license. Tajikistan also accepted a recommendation to prohibit, prevent and sanction child labour. The delegation explained that legislation prohibits child labour and that the Government continues its efforts to prevent and prosecute the use of child labour.

355. In response to the recommendation regarding national and international monitoring in penitentiary institutions, the delegation explained that detention conditions were in line with minimum standards and norms in this area and that complaint mechanisms are available for persons in detention. Furthermore, Tajikistan offers the possibility for national and international monitors to visit detention centres in accordance with arrangements and regulations set by the national law.

356. The delegation indicated that Tajikistan has not accepted several recommendations after careful consideration and due to the financial and economic situation in the country. Tajikistan did not accept recommendations to ratify CRPD and conventions on statelessness owing to the lack of financial and administrative resources that are necessary for the implementation of obligations under those treaties. In response to the recommendations regarding the ratification of OP-CAT, the delegation stated that the Government put special efforts to strengthen national human rights institutions, reform the judicial system and improve the Criminal Code. However, Tajikistan is not in a position to establish the national preventative mechanism as required by the OP-CAT owing to the economic situation in the country. Therefore, Tajikistan could not support this recommendation. The ratification of CED requires a comprehensive comparative analysis of legislation in view of the requirements of the Convention, therefore Tajikistan decided not to accept the recommendation regarding the ratification of the Convention at this stage.

357. While Tajikistan did not accept the recommendation to issue a standing invitation to special procedures mandate holders, the Government continues to send invitations to some special rapporteurs. The delegation indicated that the Government welcomed the visit of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances.

358. The delegation stated that the Act on Freedom of Conscience and Religious Associations was adopted in accordance with the requirements of international legal instruments. In comparison with the previous law, the Act made it easier to register religious associations, to combat illegal proselytizing and to realize the right to religious education and freedom of belief. Furthermore, Tajikistan respects the right of the child to freedom of thought, conscience and religion. There is no restriction to religious education of a child, but some limitations are permitted in the participation of children in the religious organisations and those limitations are in conformity with CRC. Having the above in mind, Tajikistan did not accept the recommendations regarding the legislation ensuring the freedom of children to participate in religious organisations.

359. The delegation stated that as the implementation of several recommendations requires additional resources, Tajikistan would plan the state budget to allocate necessary funding for the implementation of its international human rights obligations. In respect to those recommendations that Tajikistan could not support at this stage, measures would be

taken to bring the legislation into conformity with international norms. The delegation reported that the working group has been established at the Administration of the President of Tajikistan in order to develop a National Plan of Action for the implementation of the recommendations put forward in the framework of the HRC.

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

360. Algeria welcomed the constructive participation of Tajikistan in the UPR. While noting progress made in the human rights area, Algeria referred to several problems identified in the national report, in particular the high level of poverty. Furthermore, Algeria encouraged Tajikistan to continue efforts to combat drug trafficking. Algeria noted positively the fact that Tajikistan supported three recommendations made by Algeria related to the establishment of a National Human Rights Commission, completion of the implementation of the program on combating human trafficking and intensifying programmes to combat HIV/AIDS. Algeria also hoped that its recommendation to ratify CRPD would be possible after the improvement of financial and economic situation in the country. Tajikistan should receive assistance from the international community to improve the standard of living, to raise public awareness on human rights and to achieve MDGs.

361. Morocco commended Tajikistan for accepting a majority of the recommendations put forward during the UPR. In particular, it welcomed that the recommendations made by Morocco concerning human rights education and training for State officials and the improvement of prison conditions were accepted and that its recommendation regarding the rights of the child had already been implemented. Morocco also reiterated its appreciation for Tajikistan's long-term commitment to the protection of the rights of refugees which was demonstrated by the ratification of the 1951 Convention and the 1967 Protocol relating to the Status of Refugees. Morocco stated that Tajikistan's commitment and undertakings in this area is a good practice to be considered by other countries hosting refugees. Morocco also noted positively Tajikistan's cooperation with treaty bodies and the mechanism of the Human Rights Council and the efforts of the Government to protect the most vulnerable groups of the population.

362. Cuba recognized Tajikistan's efforts aimed at promoting universal access to health services and public education. It also welcomed the progress made in the areas of food security and combating human trafficking. It noted positively Tajikistan's accession to the CRC and two optional protocols to the Convention and ILO Convention no. 182 on prohibiting the worst forms of child labour. It pointed out the National Plan of Action to reform the juvenile justice system, measures undertaken to protect children from ill-treatment and the establishment of rehabilitation centres for women and children. Cuba also noted Tajikistan's accession to CEDAW without reservations. Cuba praised Tajikistan for reducing the level of poverty in the last few years. It called on Tajikistan to continue its measures for the protection and promotion of human rights and wished success in the implementation of its socio-economic development programs.

363. UNICEF welcomed Tajikistan's endorsement of a number of recommendations related to the prohibition of corporal punishment of children in all settings, the elimination of child labour, and the introduction of a separate juvenile justice system. UNICEF called on Tajikistan to focus on the rights of the most disadvantaged children, including children with disabilities and girls. It also welcomed Tajikistan's adoption of the Strategy on Inclusive Education for Children with Disabilities and expressed the readiness of UNICEF to provide technical support to further refine the Strategy and to implement it as a matter of priority. UNICEF also called on Tajikistan to ensure the rights of children to live in a family environment by preventing family separation and developing family support and

substitute services. Lastly, UNICEF urged Tajikistan to submit its overdue periodic reports for the two optional protocols to the Committee on the Rights of the Child.

3. General comments made by other relevant stakeholders

364. Rencontre Africaine pour la defense des droits de l'homme (RADDHO) appreciated Tajikistan's efforts to harmonize domestic legislation with international legal standards and supported the measures taken in the area of gender equality. It noted with satisfaction the adoption of the moratorium on the death penalty and advised Tajikistan to take necessary steps to abolish it, in particular by ratifying the second optional protocol to ICCPR. RADDHO remained concerned at the increasing restrictions on the freedom of conscience and belief, civil society organizations and independent media. It urged Tajikistan to take specific steps to meet its obligation to ensure a favourable environment for the freedom of expression. It deplored the allegations of torture and poor detention conditions and encouraged Tajikistan to ratify the OP-CAT and to request technical assistance for renovation and construction of prisons. In conclusion, RADDHO encouraged Tajikistan to combat poverty and ratify core human rights instruments.

365. Save the Children called on Tajikistan to respect the minimum age of criminal responsibility of fourteen years without exception. Save the Children noted the adoption of the National Action Plan on juvenile justice reform and of relevant legislative amendments and it called for their full compliance with CRC and international human rights standards. Save the Children deeply regretted that the institutionalization of children with disabilities remains a common practice. It encouraged the Government to respect the principle of the best interest of the child with disabilities and to ensure that community-based and family-based care services are prioritized. Save the Children recommended rapid ratification and implementation of CRPD. Save the Children echoed the concern expressed by CRC that the number of children in state institutions has increased owing to cases of institutionalization of children with the consent of their parents because of economic reasons. It called on Tajikistan to establish comprehensive social protection and child protection systems to ensure an adequate standard of living to families with the aim to avoid family separation and children being left behind.

366. Action Canada for Population and Development jointly with Federatie van Nederlandse Verenigingen tot Integratie Van Homoseksualiteit (COC Nederland) commended Tajikistan for paying attention to the issue of gender recognition for transgender people. They expressed hope that Tajikistan would simplify the procedure of changing documents and not requiring surgeries for gender recognition. However, they highlighted that gay and bisexual men continue to be detained and prosecuted despite the decriminalization of same-sex conduct and that lesbian women continued to be forced into arranged marriages and controlled by families through beating and psychological pressure. The Action Canada for Population and Development jointly with COC Nederland urged Tajikistan to take all necessary legislative measures to impose appropriate criminal penalties for violence, threats of violence, incitement to violence and related harassment based on sexual orientation or gender identity, in all spheres of life. They urged Tajikistan to ensure that violence based on sexual orientation and gender identity, including by law enforcement personnel, is vigorously investigated, that those responsible are prosecuted and duly punished and that victims are provided with appropriate remedies and redress, including compensation.

367. Amnesty International (AI) welcomed Tajikistan's support of several important recommendations on torture and ill-treatment and urged the authorities to implement these without delay. Tajikistan has taken its first step by introducing draft amendments to the Criminal Code to bring the definition of torture in line with article 1 of CAT. Tajikistan should now prioritize the implementation of recommendations to eradicate torture and other

forms of ill-treatment and to ensure prompt and credible investigations into all allegations of torture, including deaths in custody. AI referred to its research showing that torture is widespread in Tajikistan, particularly in pre-trial detention facilities. People suspected of supporting banned Islamic groups are at particular risk. A climate of impunity for such abuses by police and security forces prevails. Therefore, AI regretted Tajikistan's rejection of recommendation to ratify the Optional Protocol to CAT. AI was concerned that Tajikistan considers as already implemented a recommendation on the use of statements obtained under torture as evidence in legal proceedings. While the Code of Criminal Procedure requires such evidence to be declared inadmissible, AI was concerned that judges frequently ignore allegations of torture. AI called Tajikistan to adopt legislation preventing statements made by detainees without a lawyer present from having probative value in court, except as evidence against those accused of torture.

4. Concluding remarks of the State under review

368. In conclusion, the delegation stated that Tajikistan would continue to take measures to improve its legislation and bring it in line with international human rights standards. In this respect, the Government welcomes the cooperation and support from all interested parties.

United Republic of Tanzania

369. The review of the United Republic of Tanzania was held on 3 October 2011 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

- (a) The national report submitted by United Republic of Tanzania in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/12/TZA/1);
- (b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/12/TZA/2);
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/12/TZA/3).

370. At its 37th meeting, on 14 March 2012, the Council considered and adopted the outcome of the review of United Republic of Tanzania (see section C below).

371. The outcome of the review of United Republic of Tanzania is comprised of the report of the Working Group on the Universal Periodic Review (A/HRC/19/4), the views of United Republic of Tanzania concerning the recommendations and/or conclusions, as well as its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/19/4/Add.1).

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

372. The United Republic of Tanzania thanked all the Member states and Observers of the Human Rights Council for their contribution to a meaningful dialogue on the performance of Tanzania with regard to adhering to international human rights obligations.

373. During the course of the Universal Periodic Review of Tanzania, 54 delegations took the floor, formulating questions and recommendations. Tanzania received 153 recommendations in total and immediately supported 96 recommendations while 4 were noted. 53 recommendations were deferred for further consideration. The Government gave full attention to all the recommendations.

374. Regarding the accepted recommendations, Tanzania stated that they correspond mostly to areas already identified in the course of the preparation of the National Report as areas requiring further attention. Some significant changes have occurred since the presentation of the National Report before the UPR working group in October 2011.

375. Some delegations had recommended the formation of a Special Commission to supervise Constitutional reforms. In response, the Constitutional Review Act No 8 of 2011 provides for the establishment of the Constitutional Review Commission, which will, among other things, be responsible for coordinating and collecting public opinions on the new Constitution. The Act also provides for a procedure for constituting the Constituent assembly, the conducting of the referendum as well as other related matters. Pursuant to the provisions of the Act, the President extended invitations to political parties, religious institutions, civil society and other interested groups to each submit three names of people to be considered for membership of the Constitutional Review Commission, which is expected to commence its work before end of June 2012.

376. Regarding the recommendation to finalize the National Action Plan on Human Rights, a National Technical Committee comprised of members from the Government, the Commission for Human Rights and Good Governance and civil society is in place, with the support of UNDP under the One UN framework. The Draft National Human Rights Action Plan is expected to be finalized by June 2012.

377. Tanzania rejected 4 recommendations on homosexuality as well as on the abolition of the bride price and polygamy. Tanzania indicated that same sex unions are not culturally and legally accepted as they violate and infringe cultural, religious and moral norms of the Tanzanian society. The recommendation on the abolition of the bride price and polygamy is another area rejected on the basis of the enjoyment of cultural and religious rights, noting an effort to safeguard the importance of these values.

378. Since the UPR session in October 2011, Tanzania has considered the substance of each and every one of the deferred recommendations with active participation of the relevant stakeholders from both within and outside the Government. Views and comments springing from a stakeholder's workshop organized in December 2011 were considered and incorporated into the Addendum on Views on Conclusions and or Recommendations, Voluntary Commitments and Replies submitted to the Council at its 19th session.

379. Tanzania accepted a total of 107 recommendations. Tanzania agrees in part with the recommendations to consider ratifying other core international human rights instruments. While Tanzania may not be a party to particular treaties, it noted that in practice its policies are in most cases already fully or largely in compliance with their provisions. Tanzania will continue to study implications of acceding to further major human rights treaties. Tanzania informed the Council of its intention to consider accession to the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, among other instruments, with its current status for some treaties being at the stage of cabinet approval.

380. With regard to issuing or extending an open invitation for special procedures, Tanzania noted that it has been regularly receiving Special Rapporteurs and will continue to work with special procedure mechanisms of the Council. Requests for visits will be considered positively on a case-by-case basis. The Government is also working with other mechanisms, for example, a Country Review Mission Team of the African Peer Review Mechanism was presently in the country reviewing good governance issues. Likewise in September 2011, Tanzania committed itself to join the Open Government Partnership (OGP) initiative which aims at making Government business more open to its citizens, combating corruption and building greater trust.

381. On the abolition of the death penalty and/or formalizing the de facto moratorium as a step towards its complete abolition, Tanzania categorically stated that this recommendation does not enjoy its support as already mentioned in its National Report and the Statement delivered in October 2011. The Government shall, in collaboration with other stakeholders, continue to inform the public on the world's general trend towards the death penalty. As for the establishment of a de jure moratorium on the death penalty, internal consultations as well as public opinion should be given the highest consideration. Most of these contentious issues will be deliberated upon in the forthcoming constitutional review process.

382. A number of measures have been taken by the Government in collaboration with the civil society in order to address the issue of gender based violence. The Constitution prohibits discrimination on the basis of, among other things, sex and gender. The Penal Code Cap 16 of the laws and the Sexual Offences Special Provisions Act criminalize various forms of gender and sexual based violence, including rape, sexual assault and harassment, sex work and trafficking. While the recommendation made in this regard enjoys Tanzania's support in part, Tanzania did not accept any importation of the concept of marital rape embedded therein. Because of the diverse opinions and issues, the question of introducing marital rape for married couples requires a wider and culturally sensitive debate.

383. Tanzania stated that corporal punishment to persons convicted of certain offences is provided for by law under the Corporal Punishment Act and its Regulations as well as the Prisons Act. This punishment is not applicable to females and males who are over fifty five years and as a result of strict procedures and controls, it has not been administered for more than a decade.

384. Tanzania differentiates caning from corporal punishment and caning is administered to pupils and students for acts of gross indiscipline. The Education Act prescribes a strict framework for its administration. Caning of miscreant students in schools is viewed as a legitimate form of punishment as a constant reminder for pupils to adhere to education guidelines and regulations.

385. Regarding the recommendations on the minimum age of marriage for boys and girls to be set at 18, Tanzania noted that the Law of Marriage Act has been a subject of a protracted debate on gender equality, specifically the rights of women and girls. On the one side, culture, traditions and religion, and on the other side, the rights of some sections of the society, especially women and girls, were considered. A Government white paper has been prepared in order to obtain a balanced position on this matter.

386. The Government is also determined to review its laws governing freedom of the press. The Cabinet Papers for both the Media and Newspapers Bill concerning Mainland Tanzania are in their final stage. As for Tanzania Zanzibar, the process for enacting the Right to Information Bill is still at an initial stage. The Council will be updated on this process in a timely manner.

387. Tanzania informed the Council that the recommendation concerning respect of the right to assembly in the process of reviewing the Constitution enjoyed support and the Constitutional Review Act no 8 of 2011 contains provisions for the right to assembly and participation in the Constitutional review process.

388. During the consideration of its National Report at the UPR working group in October 2011, Tanzania clarified its position on indigenous peoples, indicating that it is a term that is not applicable to Tanzania as all Tanzanians of African descent are indigenous to Tanzania. However, the Government recognizes the vulnerability of some of the marginalized communities and it has been responsive to their needs and will surely continue to be so.

389. Bearing in mind the resource and time implications for the submission of a mid-term report on the implementation of UPR recommendations, Tanzania will continue to report regularly to the Council and Treaty Bodies, as and when necessary just before its next periodic review in 2016.

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

390. Cuba noted that Tanzania achieved the Millennium Development Goal related to universal primary education five years before the deadline of 2015. Economic empowerment funds have been created to benefit those marginalized from the conventional banking system, and plans aimed at disadvantaged persons have been implemented to normalize real estate and companies. Plans to create awareness on water and sanitation, food, environmental health, sexual and reproductive health, and promotion of public health, are also being implemented at the community level. Positive steps have been taken in the areas of the rights of women and persons with disabilities. Cuba recommended the adoption of the UPR working group report related to Tanzania.

391. Algeria highlighted Tanzania's commitment to the UPR by supporting the majority of the recommendations received. It highly appreciated the acceptance of Algeria's recommendations regarding the intensification of its program to combat poverty, the ratification of the ICMW, the completion of its draft national plan of action for the promotion and protection of human rights and the action plan on violence against women. Algeria reported that Tanzania will go through the peer review process by the African Union in July. It wished Tanzania success in its efforts and recommended the adoption of the UPR working group report.

392. Morocco welcomed the establishment of a National Human Rights Institution in Tanzania as well as initiatives related to improve the realization of refugees' rights such as the regularization and naturalization of many refugees. Morocco also noted the efforts undertaken by Tanzania to strengthen the rights of women, including their participation in public life, and the measures taken in favour of young people and persons with disabilities.

393. South Africa noted the voluntary commitments undertaken by the Government of Tanzania which include, among others, the implementation of the MDGs. South Africa commended the commitment of Tanzania to the promotion and protection of human rights as demonstrated by the large number of recommendations which enjoyed the support of the Government. It congratulated Tanzania for meeting the MDG on universal primary education before the deadline. South Africa called on the international community to extend the necessary technical assistance and capacity building requirements to the country.

394. Botswana recognized the acceptance of the recommendation to put together and implement a national action plan on human rights, as a demonstration of Tanzania's commitment to promote and protect human rights in a more systematic and predictable manner. Botswana understood and fully appreciated the challenges that accompany acceptance of recommendations under UPR and expressed the hope that Tanzania will benefit from the support of the international community in meeting its domestic and international obligations.

395. UNICEF welcomed Tanzania's endorsement of recommendations to tackle violence against children, female genital mutilation and killings of children with albinism. UNICEF called on Tanzania to: a) prohibit violence against children in all settings, including corporal punishment; b) improve conditions of detention, ensure separation of detained children from adults, and establish alternatives to pre and post detention; and c) ensure equal access to quality education, including for children with disabilities, to tackle school drop outs and change discriminatory laws and practices, including those excluding pregnant

girls from school. UNICEF urged Tanzania to fully implement the Law of the Child Act (Mainland) and bring into force the Children Act (Zanzibar); and speedy implement the under-5 birth registration strategy.

396. Angola saluted the progress made by Tanzania in the establishment of a government of national unity in Zanzibar. It praised its nationality policy for African refugees and the fact that it was the first African country to elaborate and circulate a report on violence against children. It also praised its national policy in favour of disabled persons and the reform on freedom of the press. It stressed the efforts undertaken to achieve the national objective to eliminate malaria by 2015, following the successful achievement of the MDG related to universal primary education five years in advance of the deadline. Angola welcomed the consultative process for the elaboration of the national report and the reform aimed at strengthening the normative institutional framework for human rights. Angola recommended the adoption of the UPR working group report related to Tanzania.

397. Uganda noted that Tanzania supported the vast majority of the recommendations, and it applauded the Government's commitment to the protection of all human rights, especially those concerned with the realization of economic, social and cultural rights. The East-African community has been engaged in regional efforts to implement recommendations and looks forward to working with Tanzania in the implementation of the agreed outcomes.

3. General comments made by other relevant stakeholders

398. The Tanzania Commission for Human Rights and Good Governance (CHRAGG) referred to its follow-up and monitoring activities regarding the implementation of the UPR recommendations accepted by Tanzania. CHRAGG stated that the administration of justice and conditions in detention facilities still do not meet international and national standards. Tanzania is still lagging behind in rights of women, children and persons with disabilities, as well as in the fulfilment of economic, social and cultural rights. Killings of persons with albinism have abated. However, killings of older women and mob violence, domestic violence and child abuse still continue. Settlement of land disputes and property rights require the government's special attention. CHRAGG appealed to Tanzania to continue with its efforts to reform the system accordingly.

399. The Cairo Institute for Human Rights Studies, the Tanzania Legal and Human Rights Centre, the Zanzibar Legal Services Centre and the East and Horn of Africa Human Rights Defenders Network highlighted two key areas of concern. Tanzania has not yet taken sufficient steps to address gender-based violence as there are no legal provisions for the protection of the victims. Moreover, existing laws do not provide for penalties on spouse battering or other forms of violence. The second area of concern was the use of excessive force and extrajudicial killings by the police and other law enforcement officials. Tanzania has accepted the recommendation to establish an independent body for investigating complaints about the actions of law enforcement officials but questions were raised about the time scale for the establishment of such mechanism and its transparency to the public.

400. Rencontre Africaine pour la défense des droits de l'homme (RADDHO) welcomed the efforts deployed by Tanzania regarding the achievement of the MDG with respect to universal primary education; the adoption of the national plan for the prevention and elimination of violence against women and the election of two persons with albinism to the Parliament. RADDHO, however, expressed concern at the increased violence and killings of persons with albinisms in many regions. RADDHO invited Tanzania to take adequate measures, including awareness raising campaigns, to improve the protection of persons with albinism and to take legislative measures to criminalize all forms of violence against women.

401. Save the Children welcomed Tanzania's efforts to protect children's rights and the acceptance of the UPR recommendations regarding child mortality, child hunger and malnutrition, quality of education and the implementation of the 2009 Child Rights Act. Save the Children believes that enforcement of the minimum age at marriage and protection from violence in the family are crucial for improved protection of women and children. It called on the Government to include these measures in the comprehensive national strategy to end violence against women and children. It also called on the Government to take steps for the prohibition of all forms of corporal punishment in all settings and to take active steps towards the eradication of the worst forms of child labour as part of a comprehensive framework for the elimination of all forms of child abuse and exploitation.

402. Franciscans International (FI) was pleased that Tanzania accepted recommendations related to the justice system. However, it was concerned that human trafficking may be overlooked by Tanzania due to the small number of recommendations made on this matter. FI urged Tanzania to acknowledge the legal existence of indigenous peoples in its territory and to safeguard their rights through appropriate national legislation, including acknowledgement of their own customary land tenure system. FI called on the Government to significantly increase its annual education budget to build schools and train more teachers. FI expressed concern at reports of the corporal punishment of children, both in school and at home.

4. Concluding remarks of the State under review

403. Finally, Tanzania noted that recommendations will be translated into Kiswahili and disseminated to the public and within national institutions. Tanzania shall continue to value both technical and financial support from development partners and the UN system.

Libya

404. The review of Libyan Arab Jamahiriya was held on 9 November 2010 in conformity with the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

(a) The national report submitted by Libyan Arab Jamahiriya in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/9/LBY/1 and A/HRC/WG.6/9/LBY/1/Corr.1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/9/LBY/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/9/LBY/3).

405. At its 37th meeting, on 14 March 2012, the Council considered and adopted the outcome of the review of Libyan Arab Jamahiriya (see section C below).

406. The outcome of the review of Libyan Arab Jamahiriya is comprised of the report of the Working Group on the Universal Periodic Review (A/HRC/16/15), the views of Libyan Arab Jamahiriya concerning the recommendations and/or conclusions, as well as its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/16/15/Add.1).

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

407. The delegation expressed satisfaction and delight to represent Libya in the adoption of the report of the Working Group on the Universal Periodic Review. The delegation

considered the report to be the product of exceptional circumstances. At the time of the review of the ninth session of the Working Group in November 2010, Libya was under the yolk of injustice imposed by a repressive regime over four decades.

408. The delegation emphasizes the important role of the UPR for the Human Rights Council that distinguished its work from the former Commission. The UPR mechanism does not differentiate treated all States, equally and provides opportunity for civil society and other stakeholders to comment on the human rights situation in a country.

409. The delegation acknowledged the positive response of the Council to the request to postpone the adoption of the report.

410. The delegation reaffirmed Libya's intention to study the recommendations and provide its response although they were addressed to others. A committee composed of all competent ministries was formed for this purpose. In keeping with transparency, civil society and the National Council for Fundamental Freedoms and Human Rights are involved. The President, deputy and some other members of the Council are present at this session which demonstrates the will to move forward in the defending human rights and to show the world that Libya has placed human rights amongst its top priorities.

411. The delegation emphasized that the Committee almost automatically concluded to accept almost all the recommendations. They have been already accomplished by the victory of the February Revolution. Most of the recommendations were part of the objectives of the revolution. The revolution itself was a response to the report and the recommendations of the Working Group presented in November 2010. This is another proof of the exceptional nature of the revolution. Almost all recommendations were accepted except those in conflict with the Islamic religion and Libyan people's customs, culture, specificities and principles.

412. The delegation stressed that the accession to international human rights treaties, those that Libya has not yet acceded to, is considered as one of the main concerns. But the nature of the transition is what made us ponder on this issue. While waiting for the election of the National Congress we will form a committee comprising relevant governmental bodies, civil society, the National Council of Fundamental Freedoms and Human rights and all other stakeholders to review those conventions and make appropriate recommendations on accession for consideration by the future legislative bodies. It was noted, for example, concerning the Convention on the rights of persons with disabilities, a recommendation to accede to it will be submitted following elections of the legislative bodies. This takes into consideration the growing number of people who lost limbs during the revolution and are amongst those with special needs.

413. With respect to women's rights, Libya focused on empowering and engaging women in top positions. The presence of many women in the Transitional National Council and the transitional government is, as is the representation of women in the National Congress. Furthermore, many are present here and female diplomats were assigned to join the mission in Geneva.

414. The delegation reiterates that the government does not ignore the role of Libyan youth, who sparked the revolution in peaceful crowds demanding the rights that this council calls for. The youth sacrificed their lives so that the Libyan people would live in freedom and enjoy human rights. The new Libyan State has empowered the youth to be at the top of the political, economic and social pyramid. The presence of the Head of delegation at this time is evidence of the government's keenness to give effect to the role of the youth.

415. The delegation reminded that the revolution was for human rights. Protesters were not hungry for bread, and were not naked or barefoot, but were demanding rights and human dignity. Therefore the new Libyan State encouraged and promoted the freedoms in

a country deprived of the most basic human rights. In the past talking about human rights was considered a crime punishable by law. Association with a party was a crime in Libya - described as treason, and punishable by law. The establishment of unions and free associations was also prohibited. Gallows were erected in the public squares and universities because they called for their establishment. Today the door is open for all those rights and freedoms. Today Libya enjoys free and independent media censored only by their professional standards and conscience. There are no special courts or state security courts, which killed thousands in the past.

416. The delegation emphasized that Libya, through its membership of the Human Rights Council, would cooperate with the international community and the United Nations to promote human rights and respect for human dignity. Reference was made to the cooperation between Libya and the UN support mission led by Mr. Ian Martin, which has human rights in its priorities. The mission includes experts from the Office of the High Commissioner for Human Rights. Consideration is also being given about calling on their assistance in relation to the recommendations of the international commission of inquiry

417. The delegation pointed out that Libya has issued the law on transitional justice, amnesty and national reconciliation, believing that national reconciliation will not be complete without justice. It renewed its call to neighboring countries to cooperate with extraditions of alleged perpetrators taking into account the arrest warrants issued by Interpol.

418. Such cooperation will significantly impact on the success of national reconciliation and social peace. The delegation called on the international community to release frozen assets to be used in the transition process, the reform of State institutions.

419. The delegation clarified its position to the pending recommendation that were examined by Libya and enjoyed the support are 95.1,3,6,7,9,10,11,22,26,29,30. Recommendations 95.8,13,14,15,16,17,18,19,20,21,27,28 did not enjoy the support of Libya as they are in conflict with Islam religion. Those recommendations that were rejected by the previous regime and we accepted them are 96.10,12,16,17,18,19,20. Concerning recommendation 23 it will preferred as it would be accepted in principle pending the establishment of constitutional institutions.

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

420. Algeria noted that the new authorities in Libya had taken important steps in a short time span and under difficult conditions, which demonstrated its commitment to human rights and its cooperation with the international community. Algeria welcomed Libya's return to the Human Rights Council and its positive interaction with the UPR mechanisms, noting that Libya had accepted most recommendations made by the Working Group, including recommendation that had been previously rejected. It also appreciated that Libya had accepted the recommendations made by Algeria. It expressed its understanding for Libya's position vis-à-vis some recommendations relating to issues that were not of a universal nature. It wished for Libya to achieve further success, progress and prosperity on its path, while preserving its sovereignty and national unity.

421. Morocco welcomed Libya's positive interaction with the international human rights mechanisms, with due regard to the religious and cultural specificities of the Libyan people. It appreciated in particular Libya's cooperation with the UPR mechanism, and its acceptance of recommendations that had been rejected by the former regime. This also demonstrated Libya's political will in the area of human rights, which needed to be fully acknowledged by the Human Rights Council. Morocco commended the efforts undertaken by the transitional government to promote human right at the legislative and institutional

level, such as the adoption of the Law on transitional justice and the creation of a national human rights institution. In light of these positive indications, Morocco urged the Council to continue to support Libya in this transitional period, on the path of freedom, justice and democracy.

422. Malaysia noted positively that, despite considerable constraints, Libya had accepted a number of recommendations, including on economic, social and cultural rights. Malaysia encouraged the Government to take the necessary measures to implement them effectively. Malaysia was encouraged by Libya's preparedness to continue engaging constructively with relevant international human rights mechanisms, which would contribute to spreading the human rights culture and further improving the human rights situation in the country. Malaysia hoped that the Government would continue with its commitment to democratic ideals and fully implement the recommendations and outcome of the review for the benefit of its citizens.

423. The United States of America, while remaining concerned about on-going human rights challenges, looked forward to continued cooperation with Libya during this sensitive transition time. It appreciated Libya's support for the recommendations made, especially for investigating and holding to account security forces responsible for allegations of enforced disappearance, torture and ill-treatment. Action on those issues would demonstrate a positive break from the past. It reiterated that all persons detained without legal basis be released immediately. It welcomed attention to combatting discrimination and enhancing the political rights for all Libyans, especially women, and hoped that Libya would make additional efforts in combating gender-based discrimination. It was encouraged by support for recommendations on guaranteeing non-discriminatory treatment of migrant workers and preventing human trafficking.

424. Kuwait highlighted the unique situation in which Libya found itself today, after the regime change which had taken place between the UPR review in 2010 and the adoption of the report in the Council today. Kuwait noted that the people of Libya had been deprived of human rights education for the past 42 years. It welcomed the efforts employed by the National Transitional Government to promote and protect human rights and achieve tangible results in this difficult period. Kuwait also appreciated the acceptance by Libya of recommendations which had been rejected by the former regime.

425. Italy welcomed the firm commitment of the Libyan transitional Government to establish the rule of law and uphold all human rights and fundamental freedoms according to the highest international standards in cooperation with the Office of the High Commissioner for Human Rights (OHCHR). Italy appreciated the willingness of the Libyan authorities to accept UPR recommendations rejected by the previous regime. Italy considered it vital that accountability for human rights violations be ensured and that protection of all components of Libyan society be guaranteed, in a spirit of reconciliation. Italy invited Libya to avail itself of the assistance of the High Commissioner and OHCHR to accelerate the process of change and Italy was ready to contribute.

426. Uruguay appreciated the efforts made by Libya to comply with the recommendations made in 2010 and highlighted its acceptance of recommendations which the former regime had rejected, including recommendations relating to the accession to international human rights instruments to which Libya was not yet a party. Uruguay encouraged Libya to accede to OPCAT, the Rome Statute and the CED, and to withdraw reservations to CEDAW and accept the individual complaints mechanisms created under different treaties. Uruguay was concerned that the new authorities had not yet committed themselves to removing the death penalty. It urged Libya to adhere to the Second OP-ICCPR. Uruguay further urged Libya to lift all restrictions on freedom of expression, association and assembly, and to extend an open invitation to Special Procedures.

427. Egypt thanked Libya for its readiness to accept recommendations, including those refused by the previous regime, especially where they complied with Libya's priorities. Egypt appreciated the measures being taken to implement accepted recommendations and the assistance from the international community, particularly in establishing a national human rights institution with a mandate ensuring its independence and effectiveness. Egypt also thanked Libya for according special attention to the rights of women, particularly those who were forcibly displaced, and for its Constitutional declaration on equality between men and women. Egypt stood ready to assist Libya.

428. Monaco welcomed Libya's return to the Human Rights Council. It encouraged Libya, in this period of transition after over 40 years of dictatorship, to aim to achieve conformity with the international human rights treaties. For this purpose, Libya should cooperate with the Special Procedures as well as the Independent Commission of Inquiry in order to establish the truth of past events, and to promote and protect human rights. By complying with its international obligations, Libya would reinforce the positive trend which it had already initiated. Monaco appreciated the efforts already undertaken towards achieving democracy.

429. Jordan thanked Libya for its responses to the recommendations made under UPR, which reflected the latest developments in Libya in the field of human rights. Jordan particularly noted Libya's considerable efforts to develop the institutional and the legislative framework for human rights and fundamental freedoms. Jordan thanked Libya for its cooperation and acceptance of the majority of recommendations, including those not been accepted by the previous regime. Jordan invited Libya to further the advancement of the promotion and protection of human rights.

430. Tunisia welcomed the acceptance by Libya of most recommendations, including recommendations that had been rejected by the previous regime. It also noted that the establishment of the National Council for human rights and fundamental freedoms as well as the involvement of civil society in the UPR follow-up process demonstrated Libya's commitment to moving forward on the path of human rights, democracy and the rule of law. The constitutional declaration adopted on 3 August 2011 emphasized the necessity to adhere to international and regional human rights instruments. Tunisia also noted that Libya intended to extend an open invitation to the Special Procedures. Tunisia appealed to the international community to support Libya in its efforts.

3. General comments made by other relevant stakeholders

431. OCAPROCE commended the efforts made by the new authorities. However, OCAPROCE deplored that women, who had been at the forefront of action to overthrow the dictatorship, had not gained their places in the new Government and remained subjected to polygamy. While acknowledging the efforts made in education and health care as well as in the area of women's and children's rights, OCAPROCE recommended that Libya redouble its efforts to strengthen the autonomy of women, including with regard to their social, economic and cultural rights, and to respect their related obligations set out in the treaties to which Libya had acceded, as well as the recommendations made by the Human Rights Council and other UN entities.

432. UN Watch reiterated its concern about the 2010 UPR Working Group report on Libya, recalling that a number of States had praised the then Libyan Arab Jamahiriya for its efforts and achievements in the human rights area. UN Watch recalled that it had pleaded for Libya not to be elected on the Human Rights Council and no single country had spoken in opposition. UN Watch believed that the 2010 review had not lived up to the standards that people expected and therefore ought to be redone.

433. Indian Council of South America noted the complex situation facing Libya and that the process of rebuilding and reforming political structures would take time, patience and effort. It spoke of the necessity of balanced reconciliation and the rebuilding of political alliances and social structures, their right to development and the formation of a government representative of the peoples and not the desires of those who would like to exploit Libya's situation. Only Libyans could sort this out. It spoke of the support the Human Rights Council, other peoples and civil society could offer in sorting out this difficult situation. It recommended that all tribal groups were given due consideration in a government structure that would allow for their participation in developing a government reflecting the will of the peoples, including providing a form of representation of the tribal peoples.

434. Rencontre Africaine pour la Défense des Droits de l'Homme (RADDHO) suggested that the Libyan authorities accept all the UPR recommendations in order to put an end to four decades of autocratic governance and move towards a genuine process of democratic change, which was essential for national reconciliation and the consolidation of peace and security. Libya must confront the security challenge. RADDHO remained alarmed at the situation of African migrant workers who continued to suffer ill-treatment, persecution and virulent racism. Measures must be taken to put an end to such practices. RADDHO urged the authorities to cooperate with the International Criminal Court to try the supporters of the former Government who were in detention as well as rebel members of the National Transitional Council (TNC) who allegedly committed crimes and serious and massive human rights violations. The international community needed to continue assisting Libya in completing its transition, which remained fragile.

435. World Organization Against Torture (OMCT) and Human Rights Solidarity (HRS) made a joint statement and welcomed Libya's commitment to ratifying OP-CAT and other international instruments. They welcomed positive developments regarding increased freedoms of assembly and the press and the abolition of special tribunals and extra judicial courts. They regretted the State's failure to address systematic acts of torture and that the Government had not yet investigated the massacre at the prison of Abu Saleem. They expressed deep concern at continued and rising tensions resulting displacement, including in Tawegha. They were gravely concerned by the continued perpetration of extrajudicial killings, torture and arbitrary detentions, some of which amounted to war crimes. It was vital that previously State sanctioned those acts were addressed by the new regime and that it take all measures to implement the recommendations of the Commission of Inquiry, continue its engagements in addressing all violations, including those committed by non-State actors.

4. Concluding remarks of the State under review

436. In conclusion the delegation took this opportunity to extend its appreciation to all delegations who made statements on the adoption of the report and to those who were not able, due to time limitations, to give their presentation. Libya will study all the comments with interest, and assured the Council that they will continue to cooperate with the UPR mechanism.

Swaziland

437. The review of Swaziland was held on 4 October 2011 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

- (a) The national report submitted by Swaziland in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/12/SWZ/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/12/SWZ/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/12/SWZ/3).

438. At its 38th meeting, on 15 March 2012, the Council considered and adopted the outcome of the review of Swaziland (see section C below).

439. The outcome of the review of Swaziland comprises the report of the Working Group on the Universal Periodic Review (A/HRC/19/6), the views of Swaziland concerning the recommendations and/or conclusions, as well as its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/19/6/Add.1).

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

440. Swaziland provided an update of activities and progress made since its review by the Working Group, as well as its responses to recommendations on which it had not taken a position and additional information to questions raised.

441. Swaziland stated that in February 2012, a training workshop was conducted on the treaty body reporting mechanism, specifically on the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights (ICCPR). Through this training, officers attained broad knowledge and competences in relation to the role and function of the treaty monitoring bodies; how to produce effective reports as well as understanding the reporting process and how to enhance opportunities for civil society and the Commission on Human Rights and Public Administration to engage these bodies. Swaziland extended its sincere gratitude to the Office of the High Commissioner for Human Rights who sent a team of experts to the country to train Swaziland Officers.

442. Swaziland indicated that during its review, a number of recommendations were made to it by member States. The recommendations made were examined by the National Steering Committee on the UPR. Responses were drafted and approved after consultation with all relevant stakeholders. Swaziland reported that His Majesty's Government has elevated the National Steering Committee into a Permanent Committee that will be responsible for preparing State reports to the Treaty Monitoring Bodies.

443. Swaziland also underlined that about 90 per cent of the overall recommendations made during its review received favourable responses from the Government and that its statement would focus mostly on those that it had promised to consider but had unfortunately not received its support.

444. With regard to the accession to the Second Optional Protocol to the ICCPR aiming at the abolition of the death penalty, Swaziland informed that capital punishment was not mandatory and the death penalty had last been carried out in 1983. In effect, though a retentionist State in law, Swaziland was abolitionist in practice. Swaziland informed that it was not yet ready to accede, at least for the time being, to that Optional Protocol. In this regard, it considered the current practice of not implementing capital punishment to be adequate.

445. On the recommendation on the torture and extra-judicial killings, Swaziland highlighted that all deaths were investigated by the law enforcement officers. Where there was sufficient evidence, criminal proceedings were instituted. It confirmed that torture was unlawful hence the acceptance of the recommendation to accede to the Optional Protocol to

the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT).

446. On the recommendations to consider allowing the registration and operation of political parties, including greater political freedoms through free, fair, transparent democratic elections; to remove all legislative and practical restrictions impeding the free exercise of civil and political rights, in particular those related to freedom of association and expression, with a view, to allow the creation of political parties and respect for trade unions; to enact legislative measures to facilitate the existence of political parties; to take steps to further democratization efforts, including enacting laws that facilitate the registration of political parties, Swaziland recalled the intervention made by its delegation during the review which clarified that political parties were not banned. Section 25, read together with Section 32 of the Constitution protects the right to freedom of association including the rights of Trade Unions. However, by virtue of section 79 of the Constitution, election to public office was by individual merit and therefore political parties could not field candidates in national elections. The Constitution was a product of wide consultations and hence reflected the views of the majority of Swazis. For these reasons, Swaziland was not yet ready to accept the recommendations relating to political parties to contest elections.

447. On the recommendations of issuing a standing invitation to Special Rapporteurs and Working Groups of the United Nations human rights system; issue a standing invitation to the special procedures of the United Nations Human Rights Council and enhance its cooperation with all human rights bodies; consider positively the request for a visit by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and eventually extend a standing invitation to all Special procedures of the Human Rights Council, Swaziland was of the view that its human rights institutions and mechanisms were still at infancy as such it felt they were not yet ready for review. Swaziland preferred the strengthening of local institutions and structures.

448. Regarding the recommendations on the implementation of measures to prevent violence against the LGBT community, through training and advocacy campaigns; and bring legislation into conformity with international human rights obligations by repealing provisions which may be used to criminalize same-sex activity between consenting adults, and take all necessary measures to ensure enjoyment of the right to the highest attainable standard of health, without discrimination on the basis of sexual orientation or gender identity, Swaziland indicated that it does not accept the decriminalization of same-sex activity. However, it confirmed not prosecuting consensual same sex relations between consenting adults. Further, the Government was taking steps towards the progressive realization of the highest attainable standard of health without discrimination on the basis of sexual orientation or gender identity.

449. Finally, Swaziland informed about Government's consultations with relevant stakeholders in order to map out a way forward regarding the implementation of all recommendations that enjoyed the support of the Kingdom.

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

450. Cuba recognized the efforts of the Government in the area of human rights. In recent years, Swaziland had faced several economic challenges which had transpired into higher poverty levels. Cuba welcomed that the Government had the eradication of poverty as its main priority. Cuba also highlighted improvements in the areas of health and education. It commended the fact that Swaziland had accepted most of the recommendations, including those put forward by Cuba.

451. Algeria commended Swaziland for accepting a large number of recommendations, including the three submitted by the Algerian delegation related to training programmes for the personnel responsible for law enforcement and the implementation of the right to education for all. Algeria further encouraged Swaziland to continue, with the assistance of the international community, in implementing its plans and programmes aiming at enhancing human rights, particularly in the fields of the right to food, access to education, health and drinking water as well as the protection of vulnerable populations.

452. Morocco commended Swaziland for its national report which was one of the most balanced reports of UPR as the part on constraints transparently showed the real challenges which the country faced. With regard to the recommendations arising from UPR, Morocco congratulated Swaziland on having accepted 90% of UPR recommendations. Morocco also welcomes that among the recommendations accepted by Swaziland there are the following two recommendations put forward by Morocco inviting it to assess in terms of the fight against HIV/AIDS and Malaria Swaziland assistance needs and to request such assistance particularly from the World Health Organisation as well as to consider establishing an integrated human development programme.

453. South Africa commended Swaziland for accepting more than 90 per cent of the recommendations stemming from the review. It noted the strides made in education, especially in the provision of free primary education. It welcomed the work undertaken to combat the effects of the HIV/AIDS pandemic, which impacted negatively on the socio-economic development of the country. South Africa acknowledged that the Government had clearly identified the challenges that impeded the effective promotion and protection of human rights in the country and called on the international community to support these efforts.

454. Chad congratulated the delegation and thanked it for its clear statement. Chad was particularly touched that Swaziland accepted the recommendation it addressed to Swaziland during the Working Group in October 2011. Chad was encouraged to recommend that Swaziland request the international community to provide technical and financial assistance to meet its human rights needs.

455. Botswana commended Swaziland for taking bold measures in the area of human rights, such as the establishment of the independent national commission on human rights. It commended the Government for accepting the majority of the recommendations it received, including the strengthening of the existing institutions to protect democracy. Botswana lauded the commitment made by the Government towards the process of broad consultations with stakeholders for the follow-up of these voluntary obligations. It acknowledged the explanation made by the delegation regarding those recommendations that were not accepted and the fact that this did not lessen Swaziland's human rights obligations.

456. Angola welcomed the establishment of an independent human rights commission to investigate complaints of human rights violations and complaints concerning human rights placed against private and public bodies. Angola noted Swaziland's achievements in terms of education, health, food security and promotion of the rights of women. Angola welcomed the Government's efforts to ensure access to free primary education and the right of access to free health services, food security, its national child policy, national policy for gender equality, all this shown considerable progress in increasing the number of women employed in the public sector despite the many economic problems which the country was faced with because of its small size and economic vulnerability to shocks from outside. Angola also welcomed measures taken by Swaziland to deal with problems noted in its national report, including plans and programmes of action emphasizing constitutional rights such as the rights to life, the right to education and efforts to protect vulnerable groups and

combat poverty and HIV/AIDS. Angola appealed to the international community to provide sustained support to Swaziland.

457. Kenya welcomed the concrete initiatives the Government had taken to promote human rights in many areas. It acknowledged the commitment to ensure food security, poverty reduction, and accessibility to health and education, among others. It noted that the eventual fulfilment of these commitments would not only be an achievement in the promotion of human rights but also the realization of the Millennium Development Goals.

3. General comments made by other relevant stakeholders

458. International Commission of Jurists referred to Swaziland's judicial crisis which exposed a serious risk to the independence of the judiciary and the rule of law. It reminded that in June 2011 the Chief Justice issued a practice directive banning litigants from suing the King, thereby restricting access to justice for the Swazi people. Furthermore, in August 2011, a High Court judge well known for applying international human rights law and rule of law principles was suspended and, thereafter, dismissed. These events went against Swaziland's undertakings under the UPR.

459. Amnesty International referred to the accepted recommendations to ratify OP-CAT and added that torture and ill treatment of detainees were persistent, with perpetrators not being held accountable. It also cited the accepted recommendations on measures to guarantee the independence of the judiciary and expressed that such measures were urgently needed. Amnesty International mentioned, as well, the accepted recommendations requesting to align Swaziland's legislation with international obligations on freedom of expression, association and peaceful assembly. This intention was undermined by Swaziland's rejection of recommendations to remove restrictions impeding the exercise of civil and political rights.

460. Rencontre Africaine pour la défense des droits de l'homme acknowledged the new Constitution promulgated in 2005 and the measures taken in favour of a human rights legal framework. However, it noted a scarcity of democratic spaces and the proscription of a multiparty system. It welcomed the establishment of free primary education and encouraged the Government to enlarge this entitlement. It also recognized the Government's efforts in the area of health. It noted the need to enhance the independence of the activities of civil society organizations. It called for the adoption of measures to eliminate violence against women and albinos. Finally, it requested a debate to ensure the complete abolition of the death penalty.

461. World Student Christian Federation considered that there was no political will to implement human rights. It mentioned, as examples, the absence of legislation to regulate the operation of political parties, the proscription of certain political entities under the Suppression of Terrorism Act, and the prevention and disruption of political activities. It also referred to restrictions to freedom of expression through legislation and State intimidation. In relation to women's rights, wide-spread discrimination and violations continued in law and practice, with impunity. It urged Swaziland to domesticate international human rights instruments to which it was a party and submit all outstanding State party reports.

462. Federatie van Nederlandse Verenigingen tot Integratie Van Homoseksualiteit – COC Nederland/Action Canada for Population and Development in a joint statement referred to the sustained sexual and reproductive rights violations of the people of Swaziland by its Government. Swaziland had failed to effectively address gender-based violence. Violence against women was extremely high. Swaziland had no legal protections on the grounds of sexual orientation and gender identity. It requested the Government to specify measures it

would take to address the issues of the human rights of women and LGBTI people in Swaziland, in keeping to its international obligations.

4. Concluding remarks of the State under review

463. Swaziland expressed its appreciation to the many delegations that had encouraged it on the noble cause of continuously improving its human rights situation. It stated that the UPR mechanism was a journey rather than a destination and therefore some issues will be covered by future reviews after broad consultations with all relevant stakeholders. Swaziland confirmed that it remained committed to fulfilling its human rights obligations and will spare no effort in pursuing compliance in this regard.

Trinidad and Tobago

464. The review of Trinidad and Tobago was held on 5th October 2011 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

(a) The national report submitted by Trinidad and Tobago in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/12/TTO/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/12/TTO/2 and Corr.1);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/12/TTO/3).

At its 38th meeting, on 15 March 2012, the Council considered and adopted the outcome of the review of Trinidad and Tobago (see section C below).

465. The outcome of the review of Trinidad and Tobago comprises the report of the Working Group on the Universal Periodic Review (A/HRC/19/7), the views of Trinidad and Tobago concerning the recommendations and/or conclusions, as well as its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/19/7/Add.1).

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

466. Trinidad and Tobago indicated that the UPR process thus far had been a beneficial one and expressed appreciation to its Troika: USA, Peru and Philippines; delegations that made recommendations; civil society who made valuable contributions; as well as to the Office of the High Commissioner for Human Rights and the Commonwealth Secretariat.

467. Trinidad and Tobago expressed its commitment to human rights protection of its people, a cornerstone of its plans for development. At the 12th session of the Universal Periodic Review Working Group, it received 118 recommendations. It stated that 15 recommendations were accepted outright, while 33 recommendations were highlighted to be at various stages of implementation. It also said that 18 recommendations were not in conformity with its views/policies.

468. Of the remaining 52 recommendations, Trinidad and Tobago provided a detailed written response to each issue indicating the Government's position. It noted that these recommendations were thematic in nature and centered around specific human rights issues which most developing states were in the process of dealing with.

469. The first and most prominent theme identified is that of signing, ratifying or implementing international human rights treaties which do not currently enjoy the support

of Trinidad and Tobago. It considered this to be a serious issue which continued to engage the Government's attention. It highlighted that its position on the retention of capital punishment had been clearly stated and as such it would be inherently counter-productive to sign or ratify any instruments which conflict with this position. This in no way implied that the Government took lightly issues such as torture or other cruel or degrading treatment.

470. Trinidad and Tobago noted that during its UPR, its view on capital punishment was expressed. It reiterated that while recognizing the international movement towards abolition, Trinidad and Tobago must take into consideration the outcome of widespread public consultations and debate and moreover, must have the full support of the Parliament, in relation to any reform on the death penalty laws. It noted it was continuously engaging the public on this issue with an intention to review its laws related to capital punishment. Its approach would be to preserve the death penalty in the most humane way possible and to ensure that all safeguards are in place, be it in a domestic or international context. Such a process would also involve the amendment of existing national legislation. However, it indicated any definitive outcome on the issue of capital punishment would be guided by public consultations and the consensus of Parliament.

471. On the issue of corporal punishment, it noted it was currently maintained as part of the penal code, but was strictly forbidden in schools by a National Code of Conduct. While it was a long accepted practice used to discipline children, like many other aspects of Trinidad and Tobago's societal development this too was subject to change. In an effort to foster new thinking, it noted the current administration created the Ministry of Gender, Youth and Child Development, headed by a female Senator who was a former social rights activist.

472. Trinidad and Tobago identified education as key in the necessary paradigm shift in relation to corporal punishment. As highlighted in its UPR report the present administration committed a great deal of resources toward improving the accessibility of educational opportunities to the population, clearly demonstrated in the number of Early Childhood Education Centres being built, the school feeding initiative, the transportation facilities offered to students and the provision of school uniforms, as well as a book rental programme, and its laptop initiative.

473. There has also been a legislative move to increase the mandatory age of school attendance from 12 years to 16 years in the Children's Bill 2012, currently being debated in Parliament. It noted that on 9 March 2012, the Minister of Gender, Youth and Child Development moved the 2nd reading of that Bill, which adjourned at 11.35pm. This underscored the Government's commitment in relation to the Rights of Children.

474. Trinidad and Tobago recognized that the thinking behind capital punishment and corporal punishment was not one that could change overnight with the passing of a new law. It asked that international partners recognize that dialogue on these issues was ongoing and was the most powerful mechanism to change national thought processes.

475. Trinidad and Tobago also received recommendations relating to the strengthening of national organizations to monitor the use of force by our protective services and these it agreed to examine. As stated in its National Report, the Police Complaints Authority (PCA) was an independent body, operating free of political interference and headed by a former High Court judge. It was the main agency mandated to investigate and prosecute any possible instances of excessive use of force or corruption in relation to the protective services.

476. It noted Trinidad and Tobago had implemented other national security initiatives designed to address the issues surrounding any possible infractions of the law by protective services. The "Policing for the People" programme was introduced to offer training with a view to improving modern-day policing. In November 2011, Trinidad and Tobago also

hosted the Third Regional Meeting of Ministers Responsible for Public Security in the Americas. One of the key outcomes of this meeting was technical capacity building with regard to human rights and policing.

477. Trinidad and Tobago stated its high regard for the work of the Special Procedures of the Human Rights Council and for invitations to Special Procedures in order to benefit from their technical expertise. This matter had engaged active consideration of the current administration.

478. Trinidad and Tobago also undertook to examine very crucial issues surrounding discrimination of persons based on sexual orientation and / or HIV / AIDS status. Discrimination itself was not taken lightly in Trinidad and Tobago and sexual orientation was a current and developing issue facing the country. It noted that the very thinking of the population needed to be changed in order to address these issues adequately.

479. Trinidad and Tobago's domestic legislation dealing with discrimination was in the process of being amended to include a person's HIV/AIDS status, as one of the recognized categories under which a person is protected from discrimination. This legislative recognition is not only necessary but pioneering in the region. It noted this maverick attitude towards the protection of human rights of all would propel national debate and eventual change in Trinidad and Tobago, in relation to issues such as sexual orientation.

480. Trinidad and Tobago noted it was extremely proud of the progress it has made in relation to the protection and promotion of human rights for all with an emphasis on vulnerable groups. It recognized that like many other developing states, there were many challenges ahead and was ready and willing to face these with the necessary enthusiasm. The UPR process had served as a vital tool in the development of the jurisprudence of Human Rights Protection that it remained grateful for the kind support and encouragement received from the international community.

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

481. Cuba welcomed the delegation of Trinidad and Tobago and thanked it for the information provided. It noted that during the review, Trinidad and Tobago's efforts in the field of human rights had been evident, as well as its challenges and progresses in health and education. It highlighted Trinidad and Tobago had achieved: universal primary and secondary education; the second MDG; and goal 3 of the third MDG on eliminating sex disparities in education. On health, it welcomed efforts to finance medications, as well as free oncological and antiretroviral treatments. Cuba also noted progress in gender perspective and female empowerment. It thanked Trinidad and Tobago for accepting many recommendations, including those made by Cuba.

482. Algeria commended Trinidad and Tobago for the clarifications provided regarding recent developments and the clarity of replies provided. It noted that Trinidad and Tobago had received 118 recommendations, which is a large number for a developing country with limited resources. Algeria expressed appreciation that two of the recommendations if had made received the support of Trinidad and Tobago and are currently in the process of implementation. Regarding its third recommendation, on the establishment of a National Human Rights Institution in accordance with international standards it welcomed the Ombudsman is considering the implementation of the Paris Principles. Algeria encouraged Trinidad and Tobago to continue its efforts to strengthen social and development efforts.

483. Morocco thanked Trinidad and Tobago for the openness with which it had engaged in the UPR process which has been illustrated in the frank and constructive dialogue that was held with the UPR Working Group. It noted with satisfaction that an important number of the recommendations had been accepted by Trinidad and Tobago. Morocco was grateful

to Trinidad and Tobago for its acceptance of many recommendations including those made by Morocco. It reiterated its support for Trinidad and Tobago's efforts for development.

484. The United States of America congratulated Trinidad and Tobago on the occasion of the adoption of its report, as well as for its outstanding presentation and the detailed quality of its addendum. It observed that it seemed clear from the addendum that recommendations 1 to 23 did not enjoy the support of Trinidad and Tobago. It asked for clarification regarding whether any of the recommendations addressed in the addendum enjoyed the support of Trinidad and Tobago or whether these should, for the record, be noted.

3. General comments made by other relevant stakeholders

485. Amnesty International welcomed Trinidad and Tobago's support of recommendations to combat violence against women and girls. It encouraged the Government to finalize the draft Policy on Gender and Development and enact the Human Trafficking Bill 2011. It regretted that Trinidad and Tobago had rejected recommendations regarding the death penalty and urged the country to establish a moratorium on executions, to commute all death sentences to prison sentences and to abolish the death penalty. While welcoming support recommendations to promote and protect the rights of LGBT persons, it noted the existence of legislation criminalizing consensual same sex relationships and urged Trinidad and Tobago to repeal this legislation.

486. RADDHO took note of Trinidad and Tobago's commitment to promoting human rights and indicated that the country should pursue achievements of its social economic programmes in order to attain the Millennium Development Goals (MDGs). It expressed concern that the death penalty still exists in the country and urged Trinidad and Tobago to in particular, abolish its mandatory application in certain cases. RADDHO encouraged the Government to increase the number of women in decision making positions. Noting that progress could be achieved in the elimination of violence against women, RADDHO recommended the establishment of a programme for the rehabilitation of victims.

487. Action Canada for Population Development and Federatie van Nederlandse Verenigingen tot Integratie Van Homoseksualit-COC Nederland congratulated the Government for distinguishing itself among its Caribbean peers in embracing issues of sexual rights and sexual orientation at UPR. They noted recent initiatives such as taking steps to address marriage of minors and the Government's explicit recognition that human rights of all citizens includes the LGBT community. They appealed to Trinidad and Tobago to: commence forthwith with the nationwide human rights awareness campaign announced in October; and to move swiftly to establish a functioning human rights institution. They also asked the Government to amend the Equal Opportunity Act of 2000 to include protection against discrimination based on sexual orientation.

4. Concluding remarks of the State under review

488. For clarification, Trinidad and Tobago stated that all pending 52 recommendations were noted.

489. Trinidad and Tobago reiterated its appreciation for the active and constructive exchange with its fellow UN Member States and non-governmental organizations, throughout the UPR process, including the interventions by Cuba, Algeria, Morocco and the USA, as well as its continuing dialogue with non-governmental organizations at the consideration of its UPR report.

490. In particular, it thanked the Action Canada for Population and Development and COC Netherlands for its joint statement on behalf of the Coalition Advocating for Inclusion of Sexual Orientation and the Family Planning Association of Trinidad and Tobago. It assured them that its request regarding the Equal Opportunity Act of 2000 would be relayed

to the Government which prides itself on dialogue and transparency in the amendment of all legislation.

491. It reiterated that its Government was elected on the basis of change in 2010, but recognized that change can only be implemented through consultations with the populace. It remained committed to the continued engagement of all stakeholders to ensure the promotion and protection of Human Rights of each Trinidad and Tobago citizen.

Thailand

492. The review of Thailand was held on 5 October 2011 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

(a) The national report submitted by Thailand in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/12/THA/1 and A/HRC/WG.6/12/THA/1/Corr.1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/12/THA/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/12/THA/3).

493. At its 38th meeting, on 15 March 2012, the Council considered and adopted the outcome of the review of Thailand (see section C below).

494. The outcome of the review of Thailand comprises the report of the Working Group on the Universal Periodic Review (A/HRC/19/8), the views of Thailand concerning the recommendations and/or conclusions, as well as its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/19/8/Add.1).

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

495. Thailand stated that during its review, 172 recommendations were received, 100 of which were immediately accepted and none rejected.

496. Subsequently, Thailand organized consultations to consider the pending recommendations. While sharing the concerns on some issues, it believed that time should be allowed to work on those issues within the national context.

497. Thailand was able to accept wholly or partially 34 out of the 72 recommendations, bringing the total to 134 recommendations, with implementation of each accepted recommendation being of utmost importance.

498. In February, the Thai Cabinet endorsed a decision to amend the mandate of Thailand's UPR Committee to include monitoring and follow-up of UPR recommendations. All relevant agencies were tasked with the preparation of action plans to implement the recommendations and voluntary pledges.

499. Thailand placed great importance on the participation of all stakeholders in the UPR process and various sectors have shown interest in the UPR. Senior government officials met with Parliamentary committees to discuss the recommendations. The National Human Rights Commission of Thailand (NHRCT) organized briefings for its sub-committees and the public. Although difficult questions were raised, the interaction with all stakeholders helped to generate awareness about human rights at the national level.

500. Thailand believed that implementation of the recommendations required the widest participation of all stakeholders. A nationwide consultation process was embarked upon in March. Further consultations will be carried out in all regions of Thailand.

501. Thailand had begun implementing some of the recommendations and voluntary pledges. In January, Thailand signed the CED and was reviewing its legislation. Thailand has begun considering the possibility of becoming a party to the CRC-OP-CP and was determined to complete this process earliest.

502. Decisions have been taken to withdraw Thailand's reservation to article 16 of the CEDAW and its interpretative declarations on Articles 6 and 9 of the ICCPR. Thailand is also considering withdrawing its interpretative declaration on Article 18 of the CRPD.

503. As part of Thailand's pledges on a standing invitation to Special Procedures, it was initially inviting three Special Rapporteurs to visit Thailand. They are the Special Rapporteurs on the right to safe drinking water and sanitation, on torture and on the sale of children.

504. Regarding recommendations on vulnerable groups, the Senate approved the draft Nationality Bill, which would provide a channel for additional groups with status problems to obtain Thai nationality.

505. In February, the Thai Government issued an announcement describing the work that foreign victims of human trafficking may take up in Thailand, pending their return. It hoped that this would empower the victims, enhance their independence and better prepare them for eventual return.

506. Various countries recommended that Thailand pursue efforts on national reconciliation. Thailand was moving in this direction. The Cabinet had approved a compensation package for those affected by past political violence. Investigations and legal proceedings were ongoing to bring perpetrators to account and provide justice for all.

507. A compensation package for those affected by violence in the Southern Border Provinces had been approved and was awaiting the Cabinet's approval. Thailand recognized that providing such remedies must be coupled with efforts to address the root causes of the problem.

508. Thailand admitted that challenges still exist in various areas which needed to be tackled effectively.

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

509. Cuba noted positively that Thailand accepted Cuba's recommendations on implementing socio-economic development plans, reducing poverty and the prioritising access to health care and education. Cuba acknowledged Thailand's progress in reducing poverty and the realisation of the first MDG goal. It also noted the progress made in increasing literacy and ensuring free medical coverage as well as the priority attention given to the treatment of persons with HIV/AIDS. Cuba expressed its confidence that Thailand would continue its progress in ensuring socio-economic rights to all.

510. Viet Nam commended Thailand for its efforts to implement accepted recommendations, and for examining and accepting additional recommendations after the review. It particularly appreciated Thailand's acceptance of its recommendations, namely to continue reconciliation among different sectors of society, based on the principles of democracy, rule of law and tolerance; and to enhance the implementation of laws, policies and mechanisms related to human rights. Viet Nam encouraged Thailand to continue to do so in close cooperation with relevant UN mechanisms and all UN members.

511. China appreciated Thailand's accession to the main international human rights treaties and its second national Human Rights Action Plan, for the period 2009 to 2013. China welcomed efforts to promote economic and social development and the attention given to health care and education, as well as measures to protect the rights of children, women, the elderly and migrant workers, and to combat human trafficking. China noted that there remained some challenges in the human rights area, but was confident that the joint efforts by the Government and people of Thailand would lead to further progress in social and economic development as well as the realization of human rights.

512. Algeria acknowledged Thailand's acceptance of the majority of the recommendations put forward during the UPR. It also noted with satisfaction that Thailand accepted two of its recommendations related to the protection of women and addressing violence against them, and to ensure adequate living standards for all. Algeria would have wished to see its recommendation on the ratification of ICRMW taken on board by Thailand. Noting Thailand's adherence to democratic values, Algeria encouraged Thailand to move forward on the path of national reconciliation.

513. Indonesia noted Thailand's consistent and genuine commitment to human rights at the national, international and regional levels, which was reflected in their acceptance of many recommendations and of their implementation. It commended Thailand for its efforts to address equality and social justice, which would enable it to ensure continuous stability in the country. Indonesia as a country of origin of migrants, appreciated the acceptance of its recommendations related to the strengthening of law enforcement to protect migrant workers, guarantee minimum wage and work safety, and to ensure equal access to health. Indonesia welcomed efforts of Thailand to increase the minimum age of criminal responsibility and the separation of juveniles from adults in detention.

514. Myanmar recognized Thailand's constructive approach to the UPR process, noting that most of the recommendations put forward, including one made by Myanmar, had been accepted. Myanmar was confident that Thailand would continue to strengthen legal and administrative measures for the protection and promotion of all human rights, including the rights of migrant workers and their families.

515. Malaysia noted with appreciation Thailand's constructive engagement in the UPR process. It noted that Thailand had already embarked on implementing a number of accepted recommendations and needed time to make further improvements in promoting and protecting human rights on the ground.

516. Lao People's Democratic Republic was pleased to note that Thailand had accepted many recommendations put forward during the UPR Working Group and was taking steps for their implementation. It also noted the considerable progress and efforts made by the Government in improving mechanisms for the protection and promotion of human rights, providing social security for all groups, and moving forward in the reconciliation process on the basis of democratic principles, justice and the rule of law. It noted with appreciation that as a party to most international human rights instruments Thailand had made efforts towards withdrawing reservations entered into. It appreciated Thailand's active cooperation with the UN human rights mechanisms.

517. Brunei Darussalam noted with appreciation Thailand's cooperation with the United Nations human rights mechanisms and the constructive approach taken in response to the recommendations made during the UPR. It welcomed Thailand's continuous efforts in protecting the rights of its people, particularly those of vulnerable groups.

518. Cambodia noted the commitment demonstrated by Thailand by accepting most recommendations. It took note with appreciation of efforts and achievements in the human rights area, particularly over the past seven months since the new Government took office, noticeably in the field of economic and social development. Cambodia further appreciated

the advancement of the democratic process along with the attainment of sustained political stability, as well as progress in providing universal health care and free and equal educational opportunities for all, in addition to the attention given to the rights of the elderly and disabled. Cambodia welcomed Thailand's decision to extend cooperation to the Special Procedures.

519. Singapore welcomed constructive approach demonstrated by Thailand throughout the UPR process and Thailand's acceptance of the high number of recommendations, including two made by Singapore. It expressed its readiness to continue cooperating with Thailand in strengthening the promotion of human rights in the region, including through the ASEAN Inter-Governmental Commission on Human Rights.

3. General comments made by other relevant stakeholders

520. National Human Rights Commission of Thailand welcomed the Government's acceptance of many recommendations and wished to see the Government implement them with renewed commitment and vigour. It emphasized that the Government should strengthen the rule of law as a necessary framework for human rights protection, especially in the southern border provinces, where a large number of people are affected by violent incidents. Special protection should be provided to vulnerable groups. Regarding the 38 recommendations not accepted by Thailand, the Commission proposed that there be a more positive response from the Government on recommendations relating to the death penalty, freedom of expression, the rights of refugees and asylum seekers and ratification of the Rome Statue. It noted that abolishing the death penalty was a controversial but desirable step, and the Government should at least limit its use to the most serious crimes.

521. Association for the Prevention of Torture (APT) urged Thailand to ensure that the amendments to its laws be fully in line with the CAT, not only in criminalising torture but also in taking measures to prevent, investigate torture and other ill-treatment and provide redress to the victims. APT welcomed Thailand's commitment to studying the possibility of ratifying the OP-CAT and hoped that Thailand would engage in a process of open and public consultation on its ratification and implementation. APT commended Thailand for issuing a standing invitation and on its stated intentions to send an invitation to the Special Rapporteur on torture and to become a party to the CED.

522. Human Rights Watch (HRW) regretted that Thailand had rejected all recommendations calling for the review of *lèse majesté* to safeguard freedom of expression. It appreciated that Thailand had accepted recommendations to investigate killings by security forces, recalling that at least 90 people had died during the violent confrontations from March to May 2010. According to HRW, some actions by the Government appeared one-sided, for instance ignoring the violence committed by the UDD. Regarding the conflict in the Southern Border Provinces, HRW noted that the Government had accepted recommendations to address impunity. Progress needed to be made with regard to enforced disappearances and torture. HRW referred to the failure to conduct an inquiry on the 2003 "war on drugs" and was concerned about targets set to rehabilitate 400,000 drug users in 2012. Procedures concerning refugees and asylum seekers as well as the protection of migrants needed to be improved.

523. Asian Forum for Human Rights and Development (Forum-Asia) regretted that, despite the Government's pledges to reform the mandate of the Truth and Reconciliation Commission of Thailand, truth-seeking had been entirely overlooked and the process of prosecuting alleged perpetrators significantly delayed. Forum-Asia expressed concern that *lèse-majesté* cases continued to proliferate and with undue restrictions on the right to bail. While welcoming the issued standing invitation, Forum-Asia pointed to the urgent need for a visit of the Special Rapporteur on the right to freedom of opinion and expression to assist the Government. It expressed concern about the prolonged use of special security laws in

the Southern Border Provinces, which contributed to the culture of impunity. It called for the presentation of a precise plan of action in lifting such laws and repealing section 17 of the Emergency Decree.

524. Asian Legal Resource Centre (ALRC) welcomed the Government's recent signing of the CED, but noted that this could be seen only as a first step towards addressing disappearances and witness protection. It noted growing threats to political freedom. A number of long prison sentences had been abusively imposed on the basis of *lèse majesté* under article 112 of the Criminal Code, and under the 2007 Computer Crime Act. Academics and human rights defenders calling for the revision of article 112 had been threatened in recent months. ALRC called on the Government to halt such threats and the abusive use of *lèse majesté*, and to allow a country visit by the Special Rapporteur on freedom of expression. It further noted with concern that the UPR process had not addressed the increasingly grave rights violations connected to development projects, as well as the grabbing of land and natural resources. It also expressed concern at reported threats and attacks, including abusive legal attacks and extra-judicial killings, against human rights defenders working on environmental issues.

525. In a joint statement, by **Istituto Internazionale Maria Ausiliatrice delle Salesiane** di Don Bosco, International Volunteerism Organization for Women, Education and Development, Mouvement International d'Apostolat des Milieux Sociaux Independants, International Organization for the Right to Education and Freedom of Education Association Points-Coeur, Company of the Daughters of Charity of St. Vincent de Paul, concern was expressed about the existence of direct and indirect discrimination against children belonging to ethnic minorities and children with disabilities. It was concerned about the difficulty of ensuring birth registration of the most vulnerable children in the north and north-east. Children with disabilities in remote villages encountered serious barriers to the full enjoyment of their rights. They noted a number of problems in access to education, such as the persistence of tuition fees, inadequately qualified teachers in rural and indigenous schools and that the bilingual education system was not fully effective.

526. Action Canada for Population and Development welcomed the Government's acknowledgement of the human rights of sex workers to health care information and services. It hoped that the Government would develop concrete plans and strategies to address stigma and discrimination of sex workers, and effective and rights-based strategies to improve access to sexual and reproductive health care. While acknowledging the Government's efforts to provide universal health care to vulnerable groups, it remained concerned that migrants with irregular status were unable to access health care information and services. It urged the Government to consult and collaborate with local rights-based NGOs working with people experiencing stigma, discrimination and marginalization.

527. International Commission of Jurists (ICJ) welcomed the commitments made by Thailand to address the issue of impunity. While victims might seek compensation from the Government for any wrongful act committed by its agents, ICJ noted that it was just one element in combatting impunity. Thailand must make a clear and public commitment to ensure that perpetrators of human rights violations are brought to trial and duly punished. ICJ urged Thailand to further respond positively to recommendations relating to repealing section 17 of the Emergency Decree and abolishing provisions of the Martial Law that grant immunity from criminal and civil prosecution to State officials; and to ratify the CED promptly.

528. International Federation for Human Rights (FIDH) regretted that Thailand had not accepted key recommendations related to core human rights concerns, which undermined its compliance with international human rights law, including the restriction of freedom of expression through the use of *lèse majesté* law and the Computer Crimes Act as well as draconian special security laws. It regretted Thailand's rejection of recommendations on the

abolition of the death penalty, despite its Second National Human Rights Action Plan's reference to parliamentary debate of capital crimes and replacement of the death penalty with life imprisonment. Thailand should devote adequate resources to the planned study on the possibility of abolition, which should benefit from broad consultations. It urged Thailand to set target dates for the conclusion of its consideration of ICRMW and the 1951 Refugee Convention and its 1967 Protocol.

529. Amnesty International (AI) expressed disappointment that Thailand rejected recommendations to abolish the death penalty and resumed executions in 2009 after a hiatus of six years. AI expressed concern that all death row prisoners continued to be shackled despite the 2009 court decision declaring the practice illegal; and that over half of all death sentences were passed for drug-related offences, in contravention of international law. AI stated that Muslim insurgents had committed acts constituting war crimes, while security forces had used torture and other ill-treatment in their counter-insurgency efforts. No official or member of the security forces had been prosecuted for human rights violations since the conflict resumed in 2004. AI urged Thailand to suspend application of the *lèse-majesté* law and the Computer-related Crime Act until they are brought into compliance with international standards, and to release prisoners of conscience detained under these laws.

4. Concluding remarks of the State under review

530. Thailand indicated that it would not be able to respond to all the concerns raised but would clarify some key concerns.

531. On past political violence, Thailand intended to exert every effort to further national reconciliation by providing justice for all the victims and ensuring an inclusive process of political dialogue.

532. Thailand attached the highest priority to the rights of all vulnerable groups and intended to do more.

533. Concerning the security laws, Thailand reiterated its policy towards progressively ending their use as the situation improved. Regarding Section 17 of the Emergency Decree, this provision did not grant immunity for State officials. It did not preclude the right of persons to seek compensation for wrongdoing. While Thailand was not in a position to accept recommendations to repeal this provision of the Emergency Decree or to review its security laws, it accepted recommendations to enhance efforts to put an end to impunity. This reflected its determination to address this challenge, including through awareness-raising on the rule of law and human rights principles for law enforcement officers while ensuring justice for all affected persons.

534. Although Thailand was not a party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, it has always lived up to its humanitarian obligations. Thailand's unique location meant that it must consider the security implications of these instruments. Nevertheless, a mechanism was in place to review Thailand's position and further consideration of this matter would be pursued.

535. Given the large number of migrants, Thailand had to handle the matter of migration carefully. It had made progress on the protection of migrant workers, but more needed to be done. Thailand would study the ICRMW, though its final position would depend on the study's results. Thailand accepted several recommendations on migrant workers.

536. On capital punishment, views and concerns were noted. Discussions on this issue were needed at the national level as views still varied among sectors of the society. Thailand was giving careful consideration to this matter.

537. On freedom of expression, Thailand heard the concerns and views raised. Those who understood the nature of the Thai society and the place of the key pillars of the Thai nation would realize that this was an issue that only the Thai people could sort out, and such a process was ongoing.

538. Today marked the beginning of the national implementation phase. Thailand intended to make use of the UPR to further advance human rights and nation-building. It hoped to work with relevant stakeholders in implementing the accepted recommendations and voluntary pledges.

539. Thailand hoped to present a mid-term report to maintain momentum of the UPR process. It thanked all delegations, the NHRCT and civil society organizations for their comments, and the Troika and the Secretariat for their hard work and support.

Ireland

540. The review of Ireland was held on 6 October 2012 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

(a) The national report submitted by Ireland in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/12/IRL/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/12/IRL/2 and A/HRC/WG.6/12/IRL/2/Corr.1);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/12/IRL/3).

541. At its 39th meeting, on 15 March 2012, the Council considered and adopted the outcome of the review of Ireland (see section C below).

542. The outcome of the review of Ireland comprises the report of the Working Group on the Universal Periodic Review (A/HRC/19/9), the views of Ireland concerning the recommendations and/or conclusions, as well as its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/19/9/Add.1).

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

543. His Excellency the Ambassador of Ireland highlighted that the UPR was an important process in raising awareness of and standards in relation to human rights for all states global level. He also expressed his gratitude to the Irish civil society and the non-governmental organisations who engaged thoroughly to raise awareness of the UPR mechanism in general. One of the great strengths of the UPR was the particular emphasis on consultation that was so central to the process.

544. The Irish national human rights institution, the Human Rights Commission, played a significant part in informing the public about the importance and value of the UPR process by holding their own information sessions around the country and offering advice and guidance to people who wished to make submissions. Along with representatives from NGOs, they supported the consultation process by providing independent speakers to take part in public meetings last year.

545. The protection and promotion of human rights required continuous review and updating. In Ireland, the Constitution provided a strong foundation for the protection of human rights, both those specified in the Constitution and derived from its underlying

principles. There is also a strong legislative framework to further protect individuals from discrimination, inequality and unjust treatment.

546. The Government announced its decision last September to improve Ireland's human rights infrastructure by merging the Irish Human Rights Commission and the Equality Authority into a new Human Rights and Equality Commission in order to promote human rights and equality issues in a more effective, efficient and cohesive way. A Working Group comprised of an interdepartmental Chair, members of both existing bodies, and officials from the Department of Justice and Equality, held a consultation process to seek the views of civil society and members of the public on what the new body should do, what features and functions it should have, how it should be structured and what working methods it should employ.

547. The Working Group nearly completed their Report, which will be presented to the Government shortly. The new Irish Human Rights and Equality Commission will build on the achievements of the current bodies, to forge an even stronger culture of human rights awareness and protection in Ireland.

548. Of the one hundred and twenty seven recommendations made by member states Ireland immediately accepted sixty two, was unable to support fifteen, and undertook to further examine fifty. The Interdepartmental Working Group on the UPR, comprising representatives from all relevant Government Departments, responded to fifty outstanding recommendations in the Addendum.

549. Of the fifty pending recommendations, Ireland fully accepted twenty nine recommendations, partially accepted a further seventeen, and was unable to support only four. The Addendum gave concise explanation as to the responses to each individual recommendation. This means that of a total of 127 recommendations, Ireland fully accepted 91. A further 17 were accepted in part.

550. The most important phase of this entire process is the implementation of the commitments. Some of the recommendations have already been implemented, while other areas of implementation are underway.

551. For example, at the Interactive Dialogue, many states raised the question of prison accommodation, in particular, overcrowding and in-cell sanitation. On 6 March 2012, Minister Shatter visited Mountjoy Prison in Dublin to inspect the recently refurbished C Division which is due to re-open this month. The project was extremely complex and the refurbished accommodation will provide radically improved physical conditions for prisoners, including a 28-cell dedicated committal/assessment area for new prisoners as recommended by the Inspector of Prisons in his 2009 report and a new dedicated Drug Free Area. The refurbishment project has also seen the introduction of in-cell sanitation in all cells on the C Division, and a similar refurbishment project will commence on the B Division within the next few weeks, which, when completed, will see in-cell sanitation installed in all cells on the B Wing. This will result in 317 cells in Mountjoy prison having in-cell sanitation, almost 60% of the total prison, by the end of this year. The developments in Mountjoy and the implementation of the proposals for Cork prison, which were announced in just the last few days by the Minister, are the realisation of the Government's commitment as indicated at our review in October.

552. With regard to Ireland's position on the abortion and the response to the ABC versus Ireland's judgment of the European Court of Human Rights, the Government intends to set up an Expert Group to examine the judgment, to elucidate its implications for the provision of health care services to pregnant women in Ireland and recommend a series of options on how to implement the judgment taking into account the constitutional, legal, medical and ethical considerations involved in the formulation of public policy in this area and the need for speedy action. The Expert Group was established on 13 January 2012 and is composed

of fourteen experts in the fields of obstetrics, psychiatry, general practice, law, professional regulation and public policy. It is chaired by a judge of the Irish High Court and will present the Government with its written report by end of July 2012.

553. The Government has also announced its decision to sign the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and the formal signature by Ireland will take place in the coming weeks at the United Nations Headquarters in New York. The current Programme for the Government clearly stated the policy and goal of forging a new Ireland based on fairness and equality. The complaints mechanism that will be established by the Optional Protocol to the ICESCR is in keeping with the spirit of the many independent complaints, monitoring and inspection bodies that are currently in place in Ireland. Signing this Optional Protocol will give the opportunity to continue to affirm Ireland's determination to achieve full respect for human rights in practice.

554. Proposed wording for a referendum on children's rights is currently being finalised, with a view to holding the referendum later this year.

555. Ireland has chosen to prepare and submit a voluntary interim report on Ireland's progress in implementing its commitments.

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

556. Algeria welcomed the acceptance by Ireland of a number of recommendations, including some on the rights of persons with disabilities, the need to take effective measures to improve prison conditions and to continue the implementation of policies concerning domestic violence. Algeria expressed hope at the will of Ireland to reconsider its position on the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Algeria wished well to Ireland in the implementation of the recommendations.

557. Uruguay valued the acceptance by Ireland of a number of recommendations to ratify international human rights instruments. It considered however that Ireland should keep under consideration the recommendation to accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Uruguay encouraged Ireland to strengthen legislation and policies aiming at assigning a tutor to non-accompanied asylum seeking children. Uruguay referred also to one of their recommendations, which was partially accepted and encouraged Ireland to make progress in ensuring the legal prohibition of all forms of corporal punishment against children.

558. The Republic of Moldova welcomed Ireland's constructive engagement with the UPR process, applauded Ireland for the good cooperation with civil society and inter alia acknowledged Ireland's acceptance of a significant number of recommendations. Moldova expressed its appreciation to Ireland for accepting the three recommendations Moldova had made during the review. It noted that Ireland had strengthened its policies and laws on domestic violence, as well as the measures to eliminate inequality between men and women. Moldova welcomed Ireland's intention to establish a disability forum and expressed the hope that this initiative could result in greater empowerment of people with disabilities.

559. The Islamic Republic of Iran hoped that recommendations are implemented by Ireland. It remained concerned over incidences of human rights violations in the country, especially with regard to occurrences of racism, xenophobia, discrimination against Muslims and persons belonging to minorities; lack of legislation proscribing racial profiling by the Police and other law enforcement personnel; the low living standards in many

prisons, including overcrowding and inadequate sanitation and health care. Iran made a number of recommendations to Ireland.

3. General comments made by other relevant stakeholders

560. The Irish Human Rights Commission (IHRC) welcomed the wide range of issues raised and the recommendations made during Ireland's review. It stated that the Working Group Report could serve as a template for progressing human rights issues, and hoped that Ireland's progress in implementing the recommendations will underscore its application for membership to the Human Rights Council. IHRC stressed the need for Ireland to guarantee sufficient resources to the Human Rights and Equality Commission. It stated that Ireland needed to make serious, sustained and quantifiable efforts on a number of core areas identified in the Working Group Report.

561. Federatie van Nederlandse Verenigingen tot Integratie Van Homoseksualiteit – COC Nederlands, speaking also on behalf of ILGA-Europe and GLEN, welcomed progress in addressing the human rights of lesbian, gay, bisexual and transgender people. It welcomed Ireland's commitment to progressing same-sex marriage through the Constitutional Convention and urged Ireland to address the legal recognition and support of children in same-sex headed families. Making reference to challenges, it noted that it is essential that Ireland remains committed to promoting full equality of LGBT young people. COC-Nederlands remained concerned by legal provisions allowing for discrimination on the basis of sexual orientation in certain institutions and called for legislative reform.

562. Action Canada for Population and Development (ACPD) on behalf of Irish Family Planning Association and Sexual Rights Initiative expressed concern in relation to Ireland's rejection of all the recommendations on women's reproductive rights. These recommendations were consistent with criticism by Treaty Bodies. The rejection of these recommendations was unacceptable and amounted to a considered disregard by Ireland of its human rights obligations; and fell short of the principles of universality, indivisibility and interdependence. The European Women's Lobby⁷⁵ expressed concern at the rejection of recommendations (108.4 to 108.9) of the Working Group on the Universal Periodic Review of Ireland on the regulation of abortion. It made reference to another accepted recommendation (107.4), and called on the Government to institute a statutory inquiry and compensation scheme for the Magdalene Laundries abuse. The European Women's Lobby expressed concern at Ireland's response to a recommendation (107.23) calling for the implementation and an independent assessment of The National Women's Strategy and noted that an independent review would enhance the strategy. The European Women's Lobby urged Ireland to sign the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.

563. International Movement Against all Forms of Discrimination and Racism (IMADR) on behalf of Pavee Point stated that Ireland continued to ignore the opinions and recommendations of a range of eminent international and regional human rights bodies who have taken the position that the Traveller Community met all the legal criteria to be recognised as an ethnic minority. IMADHR stated that a 2010 report *inter alia* revealed that Traveller mortality was higher than that of the general population. It urged Ireland to engage with Traveller organisations to formulate a response to the issues in this report.

⁷⁵ The statement is supported by: AkidWA, Banulacht, Cáirde, Dublin Rape Crisis Centre, Irish Family Planning Association, Immigrant Council of Ireland, Justice for Magdalenes, Migrant Rights Centre Ireland, National Collective of Community Based Women's Networks, National Traveller Women's Forum, National Women's Council of Ireland, OPEN, Pavee Point Travellers Centre and Women's Aid.

564. The International Federation for Human Rights Leagues welcomed Ireland's acceptance of 91 recommendations. It remained concerned about the declaration of 'partial acceptance' of 17 recommendations where it is not clear in what precise manner each recommendation has been accepted. It urged Ireland to ratify all core UN human rights instruments, especially those with monitoring mechanisms such as the CRPD and the Optional Protocol to CAT, and called on Ireland to set out a clear timetable in this regard. It remained concerned about the rejection of recommendations regarding the implementation of the judgement of the European Court of Human Rights on access to abortion, putting an end to on-going religious discrimination in access to schools and recognising Irish Travellers as an official ethnic minority group.

565. Amnesty International (AI) urged Ireland to ratify, without further delay, the International Convention for the Protection of All Persons from Enforced Disappearance, which was signed almost five years ago. It stated that Ireland must recognise in law the rights to health and housing. AI urged consideration of these rights at the upcoming review of Ireland's Constitution. It also urged Ireland to sign and ratify the Council of Europe Convention on Violence against Women and Domestic Violence without delay. It encouraged Ireland to set time-frames and establish a monitoring mechanism for the implementation of accepted recommendations and to inter alia undertake to provide a mid-term report.

566. Age Action Ireland, which is a member of the HelpAge International network, along with the coalition partners - Disability Federation Ireland, the MakeRoom Campaign Alliance, Mental Health Reform and Women's Human Rights Alliance- welcomed the spirit in which the universal periodic review process of Ireland had been conducted. It commended Ireland for committing to signing the Optional Protocol to the International Convention on Economic and Social Rights. It also welcomed the partial acceptance of the recommendation to incorporate in the law the rights to health and housing, as well as to bring legislation in line with the International Convention on the Protection of Rights with Disabilities. It hoped that civil society and the government can work together, including in the preparation of the interim report.

567. Society for the Protection of Unborn Children (SPUC) stated that it was the will of the Irish people that the right to life of unborn babies be protected from the very beginning. During the UPR, many states called for Ireland to introduce abortion. SPCU expressed appreciation for the Irish Delegation's rejection of these calls. It stated that Ireland had an excellent record in protecting the lives of both mothers and babies. Life-saving medical interventions for pregnant women have always been available. While some children may not survive those interventions, their deaths were an undesired consequence of the treatment of the mother's condition, rather than the intended result of the doctor's actions. Such interventions should not be confused with abortion procedures.

568. European Disability Forum on behalf of The Equality and Rights Alliance (Ireland) welcomed Ireland's acceptance of the recommendations on ratification of the Convention on the Rights of People with Disabilities (CRPD), as well as Costa Rica's recommendation to take measures to avail to people with disabilities access to education, employment, housing, transport, cultural life and to facilitate their access to public places and services. It called on Ireland to ensure that the proposed new unified Human Rights and Equality Commission was independent, adequately resourced and prioritised the ratification of the CRPD. This new body must have a focus on the rights of persons with disabilities.

4. Concluding remarks of the State under review

569. His Excellency Ambassador Corr thanked all the intervening delegations and civil society representatives. The Ambassador stressed that discrimination against Muslims and minorities was combatted in a most comprehensive manner. He informed that the National

Disability Authority's role was to monitor compliance with the Domestic Disability Legislation. The ambassador also noted the necessity for further consultation regarding the recognition of Travellers as an ethnic group. Finally he highlighted the continuation of the dialogue with the Civil Society for the implementation of the UPR recommendations, the new modalities for the second cycle and the onus on the States for the implementation of their commitments.

Togo

570. The review of Togo was held on 6 October 2011 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

(a) The national report submitted by Togo in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/12/TGO/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/12/TGO/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/12/TGO/3).

571. At its 39th meeting, on 15 March 2012, the Council considered and adopted the outcome of the review of Togo (see section C below).

572. The outcome of the review of Togo comprises the report of the Working Group on the Universal Periodic Review (A/HRC/19/10), the views of Togo concerning the recommendations and/or conclusions, as well as its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/19/10/Add.1).

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

573. The Delegation of Togo recalled that during its review, on 6 October 2011, 133 recommendations were made. 112 were accepted (23 of which had already been implemented or in course of implementation) 11 were rejected and 10 were under study until the present session.

574. The Delegation expressed that as part of the implementation of these recommendations, four essential points were raised: i) responses to deferred recommendations; ii) progress achieved since Togo's review; iii) measures taken by the Government following the enquiry report of the National Commission on Human Rights (NCHR) on allegations of torture; iv) national plan of action (PoA) on the implementation of the universal periodic review recommendations.

575. Regarding the responses to deferred recommendations, the Delegation indicated that they could be categorized into two groups: i) ratification of international instruments on human rights and; ii) standing invitations to the Special Procedures.

576. With respect to the first group, the Delegation indicated that instructions had been given to the Ministry in charge of the promotion of women to start the procedure of ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (OP-CEDAW). The Delegation was also pleased to inform that the National Assembly adopted the law authorizing the ratification of the UNESCO Convention against Discrimination in Education. Finally, the Delegation informed that the Government had been studying with interest the adoption of the International Convention for the Protection of Migrant Workers and Members of their Families.

577. Concerning the second group of recommendations, the Government had been willing to accept invitations that would be formally addressed by Special Procedures and would fully cooperate with the mandate-holders.

578. Among the achievements made by Togo since the review in October 2011, the Delegation stated that the Government had launched in February 2012, the National Agricultural Investment Programme which aimed at improving life conditions of people in rural areas, particularly women and children. It added that the World Health Organization had certified that Togo had been one of the countries that had eradicated the Guinea worm.

579. The Delegation further informed that the bill on the revision of the Criminal Code had taken into account international instruments ratified by Togo, particularly the definition and repression of torture and other cruel, inhuman or degrading treatment or punishment. It added that the bill had been finalized and would be considered by the Council of Ministers. It informed also that five hundred prison guards (of which, a third are female) would be trained and operational in six months' time.

580. The Delegation stated that in February 2012, the National Human Rights Commission (NHRC) presented the report on allegations of torture occurred at the National Intelligence Agency (NIA). The Government adopted measures to implement the recommendations made by NHRC, among them: i) the reorganization of the NIA; ii) the prohibition to place in its premises persons arrested for custody or for preventive detention iii) the inclusion in the preliminary bill of the Criminal Code of the definition of torture and other cruel, inhuman or degrading treatment or punishment and; iv) the revision of the NHRC Organic Law to allow it to carry investigations and prevent, if was the case, any actions taken by public officials which might be considered as an act of torture; v) the budgetary and infrastructure strengthening of the NHRC capacity ; vi) the Minister of Justice had been instructed to propose a draft legislation reform on prisons' administration and; vii) strengthening the organization, equipment and training of the judicial police.

581. Other recommendations taken: i) instructions had been given to the military command to immediately start disciplinary procedures against officials called into investigation; ii) urgent examination, by a specialized team, of persons that had been subjected to inhuman and/or degrading treatment in the NIA with the aim of providing them with appropriate reparation; iii) health treatment provided to people under custody iv) assurance given to the President of the NHRC and his family that measures had been taken to ensure their safety; v) the establishment of an inter-ministerial commission to follow-up the implementation of the NHRC recommendations.

582. The Delegation reiterated the firm willingness of the Government to fulfil its human rights obligations. It added that Togo had adopted a participatory approach in the preparation of the national report and it would follow the same approach when it comes to the implementation of the UPR recommendations. Indeed, the Ministry for Human Rights had organized, with the support of the Office of the High Commissioner for Human Rights, sectorial workshops that had led to the development of a five-year plan of action (PoA) for implementing the UPR recommendations. In March 2012, different stakeholders approved this PoA that would be finally adopted by the Council of Ministers.

583. The Delegation indicated that the PoA was designed to meet the challenges that Togo faces in the field of human rights. It added that ten main fields are considered: i) ratification of international instruments on human rights; ii) harmonization of national legislation with international instruments iii) strengthening the independence of the judiciary; iv) access to justice and fight against impunity; v) strengthening capacity building of institutions, State and non-State actors; vi) promotion and protection of rights of specific groups (women, children, persons with disabilities and elderly); vii) fight against poverty and promoting good governance; viii) promoting the right to health, nutrition and

education; viii) integration of human rights in school curriculum; ix) cooperation with the mechanisms of human rights.

584. Togo would like to be able to count on international cooperation as it was convinced that with the support of the UN system and other partners it would succeed in implementing satisfactorily the recommendations it had accepted. Togo was convinced that the promotion and protection of human rights not only contributed to development but also was a key factor of stability and social peace. Togo, therefore, requested the support of the international community to support the implementation of the national PoA on the UPR recommendations.

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

585. Cuba noted that, in spite of challenges common to other developing countries, Togo made important efforts for promoting and protecting all human rights of its people. Significantly, the right to a healthy environment had enjoyed constitutional status. Regarding one of the most pressing priorities, the right to food, Togo took various initiatives to revive agricultural production. Cuba noted with satisfaction the existence of a health development plan and the implementation of strategies to defeat malaria, HIV/AIDS and to reduce infant mortality. Cuba recommended the adoption of the Working Group report on the Universal Periodic Review of Togo.

586. Algeria expressed confidence that Togo would continue to progress on the path to democracy and economic and social development. It appreciated that Togo had accepted the two recommendations that it had made to promote the rights of women. It wished to Togo success in implementing its accepted recommendations.

587. Morocco paid tribute to all efforts made by Togo to build up stability in the process of national reconciliation after having courageously overcome the social unrest and turmoil which had ravaged the country for several years. Morocco congratulated Togo for having accepted almost all recommendations made during the review, especially the two recommendations drafted by Morocco, which was also satisfied by Togo's response pertaining to the Commission on Truth and Reconciliation.

588. Chad praised Togo for having accepted a large number of recommendations including those submitted by its delegation, for which it thanked Togo. It reiterated its recommendation that Togo seeks financial and technical assistance from the international community to support its efforts to implement its UPR commitments.

589. The Republic of Moldova noted with satisfaction that Togo demonstrated its engagement in human rights by supporting a considerable number of recommendations at the end of its UPR in October 2011. In particular, the Republic of Moldova appreciated Togo's support to its recommendations and congratulated Togo for the ratification of the UNESCO Convention on Discrimination in Education. It recommended the adoption of the Working Group Report on the UPR of Togo.

590. The Democratic Republic of the Congo stressed Togo's efforts to protect social and economic rights and in particular the adoption of a national housing programme in 2009-2013. Noting the many human rights challenges facing the country, it thanked Togo for having accepted its recommendation encouraging it to step up its efforts to eliminate discrimination against women. It also encouraged Togo to strengthen its action to help people living with HIV/AIDS and the measures underway to guarantee food security to its people.

591. Senegal appreciated Togo's open dialogue in the context of its universal periodic review and the fact that it had supported many of the recommendations made, including

those on women and children rights. The implementation of these recommendations, together with the efforts already accomplished in the economic domain, should allow Togo to reinforce the promotion and protection of human rights in the country.

592. Benin lauded Togo's acceptance of over 112 recommendations. It noted that it had ratified most international human rights instruments and had demonstrated its determination to observe universally accepted values. By way of examples Benin listed the abolition of the death penalty, the effort to promote peace and harmony through the Commission for Truth, Justice and Reconciliation, its steps to promote the rights of women and children and to improve the living conditions of its people. Benin invited the international community to support the reforms underway in Togo.

593. Burkina Faso believed that Togo's spirit of cooperation in dealing with the Human Rights Council was undoubtedly a sign of its willingness of promoting and guaranteeing human rights to all its citizens. Burkina Faso welcomed Togo's efforts in this regard and was ready to cooperate with it bilaterally, at regional and sub-regional level. Burkina Faso called on the international community to give Togo all necessary technical and financial assistance, and recommended the adoption of the Working Group report on the Universal Periodic Review of Togo.

594. Cote d'Ivoire hailed Togo's vanguard role in the promotion and protection of human rights referring to the establishment of its human rights commission (with "A" status) and the work of its Truth and Reconciliation Commission. It recognized Togo's political courage in accepting 112 recommendations and invited the international community to support this effort. It thanked Togo for its solidarity with Cote d'Ivoire throughout the crisis of the past decade, including by accepting Ivorian refugees and hosting the first peace negotiations.

595. Tunisia thanked Togo for having accepted almost all recommendations made during the review, and noted with appreciation the reforms made in the field of health, food, security and social protection, and achievements accomplished in the fight against poverty, the rights of the child and fundamental freedoms. Tunisia believed that the international community should support Togo in its efforts and determination to engage in multi-faceted reforms towards democracy and development. Tunisia recommended the adoption of the Working Group report on the Universal Periodic Review of Togo.

596. Djibouti noted with satisfaction the numerous efforts made by Togo's Government for the reinforcement of democracy and the social dialogue, and welcomed Togo's support to the majority of recommendations made during its universal periodic review. Djibouti recommended the adoption of the Working Group Report on the Universal Periodic Review of Togo.

3. General comments made by other relevant stakeholders

597. The National Human Rights Commission (NHRC) welcomed the universal periodic review process which had allowed for an assessment of the human rights situation and provided recommendations to strengthen the on-going process toward democracy. NHRC had actively encouraged the Government to promote a culture of human rights. NHRC participated in the universal periodic review follow-up mechanism established by the Government and had been supporting the implementation of the recommendations as well as those it had issued in its latest report concerning allegations of torture. NHRC cited as priorities the struggle against impunity and corruption, the protection of civil liberties and the imperative of development, stressing that human rights were indivisible and universal. NHRC reiterated its invitation to the international community to continue to support the Members of the NHRC's difficult and sometimes dangerous efforts to turn Togo into a place of peace and justice.

598. Association for the Prevention of Torture (APT) welcomed Togo's support for the recommendations on the prevention and prohibition of torture in the framework of its UPR, and for the Government's announcement of 13 measures concerning the implementation of the recommendations by the NHRC related to allegations of torture perpetrated during an attempted coup d'état in April 2009. APT encouraged Togo to effectively implement those recommendations and to complete, as soon as possible, the reform of the Criminal Code in order to ensure that torture would be defined in conformity with Article 1 of the Convention against Torture (CAT), and perpetrators would be punished appropriately. APT also welcomed Togo's engagement for the creation of a national mechanism for the prevention of torture and hoped that this new mechanism would be independent and effective. The realization of this engagement would represent a best practice that other countries could take as an example.

599. A joint statement⁷⁶ delivered by the Istituto Internazionale Maria Ausiliatrice (IIMA) welcomed Togo's UPR constructive engagement, its adoption of a plan of action based on its recommendations; and its 2008 decision relating to free primary education. It questioned the reliability of official statistics. It welcomed the acceptance of recommendations to strengthen the education system and eliminate discrimination against disabled people. It noted the lack of planning policy, poor educational infrastructures, the lack of teachers, the overcrowding and poor management of schools and the related proliferation of private schools. IIMA recommended the registration of all children at birth; a global education reform based on reliable data and integrating on equal footing disabled children; and steps to implement Article 376 of the Code of the Child and to punish violence against children.

600. The Fédération internationale des ligues des droits de l'homme (FIDH) welcomed Togo's engagement in the context of its universal periodic review, especially its willingness to eradicate torture and to improve the judicial and the prison systems. FIDH called for the speedy implementation of the recommendations, for the ratification of the Rome Statute and of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. FIDH also welcomed the revision of the Criminal Code and the reinforcement of the remits and the capacities of the NHRC. FIDH also urged Togo to ratify the OP-CEDAW and to extend a standing invitation to the Special Procedures of Human Rights Council.

601. Rencontre Africaine pour la défense des droits de l'homme (RADDHO) welcomed Togo's universal periodic review engagement and its cooperation with civil society actors. It noted that after years marked by a wide range of human rights violations it was time to renew dialogue with the international community to promote and protect human rights. RADDHO welcomed the decriminalisation of press freedom, the abolition of death penalty, the Code of the Child, the law on rape, and the Truth, Justice and Reconciliation Commission – noting the lack of credibility of certain members. It regretted that none of the recommendations of the 2005 fact finding mission had been implemented, and deplored that the NHRC's President, had been forced to seek refuge abroad following the NHRC's report publication.

602. Democracy Coalition Project (DCP) with the support of Réseau Ouest Africain des Défenseurs des Droits Humains stated that the president of the National Human Rights Commission (NHRC) left the country with his family because their safety was at stake after the publication of a report on allegations of torture. DCP urged the Government to ensure protection to the other NHRCs' members. DCP was concerned at the lack of independence

⁷⁶ International Volunteerism Organization for Women, Education and Development – VIDES; Mouvement International d'Apostole des Milieux sociaux Independants; International Organization for the Right to Education and freedom of Education – OIDEL.

of the judicial system in spite of the reform carried out in 2009. The prisons situation and detention conditions – as well as the Civil Code and the family Code – were not yet conform to international standards. DCP invited the Government to accelerate the realization of the above mentioned issues and to work with the civil society for the implementation of the UPR recommendations.

603. The International Federation of ACAT-Action by Christians for the Abolition of Torture (FIACAT) and ACAT-Togo welcomed Togo's intention to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights and the International Convention on Enforced Disappearances and encouraged a precise calendar in this regard. They noted the frequent practice of torture and ill-treatment; recalled that torture was inappropriately punished; underlined the lack of training of the judiciary police; the lack of provisions in the Penal Procedure Code relating to the presence of defence lawyers and the right to be examined by a doctor in police custody and; deplored the frequent prolonged detention without charge of trial. They hoped to be allowed to comment on the draft review of the Criminal Code.

4. Concluding remarks of the State under review

604. The Delegation thanked for supporting Togo's efforts in the promotion and protection of human rights. The delegation reiterated its commitment with the implementation of the recommendations included in the Plan of Action and reminded the need for the international community's support to ensure it.

Syrian Arab Republic

605. The review of the Syrian Arab Republic was held on 7 October 2011 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

(a) The national report submitted by Syria in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/12/SYR/1);

(b) The compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/12/SYR/2); and

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/12/SYR/3).

606. At its 39th meeting on 15 March 2012, the Human Rights Council considered and adopted the outcome of the review on Syria (see section C below).

607. The outcome of the review of Syria comprises the report of the Working Group on the Universal Periodic Review (A/HRC/19/11), together with the views of Syria concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/19/11/Add.1).

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

608. The Syrian delegation stated that it believed in the importance of the UPR mechanism and would work with other States to strengthen human rights mechanisms, free from politicisation and double standards. It wished to take advantage of the recommendations made to advance human rights, especially during this period when the Government was working to build a new State based on human rights, despite the great

difficulties. Syria noted that its commitment to human rights was based on the fundamental principle that these rights are universal and indivisible. The responsibility to protect the people and their human rights lay with the State and could not be achieved through foreign interference.

609. The delegation noted that Syria had rejected recommendations which were aimed at condemning Syria rather than protecting human rights, and which constituted interference in Syria's internal affairs. Syria would not allow the hidden intentions of foreign States to disrupt national efforts in promoting and protecting human rights. The delegation thus thanked all States that had contributed positively to the review and provided objective and constructive recommendations.

610. It noted that immediately following the review, the national committee which had prepared the UPR report had examined ways and means to implement accepted recommendations and worked to determine a position on recommendations that had been postponed for further consideration. Over the past five months, Syria had suffered from terrorist acts by armed groups, unprecedented in its history. Innocent civilians had been harmed, property destroyed and people displaced in violation of all laws and human rights. On 12 March, the city of Homs had suffered a massacre with the hallmarks of al-Qaeda, and innocent women and children had been killed. Syria stated that it considered those who were responsible for providing media, financial and weapons support as complicit in the bloodshed.

611. Nevertheless, the reforms initiated by the State continued, based on the legitimate demands of the people. The Government continued to believe in coexistence, despite attempts of ethnic cleansing and displacement. On 26 February, Syrians had voted in a referendum for a new Constitution, which seeks to protect and promote human rights. The new Constitution brings radical changes in order to meet the demands of the Syrian people. The leadership of the State by the Baath party was repealed from the Constitution, and the President's mandate will be limited and can only be extended once. Other amendments open the way to political pluralism and democratic transfer of power. They uphold political, economic and social human rights and promote the rule of law, while protecting cultural diversity. The new Constitution had been approved by 89 per cent of voters.

612. Despite the continued violence, support to armed groups and unjust economic sanctions, Syria had reiterated its commitment to human rights and announced the acceptance of 24 more recommendations, in addition to those already accepted in October 2011. It had accepted recommendations to establish a national human rights institution and placed particular importance on recommendations concerning national dialogue, which was the only solution to the current crisis. Syria had opened the door to dialogue with all parties, although the armed opposition supported by foreign powers had rejected this offer.

613. To speed up reform, Article 13 of the new Constitution aims at "increasing the national income and development of production, raising living standards and creating employment". However, economic sanctions imposed outside the scope of international law violated the economic and social rights of the people, and their impact was made more severe by the destruction of infrastructure through terrorist acts.

614. The delegation made the following comments with regard to accepted recommendations which Syria considered to be in the process of implementation:

(a) Recommendations 1 to 3 on the harmonization of national legislation with the provisions of international instruments, particularly the Convention against Torture: The Ministry of Interior had issued circulars prohibiting all forms of torture as well as arrests without evidence, requiring families to be informed on the whereabouts of detained family members, and providing for the accountability of those responsible for concealing information.

(b) Recommendation No. 11 on the rules of engagement for the security services and human rights training for the police: The Ministry of Interior had put in place a training plan on crowd control for riot police in line with the Code of Conduct for Law Enforcement Officials and the Basic Principles for the Use of Force and Firearms by Law Enforcement Officials. Syria had formed a national commission of inquiry which was now considering nearly 5000 cases, and it had provided detailed information to the High Commissioner for Human Rights on cases in which penalties had been imposed on members of the security forces for violations of human rights or which had been referred to justice

(c) Recommendation No. 12 regarding the reform of the judicial system: Article 154 of the new Constitution provides for legislative reform to be implemented within a period of three years.

(d) Recommendation No. 13 on respect for freedom of expression: Syria had enshrined this right in the new Constitution, and a new media law had been adopted two months ago.

(e) Recommendation No. 14 on the review of the Personal Status Law, to ensure that women and men enjoy equal rights: Syria is working with national NGOs to resolve gaps in the existing Personal Status Law.

(f) In relation to pending recommendations, the delegation noted the following:

615. Syria accepted recommendation No. 2 to accede to the 1951 Refugee Convention; recommendations Nos. 4 to 6 regarding the incorporation into national law of provisions contained in human rights treaties, including the definition of torture contained in CAT; recommendation No. 7 concerning the withdrawal of reservations to CRC; recommendation No. 10 concerning compliance with CAT; recommendations Nos. 11 to 23 on cooperation with the International Commission of Inquiry and the Office of the High Commissioner for Human Rights, allowing them entry to the country; and recommendations Nos. 24 and 25 on cooperation with Special Procedures.

616. With regard to recommendations which Syria considered as already implemented, the delegation noted in relation to recommendations Nos. 22 and 23 on freedom of expression and association that, in addition to measures already undertaken, Syria was in the process of elaborating a law on the work of NGOs, which would permit the establishment of different types of organizations.

617. The delegation also presented additional information on a number of rejected recommendations, particularly those that it considered not to be compatible with the spirit of the UPR mechanism. At the same time, in an effort to further promote and protect human rights, the delegation announced that Syria was in a position to accept recommendations allowing the access of international media, noting that it had already allowed more than 147 foreign media outlets to enter Syria since the UPR meeting in October 2011.

618. The delegation deplored that unfortunately terrorist acts impeded the State's ability to implement some recommendations, but noted that the Government would not renounce its responsibility to protect the Syrian people.

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

619. Cuba highlighted the approval of a new Constitution with the support of 89 per cent of voters, which demonstrated the support of the people for the reform measures. One positive step was the creation of a commission to study the socio-economic reality of the country, which indicated the priority conferred by the authorities on the well-being of its population. Cuba reiterated its opposition to foreign intervention. It also reiterated its confidence in the ability of the people and the Government to resolve their domestic

problems without external interference and called for full respect of the right of self-determination of this Arab nation.

620. Nicaragua noted the political will of the Syrian authorities to achieve national reconciliation. The Council should demonstrate cooperation and solidarity with all States, without imposing measures that could not lead to an adequate solution. Selectivity should not become the spirit of the Council. Nicaragua appreciated that Syria had made efforts to re-establish the democratic order. The national dialogue had to take place without interference from abroad. Nicaragua also highlighted the political will demonstrated by the Government in receiving Kofi Annan, who could make a constructive contribution to the national dialogue.

621. Uruguay called on Syria to end the repression of its own people, arbitrary detention, extrajudicial executions and torture. It urged Syria to allow a visit by the Commission of Inquiry created by the Council. Uruguay called on Syria to release all prisoners of conscience and those arrested arbitrarily, and to end intimidation, persecution and arbitrary arrest. Recommendations to put an end to the violent repression, initiate an open and inclusive national dialogue, and launch a transparent investigation remained valid and necessary. Uruguay reiterated its recommendation that Syria cease the de facto restitution of the death penalty.

622. Algeria noted that in the current situation, the Council was not only concerned with the review of Syria under the UPR, but also with the resolutions and decisions taken in the Special Sessions and urgent debates on Syria. Algeria asked what procedure should best be adopted to appropriately deal with this situation and reconcile the two different tracks, while addressing the situation with the priority which it deserved.

623. DPRK commended Syria for the adoption of a new Constitution, which stipulates political plurality. It was concerned that Syria's human rights efforts were being hampered by unilateral sanctions, which had had a negative impact on the Government's efforts to provide basic services to the people. The support that armed groups received from certain countries only served to encourage their violations of the right to life. DPRK stated that it was important to fully respect the sovereignty, territorial integrity and independence of member states. Any development process could only be an outcome of Syrian-led policies, without any foreign intervention.

624. The Islamic Republic of Iran noted Syria's determination to promote human rights and democracy by responding to the demands of the people and adopting a new Constitution, which took into consideration many new commitments in the human rights area. It noted that Syria had accepted a number of recommendations, which should be fully implemented. Iran was concerned however that sanctions imposed on Syria by certain countries would hamper the Government's efforts to provide basic services to its population.

625. The Bolivarian Republic of Venezuela noted that Syria had adopted a new Constitution, which provides for political pluralism. It was concerned that Syria's efforts to promote human rights had been hampered by harsh unilateral sanctions. It expressed concern over the support that armed groups received from some countries, which only served to encourage the violation of the right to life. Venezuela reiterated its faith in the ability of the Syrian people and Government to resolve their domestic situation without any foreign intervention, in accordance with the principles of sovereignty and self-determination.

626. Ecuador called on the Government and armed groups to respect human rights, refrain from violence and the escalation of the armed conflict, and engage in a peaceful and constructive dialogue to find a political solution. It also hoped that Syria would positively consider the outcome of the review and implement accepted recommendations. Ecuador

believed that individual investigative procedures were not the most appropriate way to promote and protect human rights, and that the UPR was a more adequate means.

627. The Russian Federation noted that Syria's agreement to undergo the UPR review demonstrated that despite the difficult period, Syria was open to a mutually respectful dialogue on human rights issues. It noted with satisfaction that Syria had accepted a large number of recommendations and called on Syria to make every effort to implement these recommendations.

628. China paid high attention to the developments in Syria and stood for a peaceful solution to the crisis. The Syrian Government and other parties should immediately and unconditionally stop all acts of violence, in particular against innocent civilians. The Government and the various factions should immediately start an inclusive political dialogue. Relevant parties in the international community should respect the independence and territorial integrity of Syria, and the right of the people to independently choose their political system and development path. China supported the leading role of the UN in coordinating humanitarian assistance. It appealed to the Council to conduct its work in an impartial, objective and non-selective manner and play a constructive role in the search for an early political solution.

629. The United States of America remained appalled by the worsening human rights situation. Since rights law the review, the Government had engaged in even more flagrant violations of international human. Government forces had brutally cracked down on Syrians who demanded their human rights to be respected. This had resulted in the killing of over 7,500 civilians. The people continued to suffer mass arrests, arbitrary detentions, torture, targeted killings and indiscriminate bombardment by heavy artillery. A government ruling through terror and intimidation needed to step aside. The United States called on the Government to immediately facilitate access to humanitarian aid, end violence against peaceful protestors and political activists, release all prisoners of conscience, permit unrestricted access to human rights observers, including the HRC Commission of Inquiry and media, and allow a Syrian-led transition towards the formation of a representative Government to take place.

3. General comments made by other relevant stakeholders

630. The World Federation of Trade Unions (WFTU) expressed its support to the Syrian people and workers in their legitimate demands to achieve political, economic and social reform. The recent approval of a new Constitution by 89 per cent of voters was a sign of the popular support for this path. WFTU noted that it was for the Syrian people to determine their own future, without foreign interference. Syria had become the object of a political and media campaign aimed at undermining its national unity. No country had the right to organize, fund and arm terrorist groups in another country. Furthermore, the Israeli occupation of the Syrian Golan and the imposition of unilateral economic sanctions were violating human rights and needed to be stopped.

631. The Cairo Institute for Human Rights Studies noted that the Syrian people, for one year, had been struggling for freedom, justice and dignity, and, for the same period, had been killed, tortured and imprisoned on a mass scale. Syria had rejected to end violations of international human rights law, including violent reprisals against peaceful protesters and activist, and to engage in a credible reform process. The number of documented deaths likely exceeded 10.000, with entire cities placed under military siege, and the Security Council had failed to fulfil its obligation. The Cairo Institute called on the Council to adopt a resolution demanding international accountability and referring the situation in Syria to International Criminal Court. It also called on the Council to postpone adoption of the UPR outcome on Syria.

632. International Commission of Jurists (ICJ) noted widespread violations of human rights amounting to crimes under international law, including torture, summary executions, arbitrary detention and indiscriminate attacks against the civilian population. ICJ indicated that torture and ill-treatment were widespread and systematic. Although Syrian authorities had lifted the state of emergency in April 2011, they had failed to abolish the 1962 State of Emergency Law. The practice of secret and other arbitrary detentions, including in unofficial detention facilities, continued. While Syria claimed to accept recommendations calling for investigations and accountability, the authorities had failed to prosecute any State official or law enforcement officer for human rights violations, which might amount to crimes against humanity. ICJ stated that the Security Council needed to refer this situation to the International Criminal Court. It noted that the Syrian army continued to fire explosive shells into populated areas, in particular in Homs and Edleb, and subjected whole cities and neighbourhoods to effective siege. Effective measures had to be taken to allow humanitarian access.

633. UN Watch joined urgent demands made in the report on Syria to end attacks on peaceful protestors and activists and bring violators to account; to end its practice of arbitrarily detaining Syrians for participating in peaceful demonstrations and release all those detained; including prisoners of conscience. It applauded the vigorous work by some delegations as well as the Arab League's strong condemnation of the violations by Syria, which had been suspended from this organization. However, further international action was needed.

634. The Union of Arab Jurists regretted the dramatic situation in Syria, which highlighted the need for reforms. The adoption of the new Constitution was an important step in this regard. The implementation of reforms should be continued in order to uphold equal rights for all Syrians. Although violence and lack of security had reigned in many provinces, Syria was a stable country. Human rights reforms needed to be undertaken, but human rights should not be politicized to facilitate foreign interference. National dialogue was needed, but would only be possible once the violence was ended. Economic sanctions should be ended.

635. The General Arab Women Federation (GAFW) noted that violence was leaving thousands of people dead, wounded and traumatized, with dramatic effects on women and children. Media had played an unprecedented role of misinforming and blocking efforts for dialogue. Economic sanctions were also punishing the population. Syria was hosting a million refugees from Iraq, who had been given free access to all basic services. GAFW considered that criminal acts did not help to provide a solution, and that the conflict could only be resolved by peaceful means. It called for a comprehensive process of national dialogue, and mechanisms to end the armament, funding and training of insurgents groups. It called for a lifting of all sanctions imposed on Syria, and urged the Government to create a climate of trust that will allow for the implementation of the new Constitution and reforms.

636. Amnesty International noted that the authorities had accepted recommendations to guarantee the rights to freedom of expression, opinion and assembly; to end conflict and violence and find a peaceful political solution; and to investigate alleged cases of violence and deaths. It observed that these commitments appeared cynical and insincere, given the situation that prevailed in Syria. Amnesty International maintained that some of the violations by the authorities amounted to crimes against humanity. It had received the names of almost 7000 people who had been killed or died in connection with the protests since March 2011. Many had been shot by members of the security forces or died in custody. Thousands had been arrested, and many had been held incommunicado, and subjected to torture. More recently, civilian areas had been attacked with tanks, helicopters

rockets and artillery fire. Amnesty International cautioned against proceeding with this review in a routine manner.

637. CIVICUS and Arab NGO Network for Development noted that since the Syrian forces had invaded a number of neighbourhoods with heavy weapons on 3 February, widespread destruction and death had resulted, with a particularly strong impact on women and children. Essential services, such as water, phone and electricity had been cut, and access to medical services and humanitarian assistance was blocked. The authorities had even blown up a bridge which the people had used to take refuge in Lebanon. Many areas and cities, such as Homs and Hama, suffered a real catastrophe. Syria had witnessed a great revolution, and in order for negotiations to take place the Government needed to give up power peacefully so that a State based on human rights could be built. Access to Syria should be allowed and the army withdrawn from the streets.

638. Rencontre Africaine pour la defense des droits de l'homme quoted Victor Hugo by stating that "to remain silent in the face of crime is to participate in crime".

4. Concluding remarks of the State under Review

639. Syria thanked the delegations that had made constructive statements and suggestions, as well as the members of the Troika and the Secretariat who had contributed to the adoption of the report.

Venezuela (Bolivarian Republic of)

640. The review of the Bolivarian Republic of was held on 7 October 2011 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

(a) The national report submitted by Venezuela in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/12/VEN/1 and A/HRC/WG.6/12/VEN/1/Corr.1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/12/VEN/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/12/VEN/3).

641. At its 40th meeting, on 15 March 2012, the Council considered and adopted the outcome of the review of Venezuela (see section C below).

642. The outcome of the review of Venezuela comprises the report of the Working Group on the Universal Periodic Review (A/HRC/19/12), the views of Venezuela concerning the recommendations and/or conclusions, as well as its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/19/12/Add.1).

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

643. The delegation of the Bolivarian Republic of Venezuela began its remarks by recalling the significant impact that its first review had at the national level, as evidenced by the participation in the preparation of the UPR of thousands of citizens, hundreds of social organizations, and an array of public institutions from the five branches of Government.

644. The completion of Venezuela's first review entailed the opening of a new cycle which, for a society committed to social justice, enhancing democracy and the comprehensive realization of human rights, was considered as a possibility to further develop the political and institutional mechanisms provided for in the Constitution to ensure the universal enjoyment of human rights.

645. The UPR of Venezuela, in particular the interactive dialogue that took place in October 2011, was an opportunity to highlight the efforts, the revolution that the Venezuelan society has had to carry out in order to become a true, tangible, stable and lasting democracy. This, in spite of being regularly at the center of international geopolitical events over recent years, especially since the outbreak of the foolish interventionist surge called "war on terror" that has been replaced, on behalf of human rights, by the latest military marketing product called "responsibility to protect."

646. Venezuela's Government, public authorities, social and grassroots organizations, and its people have not squandered one second over the last thirteen years in developing its agenda of political, economic, social and cultural democratization, notwithstanding the immense external pressures that had been exerted against it. The Venezuelan people have realized that, perhaps, this was the price to pay to build a true democracy, to the extent that it contradicted the interests of the transnational capital.

647. As the Vice-President of the Council of Ministers and Minister of Foreign Affairs stated during the review, Venezuela has traversed in this period from an authoritarian and oligarchic State to a democratic and popular State, whose transformation, still on-going, tended to accelerate and get deeper over time.

648. Only under a Government of this nature, under a social rule of law and justice as established by the Constitution, it has been possible to achieve impressive progress in the implementation of human rights as detailed in the Universal Periodic Review Working Group report. The delegation reiterated that the maxim of Simon Bolivar "Justice is the queen of republican virtues, and equality and freedom are supported by it", had guided the actions of the Government and its national human rights strategy.

649. By accepting the vast majority of recommendations put forward during the interactive dialogue -80 per cent of which are already under implementation -, and by taking numerous voluntary commitments, it has become evident that Venezuela had made significant progress in complying with its universal human rights obligations and that it has a will to further develop cooperation with UN agencies and the Office of High Commissioner for Human Rights.

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

650. Cuba highlighted progress made by Venezuela in the implementation of public policies designed to eliminate inherited poverty, and highlighted the achievement of the first Millennium Development Goal on the eradication of poverty and hunger. Cuba further noted progress made in other areas, such as access to drinking water and sanitation, social inclusion of vulnerable groups and indigenous peoples, gender policies, combating racial discrimination, reducing the unemployment rate and launching of programmes to ensure adequate housing. Cuba noted that Venezuela had implemented programmes and models designed to address the structural problems of inequality, social exclusion and discrimination, thus making it possible for its people to freely build its economic, political and social future.

651. Nicaragua commended Venezuela for the social transformation it had been advancing to breach inequalities inherited from the past. Nicaragua praised Venezuela's social model which had allowed the strengthening of its human rights promotion and

protection system. Nicaragua wished to reiterate its commitment to continue working with Venezuela in the construction of a more just international order, to ensure that human rights become a reality.

652. Viet Nam commended Venezuela's efforts and achievements, particularly in the areas of economic development, social equity and the protection of all human rights and fundamental freedoms. It noted that Venezuela had acted in good faith during and after the review process, and recalled that many recommendations enjoyed the support of Venezuela. Viet Nam encouraged Venezuela to continuously play an active role in the works of the Human Rights Council and to contribute to promoting dialogue, mutual respect and cooperation.

653. China appreciated the constructive spirit demonstrated by Venezuela during the universal periodic review process. It highlighted initiatives undertaken by Venezuela, in the areas of economic and social development and the implementation of the Millennium Development Goals. China further welcomed Venezuela's efforts to protect the rights of vulnerable groups, such as women and children. China understood that Venezuela was a developing country and therefore faced specific challenges, but believed that with the relentless efforts of the Government and people as well as the economic and social policies would translate into further achievements.

654. Uruguay highlighted a number of recommendations that enjoyed the support of Venezuela, making particular reference to Venezuela's commitment to adhere to various international human rights instruments. It also referred to a recommendation to strengthen the national system to combat all practices of racial discrimination in accordance with the International Convention on the Elimination of All Forms of Racial Discrimination. Uruguay noted that Venezuela had supported a recommendation to continue facilitating and strengthening the work of non-governmental organizations and other civil society actors. Uruguay indicated that, based on its national experience, it considered that working in cooperation with the special procedures of the Human Rights Council could contribute to the improvement of human rights at local level.

655. Algeria highlighted Venezuela's commitment to the promotion and protection of human rights, which was reflected in the acceptance of most of the recommendations. Algeria was particularly pleased to see that Venezuela had accepted its 3 recommendations concerning accession to the International Convention on the Rights of Persons with Disabilities, improving conditions for business and also the right to housing. It further congratulated Venezuela for its commitment to the promotion of economic and social rights, as seen recently during negotiations of the draft labour law.

656. The Dominican Republic indicated that the universal periodic review had showed the commitment of the Government with the observance of human rights in its country. It commended Venezuela for its spirit of solidarity and cooperation, without conditions, that it provided to other peoples of the region by undertaking successful programmes in the areas of economic, social and cultural rights. The Dominican Republic encouraged Venezuela to continue strengthening its social policies in favour of those in need.

657. The Islamic Republic of Iran indicated that Venezuela had actively participated in the universal periodic review process demonstrating its commitment to the work of the Human Rights Council. Iran made reference to a number of recommendations that had been accepted by Venezuela and expressed its confidence that they would be fully implemented in good faith. Iran commended the efforts that had been undertaken by Venezuela to improve the living standards of its people and to remove social inequality.

658. Ecuador highlighted the important results achieved by Venezuela as part of its efforts to combat poverty, exclusion and marginalization, as seen in the progress made in achieving the Millennium Development Goals. Ecuador commended Venezuela's efforts in

the areas of access to health services by the majority of the population, gender equality, the attention to children and other vulnerable sectors of the population, economic and social development, and the establishment of a process of intercultural and multi-lingual education. Ecuador supported the initiatives for the integration of nations of the region and recognized the leading role Venezuela played in them.

659. The Syrian Arab Republic highlighted the positive attitude of Venezuela to the universal periodic review and the transparency of its national report. Syria expressed appreciation for Venezuela's commitment to put into effect the recommendations put forward by Syria. It noted Venezuela's commitment to the international instruments to which it was a party to, and encouraged it to continue with its efforts to maintain its national sovereignty, territorial integrity and to safeguard the rights of its people. Syria welcomed the positive measures undertaken with all stakeholders in the field of human rights, in particular in education, health and the fight against poverty. Syria applauded the initiatives undertaken by Venezuela to ensure social justice despite the challenges it faced. It considered that Venezuela was moving along the right path to strengthen human rights and encouraged Venezuela to step up those efforts.

3. General comments made by other relevant stakeholders

660. The *Defensoría del Pueblo*, accredited with A status, acknowledged the Government's efforts on the area of human rights, including policies for the progressive realisation of the rights to health, food, water, land, culture and the protection of vulnerable groups. It noted the recent policy to combat violence through the control of firearms and recommended that efforts for a comprehensive strategy on social violence be continued. It requested that the Government continue strengthening its penitentiary policies with a view to overcoming the vulnerability of persons deprived of their liberty.

661. The Indian Council of South America congratulated Venezuela for its support in heating indigenous homes in North America affected by the high cost of fuel. It highlighted and supported recommendations regarding the rights of Indigenous Peoples and Afro-Descendants as well as those regarding promotion of solidarity, peace development and an equitable international order made by Cuba. It called on Venezuela to ratify the 1954 Convention relating to the Status of Stateless Persons as well as the 1961 Convention on the Reduction of Statelessness.

662. The Federation of Cuban Women highlighted the Government's commitment to strengthening the legal framework for the equality of men and women. It recognized that Venezuela's Constitution was one of the most progressive on the issue of gender. It also noted the creation of various institutions in the country to address this issue. It observed that a UNDP report noted the priority given by Venezuela to comprehensive support to pregnant women. The existence of new forms of social organizations such as the community councils was also acknowledged.

663. The World Federation of Trade Unions stated that it was in close contact with the workers and trade unions in Venezuela and that it recognized the realization of important economic, social, cultural, civil and political rights such as the fight against exclusion and inequality, illiteracy and child malnutrition as well as the provision of free health services to all. It highlighted that Venezuela had lowered unemployment while its minimum wage was one of the highest in the region. It also commended policies to aid the most vulnerable sectors of society.

664. The *Asociación Cubana de las Naciones Unidas* welcomed the strategy adopted by Venezuela to put human beings at the centre of its social policies in fields such as health, education, nutrition and social protection. It stated that UNESCO had recognized Venezuela as a territory free from illiteracy. It also underscored the high level of social

participation through various bodies. It added that Venezuela experienced a true democracy and that the Bolivarian Revolution resulted not only in material gains for the population but also served to lift their self-esteem.

665. Nord-Sud XXI highlighted Venezuela's exemplary record on poverty reduction and progress on the rights to health and education, and the protection of the rights of indigenous peoples. It added that these achievements were good practices that could assist other countries. It noted Venezuela's support for the right to development and encouraged the country to examine how to enhance the participation of all people in its political processes in a manner that built on basic expression and participation rights as well as the responsibilities inherent to these rights.

666. The International Volunteerism Organizations for Women, Education and Development (VIDES), as part of a coalition, expressed concern regarding the situation of the Yanomami indigenous people and recommended that Venezuela: guarantee basic services to indigenous peoples and particular to the Yanomami; continue efforts to ensure that indigenous children in faraway zones are registered; continue health reforms, in particular to address child malnutrition and child mortality.

667. The World Alliance for Citizen Participation-CIVICUS noted the rejection of the repeated requests by the Working Group on Arbitrary Detention to free Judge Afiuni. It stated that areas that required urgent attention included: the existence of extremely high levels of violence; the systematic criminalization of trade union protests and impunity for the killings of trade union activists; threats and restrictions of the rights of indigenous peoples, persons in need of international protection and LGBT; and the formulation of a National Human Rights Action Plan.

668. Human Rights Watch noted that Venezuela had rejected recommendations on the independence of the judiciary and that the Supreme Court had refused to recognize the rulings of the Inter-American Court of Human Rights. It also noted the arbitrary detention of Judge Afiuni since 2009. It added that the Government had undermined the right to free speech as well as the ability of human rights defender's to work independently. It called the Government to enforce more carefully its international legal obligations in all these areas .

669. The Instituto Internazionale Maria Ausiliatrice highlighted inequalities in the enjoyment of the right to education affecting the Yanomami indigenous people, noting that 90% of the Yanomami school age population had no access to education services and that the remaining 10% have only access to primary education. It added that there was a lack of multicultural and intercultural education. It recommended that Venezuela continue its efforts to guarantee universal education and that it provide school structures, teachers and adequate teaching materials to ensure quality education to indigenous children.

670. Article 19-International Center Againsts Censorship IFEX was concerned at Venezuela's rejection of recommendations on freedom of expression and indicated that the situation could worsen in 2012. It noted the existence of 40 cases of attacks on journalists or limitations of their rights. It reiterated its recommendations that the authorities promptly and adequately investigate attacks on the press and journalists and explicitly condemn such attacks; that the legislation decriminalize contempt and slander.

671. The Association for the Prevention of Torture-APT welcomed Venezuela's acceptance of the recommendation to ratify OPCAT. It noted that Venezuela's prisons were characterized by high rates of violence, which had resulted in an alarming number of deaths in recent years. It was also concerned at reports that non-governmental organizations had been denied access to places of detention and publicly threatened. It called on Venezuela to promptly ratify OPCAT and create an effective national preventive mechanism.

4. Concluding remarks of the State under review

672. The delegation acknowledged those who, with their remarks, confirmed once again that the UPR was the main instrument of the Human Rights Council to move towards the promotion and protection of human rights through dialogue and cooperation.

673. The delegation reaffirmed the Government's determination to implement the 97 recommendations as well as its voluntary commitments, a process that had already started on October 7 2011, as soon as the review of Venezuela came to an end.

674. In conclusion, the delegation reminded the Council that Venezuela rejected only those recommendations whose implementation would have been in violation of its Constitution, or that were based on false assumptions, or simply were so far from Venezuelan reality, which made no sense to implement them. A detailed explanation of these issues could be found in the Addendum to the Report of the Working Group, available on the website of the UPR.

Iceland

675. The review of Iceland was held on 10 October 2011 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

(a) The national report submitted by Iceland in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/12/ISL/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/12/ISL/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/12/ISL/3).

676. At its 40th meeting, on 15 March 2012, the Council considered and adopted the outcome of the review of Iceland (see section C below).

677. The outcome of the review of Iceland comprises the report of the Working Group on the Universal Periodic Review (A/HRC/19/13), the views of Iceland concerning the recommendations and/or conclusions, as well as its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/19/13/Add.1).

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

678. The Delegation stated that it was a great honour to address the Council on the adoption of the Report on Iceland's first Universal Periodic Review and a privilege to engage in an open and encouraging dialogue on the promotion and protection of human rights.

679. The first cycle of the UPR has proven that this process can be a valuable tool to further enhance the protection of human rights. As the Icelandic Minister of the Interior, Mr Ögmundur Jónasson said during the presentation of Iceland's report last October, the process is an opportunity for States to support each other to reflect on, as well as to increase the focus on, the national application of human rights obligations. The experience gained and lessons learned in the first cycle of the UPR show promise for its upcoming second cycle.

680. The UPR served as a valuable instrument for the Government of Iceland as it reviewed the legal and practical implementation of human rights instruments in a systematic manner with the view to reporting both at the international and national levels. This work was valuable for further national dialogue on how Iceland, as a society, can best ensure human rights at every level. On behalf of the Government of Iceland, the Delegation extended its gratitude to States for the constructive criticism, appreciated encouragement, advice and recommendations.

681. During its UPR, Iceland received 84 recommendations, which focused on equality and non-discrimination, racism and intolerance, gender pay-gap, violence against women and children, improvements of the prison system, international human rights obligations and improvements to the structural mechanism for protection of human rights. Many of the recommendations addressed challenging areas where the Government of Iceland recognised the need for further action which, in some instances, were consistent with on-going legislative reform.

682. On International Human Rights Day in December 2011, the Ministry of the Interior hosted a public event during which the Report of the Working Group on the Universal Periodic Review was presented and there was open dialogue with civil society and the public regarding the position of the Government on the recommendations in this Report. Following this public consultation, this Report was posted on the website of the Ministry of the Interior for further examination and comments from all interested persons.

683. The Delegation stated that, as evident from the addendum to the Working Group report, the Government of Iceland has accepted some recommendations, converted some recommendations into voluntary commitments, and reflected those recommendations that have already been implemented or were being implemented and also those recommendations that will undergo in-depth examination before Iceland's next UPR. Three recommendations were not accepted, the first of which concerned the withdrawal of reservations to the ICCPR. The reasons underlying those reservations remained applicable.

684. The other two recommendations encouraged legal definitions that were different from those in Icelandic legislation. With regard to "discrimination" the legal definition in Icelandic legislation was in line with Iceland's obligations under the agreement on the European Economic Area. Extensive preparatory legislative work was on-going, aimed at enacting comprehensive equal treatment legislation further in line with legal initiatives on equality protection in Europe. The Delegation emphasised that non-discrimination was a vital aspect of human rights protection in Iceland and efforts will continue to ensure non-discrimination in Iceland.

685. With regards to torture, the current legislation prohibited torture as a form of inhuman treatment as described in the Icelandic Constitution. Any legislative change could undermine the main principle on the strict protection of freedom that is firmly enacted in Icelandic law and legal practice.

686. The Delegation stated that recommendations were made on issues regarding violence against women and domestic violence, relating in particular to structural aspects in society such as lack of efforts to increase awareness and to better enable victims of violence to find their way to and through the legal system. These recommendations served as valuable encouragement to the strong emphasis that the Government of Iceland has put on ending violence against women and domestic violence, which included a new action plan.

687. The Delegation referred to the recommendations on the protection of children from sexual abuse, and stated that the establishment of *Barnahús*, a child-friendly, interdisciplinary and multi-agency centre where different professionals work under one roof in the investigation of child sexual abuse cases, has had a positive impact on the protection of children and is an example that other European countries have looked to when

investigating and processing cases of sexual violence of children. Nevertheless, prevention of sexual abuse against children needed to be strengthened. To that end, the Government of Ireland has presented a legislative amendment to the General Penal Code in order to ratify the Council of Europe Lanzarote Convention and allocated financial resources for a prevention and awareness raising campaign.

688. The Delegation emphasised that under the General Penal Code, all children under the age of eighteen were effectively protected from sexual exploitation. Individuals from the age of fifteen were permitted to engage in consensual sexual intercourse. This did not diminish their legal protection from sexual exploitation or sexual violence as there was a clear difference between sexual relations and sexual violence or exploitation. The Government of Iceland is of the view that criminalization of sexual relations between teenagers will not be useful in ending violence against children.

689. The Delegation stated that the Government has put emphasis on protecting the welfare system during challenging economic times, which arose from the financial crisis in 2008. It stated, by way of an example, that a consultation group consisting of relevant stakeholders was established to monitor the situation and make recommendations to the Government. The economic turbulence has initiated a lively and substantial social debate on the concept and implementation of human rights and the positive obligations of the Government in protecting and ensuring those rights. The UPR has made valuable input in this discussion.

690. The Delegation stated that it was vital for the outcome of the UPR to translate into concrete action at the national level. This will take considerable effort and clear political will on the part of the Government, in close cooperation with civil society and the academia. Extensive work has commenced with the preparation of a national action plan and includes a series of monthly meetings which enable an open dialogue on the protection of human rights.

691. The Delegation stated that a national action plan will include a process to follow-up on UPR recommendations, as well as outcomes from the Treaty Bodies. Equally important, was the work being undertaken to rethink the structural aspects of human rights protection, which specifically took into account international encouragement to establish a human rights institution in compliance with the Paris Principles.

692. The Delegation expressed its sincere gratitude to the OHCHR for its invaluable support in the UPR process, the troika for smooth cooperation throughout the process and to the Vice President for his leadership.

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

693. Algeria noted with satisfaction the acceptance by Iceland of a majority of the recommendations it had received and took note of its positive approach to converting a number of recommendations into voluntary commitments. Algeria expressed appreciation for the fact that three of the four recommendations that it had made enjoyed the support of Iceland. It welcomed the adoption of the “Strategy for Iceland’s Development Co-operation 2011-2014”, which made provision for development assistance programmes. Algeria also took positive note of the readiness of Iceland to consider the ratification of ICRMW.

694. The Republic of Moldova expressed its appreciation to Iceland for accepting the six recommendations that it had made during Iceland’s review. It welcomed Iceland’s commitment to establishing a national human rights institution in accordance with the Paris Principles. Moldova was pleased to note that Iceland took measures to eliminate stereotypical attitudes about the roles and responsibilities of women and men. It noted, with satisfaction, the steps taken to strengthen efforts to increase the number of women in high

ranking positions, particularly in academia; and welcomed the use of temporary special measures to encourage the achievement of substantive equality between men and women, particularly within the private employment sector. Moldova applauded Iceland's commitment to eliminate the obstacles faced by women victims of domestic and sexual violence when filing complaints and seeking protection. It stated that it was pleased to note that Iceland increased efforts to prevent trafficking in human beings for sexual exploitation, including child prostitution.

695. The Islamic Republic of Iran expressed concern at the absence of an authority to monitor violence and sexual abuse against children; rising incidents of racism and xenophobia; prison conditions; gender-based violence, and lenient sentences in cases of domestic violence. Iran recommended reinforcement of efforts in combating racism, and xenophobia, and adoption of anti-discrimination legislation; strengthening the protection framework for the rights of the child; and the introduction of more effective measures addressing domestic violence.

696. Austria commended Iceland for its constructive participation in the UPR process, which Austria was able to witness as a member of the Troika. It also expressed appreciation to Iceland for the high number of accepted recommendations and welcomed the fact that Iceland made voluntary commitments regarding the implementation of these recommendations. It looked forward to the implementation of these voluntary commitments.

3. General comments made by other relevant stakeholders

697. Federatie van Nederlandse Verenigingen tot Integratie Van Homoseksualiteit (COC Netherlands) and International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA-Europe) recognized Iceland's adoption of a neutral-definition of marriage, and thus granting the same legal status for heterosexual and same-sex married couples. Iceland took important steps to improve the legal status of transgender people; and efforts were made to simplify name and gender recognition. COC Netherlands and ILGA-Europe sought clarification on the envisaged time-frame for introduction and implementation of the necessary legislation. They also requested to know about planned steps to advance non-discrimination on grounds of sexual orientation and gender identity. COC Netherlands and ILGA-Europe encouraged Iceland to share its best practices with other countries on combating discrimination on grounds of sexual orientation and gender identity. Finally, COC Netherlands and ILGA-Europe urged Iceland to consider applying the Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity as a guide to policy developments.

4. Concluding remarks of the State under review

698. The Delegation, on behalf of the Government of Iceland, thanked the speakers for their views and comments, which will be recorded as a part of Iceland's first UPR. It reiterated that the UPR was an important opportunity for the Government to reflect on the human rights situation in Iceland and an important reminder that more can be achieved in the areas of human rights, equality and opportunity.

699. The Delegation stated that while Iceland was proud of the progress already made, it saw the UPR as an opportunity to improve. Preparing for Iceland's first UPR has provided the opportunity to reflect upon how best to protect and promote human rights, for which the Delegation conveyed the appreciation of the Government of Iceland.

700. The Delegation concluded its statement by thanking those who have participated in Iceland's first UPR. It hoped that the responses provided demonstrated Iceland's ongoing commitment to multilateral engagement, human rights and the rule of law.

Zimbabwe

701. The review of Zimbabwe was held on 10 October 2011 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

(a) The national report submitted by Zimbabwe in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/12/ZWE /1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/12/ZWE /2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/12/ZWE /3).

702. At its 40th meeting, on 15 March 2012, the Council considered and adopted the outcome of the review of Zimbabwe (see section C below).

703. The outcome of the review of Zimbabwe comprises the report of the Working Group on the Universal Periodic Review (A/HRC/19/14), the views of Zimbabwe concerning the recommendations and/or conclusions, as well as its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group.

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

704. Zimbabwe recalled that a total of 177 recommendations were made to it. Out of the 177 recommendations, it accepted 81, 65 did not receive its support and it undertook to consider 31 and provide responses thereto prior to or during the 19th session of the Human Rights Council.

705. Zimbabwe indicated that it has had the opportunity to go over the recommendations and was pleased to report that of the 65 recommendations that did not receive its support, a total of 20 had been accepted. This left the number of those that did not receive its support at 45. The recommendations which had not enjoyed the support of Zimbabwe but were then supported related to the Human Rights Commission, criminalization of torture, submission of periodic reports to treaty bodies, cooperation with the United Nations Special Procedures, prevention of politically motivated violence and intimidation, monitoring places of detention, ratification of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and the optional protocols to the International Covenant on Civil and Political Rights as well as equality between men and women, including parents and property rights.

706. Zimbabwe has also had the opportunity to examine 31 recommendations which it undertook to consider and provide responses. It was pleased to report that all the recommendations were then accepted except two.

707. The first recommendation which did not enjoy the support of Zimbabwe is to set a higher age of criminal responsibility for children and take all necessary measures to establish a specialized juvenile justice system, where children are treated in accordance with the principle of the best interest of the child. Zimbabwe explained that the Criminal Law (Codification and Reform) Act provided that children under the age of 7 lacked criminal capacity and should not be tried or convicted of any crime whilst children between the ages of 7 and 14 were presumed to lack the capacity to form intention to commit a crime. This recommendation did not enjoy the support of Zimbabwe because children below the age of twelve were committing serious offences like rape. Nevertheless, Zimbabwe highlighted that it has in place a Pre-Trial Diversion Programme for juvenile

offenders and the Victim Friendly Court System. These ensured that the principle of the best interest of the child was observed. A legal assistance programme to provide children with all forms of legal assistance was in the process of being formulated. Moreover the courts, when adjudicating on cases involving juveniles, took into account the fact that the principle of the best interest of the child was paramount.

708. The second recommendation which did not enjoy the support of Zimbabwe is to amend expeditiously the Births and Deaths Registration Act to ensure that all children born in Zimbabwe, regardless of their parents' origin, are issued with birth certificates. Zimbabwe pointed out that there was no need to amend the Act as it sufficiently provided for the registration of the birth of every child born in Zimbabwe. Each child was issued with an appropriate birth certificate in accordance with its status.

709. Zimbabwe underscored that it was fully committed to honouring its obligations as far as the promotion and protection of human rights was concerned. Zimbabwe then confirmed that it was in line with that commitment that the accepted recommendations will be implemented.

710. Zimbabwe pointed out that there was an omission of recommendation 94.3 in the Addendum to the Working Group report. It informed that it did not support this recommendation.

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

711. Cuba noted that the independence of Zimbabwe in 1980 was born from a lengthy struggle for democracy, justice, political freedom and self-determination and since then Zimbabwe has worked for the rights of its citizens. Zimbabwe's efforts had been restricted by unfair sanctions, causing the problems which now faced the country. Cuba welcomed the acceptance of its recommendations aimed at Zimbabwe continuing to combat attempted foreign interference in domestic matters and exercising its sovereignty and self-determination; and to continue positive action and programmes for guaranteeing quality health and education services as well as reducing poverty.

712. Angola welcomed many reforms undertaken by Zimbabwe, particularly the creation of a national human rights commission, a charter of enforceable rights, and legislation to promote and protect human rights in the areas of education, work, health, and the commitment to the national process to draft a new Constitution. Despite the illegal economic sanctions imposed on this country, Zimbabwe launched several development strategies and policies, which had an impact on the population. Angola made an appeal to the international community to remove the unilateral sanctions and support Zimbabwe in its efforts for reforms and economic recovery.

713. China noted with appreciation Zimbabwe's investments in health and education. Zimbabwe has made significant progress in the prevention and treatment of HIV/AIDS, in increasing the rate of literacy, combating poverty, improving social security and eliminating discrimination against vulnerable groups. China fully understood the difficulties and challenges facing Zimbabwe as a developing country in socio-economic development and protection of human rights. The sanctions imposed by certain countries had put a break on economic development and called for them to be lifted.

714. Algeria stated that Zimbabwe and Algeria were linked through fraternity and solidarity on a historic basis and noted Zimbabwe's determination to emancipate itself. Algeria noted Zimbabwe's acceptance of a large number of recommendations, to which some others were added, after they had initially been rejected. It noted with satisfaction the acceptance of recommendations made by Algeria with regard to continuing the process of

national reconciliation, strengthening representation of women in the decision-making process, and continued positive efforts to reduce HIV-AIDS mortality rate.

715. Democratic People's Republic of Korea noted that, despite economic challenges arising out of illegally imposed sanctions, Zimbabwe remained committed to promoting and protecting the fundamental rights and freedoms of her people enshrined in its Constitution and international conventions and to participate actively in international human rights fora. It highly appreciated the positive steps taken by the Government to build a united, strong, democratic and prosperous nation with high quality of life for all by 2020. Zimbabwe's commitments and positive efforts in promoting and protecting human rights were appreciated.

716. Venezuela noted Zimbabwe's efforts in the area of social rights, particularly in the field of health, education, and assistance to the elderly, where the Government was promoting the programme to assist the neediest elderly persons, providing monthly pension, and exonerating them from paying for medical services at State institutions. It also noted Zimbabwe's important effort in promoting and protecting human rights, despite major economic difficulties, caused by illegal sanctions imposed by developed countries.

717. Morocco noted with satisfaction the measures taken for the protection and promotion of human rights and encouraged Zimbabwe to continue along that path. Morocco was pleased that the six recommendations it had made were accepted and wished Zimbabwe success in their implementation. Morocco encouraged Zimbabwe to continue with its decision to draw up a national human rights action plan on the implementation of accepted recommendations in partnership with stakeholders who would assist the Government to comply with its human rights obligations.

718. South Africa commended Zimbabwe for all its efforts aimed at attaining the Millennium Development Goals in the education and health sectors and underscored the need to lift crippling sanctions and to provide technical assistance and capacity building through various means. It acknowledged the role of Parliament's Thematic Committee on Human Rights, as well as the Zimbabwean Commission on Human Rights. It encouraged Zimbabwe to continue efforts at strengthening these institutions, its programmes aimed at poverty eradication, ending gender discrimination as well as its integrated child protection strategies. It wished Zimbabwe well in its Constitution Review Process and with the implementation of the accepted recommendations.

719. The United States of America (USA) welcomed Zimbabwe's decision to adopt recommendations including to operationalize the Zimbabwe Human Rights Commission. It remained deeply concerned about the ongoing lack of human rights protection in Zimbabwe. It strongly urged the Government to reconsider many of the recommendations that they declined to support, including to implement fully the Global Political Agreement (GPA), to repeal or amend the restrictive Public Order and Security Act (POSA) and the Access to Information and Protection of Privacy Act; to invite the Special Rapporteur on Torture and other mandate holders; and to create stronger mechanisms to ensure greater revenue transparency from diamond mining, demilitarize the diamond industry and thoroughly investigate cases of beatings and abuse by the Government and private security services in the Marange area. It urged Zimbabwe to reconsider its decision not to support the recommendation to investigate all credible allegations related to the Presidential elections in 2008. This was considered important to prevent a recurrence of political violence during the next round of elections.

720. Belarus stated that the UPR made it possible to evaluate Zimbabwe's successes in implementing economic, social and cultural rights and improving its national legislation. Belarus noted with satisfaction Zimbabwe's efforts to reduce poverty, to combat various different pandemics, to ensure universal national education, and also to combat trafficking.

It shared Zimbabwe's concern on destructive influence on the enjoyment of human rights of unilateral coercive measures adopted by certain Western countries against people of Zimbabwe. Such measures should be immediately and irrevocably cancelled because they were being applied illegally in violation of international law.

721. Chad noted with satisfaction that Zimbabwe has accepted a great number of recommendations including the recommendations made by Chad. Given the fact that Zimbabwe has accepted a good number of recommendations, it is desirable that the international community provides it with the necessary financial and technical assistance so they can benefit from the experience of others and also to be able to address the challenges that it faces in the area of human rights.

3. General comments made by other relevant stakeholders

722. CIVICUS welcomed Zimbabwe's decision to accept most recommendations and its commitment to engage civil society in follow up to the UPR. CIVICUS was concerned that Zimbabwe rejected recommendations relating to the reform of laws that curtailed civil liberties and freedoms and the need to address impunity, including for investigation of the 2008 electoral violence and bringing to account all perpetrators. Additionally, the Government should address the ongoing harassment of human rights defenders. CIVICUS called upon the Council to urge Zimbabwe to adopt all necessary measures to address those issues in order to ensure that the imminent elections are free, fair and credible.

723. Federatie van Nederlandse verenigingen tot Integratie Van Homoseksualiteit (COC Nederland) / Action Canada for Population and Development in a joint statement stated that the Sexual Rights Initiative, a coalition of organisations, was deeply concerned about the outright rejection of the constitutional protection of LGBTI people. They encouraged Zimbabwe to cease any State-sponsored or State-condoned attacks on the lives of persons based on sexual orientation or gender identity, and ensure that all such attacks were investigated, and that those affected had access to justice.

724. Human Rights Watch (HRW) regretted that Zimbabwe rejected recommendations on ensuring the rule of law and respect for human rights, ending impunity, putting an end to all forms of intimidation, harassment, arbitrary arrest and detention and torture against all persons, particularly human rights defenders, political activists and journalists; reform of the security sector; ensuring independence of the judiciary; and repealing or amending repressive laws. HRW also regretted that Zimbabwe rejected crucial recommendations to investigate allegations of violations and made particular reference to reported abuses in the 2002, 2005 and 2008 elections and under the violent land reform programme.

725. International Commission of Jurists stated that, two years after the signing of the GPA, human rights remained largely unprotected due to lack of respect for the rule of law and regular abuse of power by police, army, and other Government officials. It urged Zimbabwe to halt the repression of legitimate activities by lawyers, journalists, human rights defenders and political opponents; ratify the Rome Statute and undertake effective legal and judicial reforms necessary for an independent and effective investigation and prosecution of gross human rights violations.

726. United Nations Watch profoundly regretted that the people of Zimbabwe continued to face many of the same violations of their basic human rights as in 2005. The Government continued to deny its citizens the minimal guarantees of the Universal Declaration of Human Rights. It questioned information contained in the national report that the Government provided independent institutions, legislation and policy frameworks aimed at protecting and promoting the human rights of its people; that ratification of the Convention against Torture was under active consideration; and that Zimbabwean laws limiting basic

civil liberties were fair and constitutional mechanisms to regulate the conduct of meetings in a democratic State.

727. Save the Children International called on Zimbabwe to ensure timely and appropriate support to child victims of abuse, strengthen coordination mechanisms in responding to child abuse cases and undertake prevention programs through the Zimbabwe Republic Police. Concerning the issuance of birth certificates, it called on Zimbabwe to amend legislation and put an end to the problem of stateless children. With regard to improving the quality of education, it called on Zimbabwe to demonstrate its commitment through Action Plans and budgetary allocations to reach the poorest and most vulnerable children.

728. Marist International Solidarity Foundation Onlus and Franciscans International in a joint statement commented on the right to quality education for every child in Zimbabwe. While welcoming Zimbabwe's acceptance of recommendations, they were concerned about the limited scope of the school curriculum as a major cause for school drop-out rates and that access to compulsory basic education was limited due to the obligation to pay tuition fees and a development fee in many schools. They called on Zimbabwe to significantly increase its education budget.

729. Verein Sudwind Entwicklungspolitik expressed its profound concern relating to the recommendations rejected by Zimbabwe. It encouraged Zimbabwe to ratify as soon as possible the Convention against Torture, transpose the provisions therein into its national legislation, and take immediate and tangible measures to stop the practice of torture. It called on Zimbabwe to ratify the Rome Statute, and implement a moratorium on the executions with a view to abolishing capital punishment.

730. Amnesty International welcomed Zimbabwe's acceptance of recommendations to ensure the Zimbabwe Human Rights Commission is compliant with the Paris Principles. It was disappointed that Zimbabwe rejected recommendations to review and amend the POSA. Allegedly, police routinely misused POSA to block meeting of critics of ZANU-PF and repressive legislation was used to criminalize the rights to freedoms of expression, association and peaceful assembly. It was dismayed that Zimbabwe rejected the recommendation to investigate reports of human rights violations related to the Presidential elections in 2008 when at least 200 were killed and around 10,000 injured, most of whom were supporters of the former opposition parties.

731. Rencontre Africaine pour la defense des droits de l'homme welcomed the creation of a human rights commission and the national policies to promote gender equality and to combat domestic violence. However, main perpetrators of the violence during the 2008 elections still enjoyed impunity, and it encouraged Zimbabwe to prepare necessary conditions so that the upcoming elections would be conducted in a calm, transparent and free climate. It was also concerned as regards how the press exercised its activities and encouraged Zimbabwe to improve the situation to guarantee the freedom of expression and promote plurality of media.

4. Concluding remarks of the State under review

732. Zimbabwe thanked Member States for their statements. It responded to the statement made by the USA. The delegation underlined that Zimbabwe posed no threats to the interests of the USA, be they political, military, economic or otherwise, that the USA was a powerful State and the sole super power and the delegation did not understand why the USA continued to mischaracterize and misrepresent the human rights situation in Zimbabwe and to target a small peace loving country like Zimbabwe with the imposition of economic sanctions and also by continuing to undermine Zimbabwe's internal processes. Zimbabwe's crime, if a crime it is, is its desire to be in charge of its destiny, to determine

its destiny, to be in control over its resources and to pursue an independent foreign policy in defence of its interests. It underscored that the GPA was an internal document and its implementation was the responsibility of the three political parties which were signatories to that Agreement. With respect to POSA, Zimbabwe wanted it to be known that the current POSA was the outcome of negotiations among the three political parties, signatories to the GPA and was, in effect, a plagiarism of the South African security legislation. The Access to Information and Protection of Privacy Act was similarly a product of interparty negotiation. The delegation also did not understand the reference made by the USA to demilitarize the diamond industries. It recalled that the USA, as the current chair of the Kimberly Process Certification Scheme, chaired the meeting which cleared Zimbabwe diamonds for sale internationally. The USA statement on the diamonds issue indicated that the left hand did not know what the right hand was doing.

733. Zimbabwe informed that an Action Plan and a Strategy for implementing the accepted recommendations was being crafted in consultation with stakeholders, including the civil society. Zimbabwe also underlined the continuous support of the United Nations family, in particular the technical and financial assistance provided by UNDP in its UPR process. UNDP has also made commitment to assist Zimbabwe in the crafting of the action plan and implementing strategy for the accepted recommendations.

734. Zimbabwe acknowledged the important role played by the NGO community in the launch of its report writing as well as the subsequent validation of the same. It hoped that those same NGOs will work with the Government and other stakeholders in the implementation of the recommendations which came out of this process. Zimbabwe committed itself to working and cooperating fully with all those NGOs that are genuinely pursuing the promotion and protection of human rights in the country and have not joined the band wagon of effecting the regime change agenda. Zimbabwe finally thanked all Member and Observer States for the constructive engagement in October 2011 and that day.

Lithuania

735. The review of Lithuania was held on 11 October 2011 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

- (a) The national report submitted by Lithuania in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/12/LTU/1);
- (b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/12/LTU/2);
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/12/LTU/3).

736. At its 41th meeting, on 16 March 2012, the Council considered and adopted the outcome of the review of Lithuania (see section C below).

737. The outcome of the review of Lithuania comprises the report of the Working Group on the Universal Periodic Review (A/HRC/19/15), the views of Lithuania concerning the recommendations and/or conclusions, as well as its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/19/LTU/Add.1).

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

738. The Head of the delegation of Lithuania expressed its appreciation for the valuable comments, questions, and recommendations made by numerous States during the consideration of Lithuania in the Universal Periodic Review Working Group of the Human Rights Council. Lithuania had received a total of 119 recommendations and had accepted the majority of them.

739. Lithuania indicated that the recommendations received cover a very broad spectrum of issues. A number of recommendations addressed the need to strengthen the protection of persons belonging to vulnerable groups or persons in vulnerable situations. Notably, those were recommendations to strengthen the protection of persons belonging to groups defined by the criteria of race, ethnicity, gender, sexual orientation, age. A need for further legislative and policy measures was mentioned in this respect. Promotion of diversity, tolerance and harmony, while at the same time fighting intolerance, feature as the gist of these recommendations.

740. Another group of recommendations covered the issue of the need to strengthen the domestic institutional system for the protection of human rights, inter alia ensuring even closer cooperation with civil society on human rights related issues. Certain recommendations indicated the need for specific actions by such domestic institutions to ensure monitoring and continuing implementation of various specific governmental policies and strategies.

741. Yet another group of recommendations encouraged Lithuania to assume further international obligations under human rights treaties, which would both enable further advance in further developing protection and promotion at a domestic level and add addition element to a constructive dialogue with the treaty monitoring bodies. Lithuania also referred to recommendations to strengthen support for international human rights defenders and activists.

742. Lithuania took every effort to consider the recommendations received in an open-minded and constructive manner. Lithuania's position regarding the majority of the recommendations was presented at the session of the UPR Working Group. Lithuania's position regarding the remaining recommendations was presented in the Addendum document (A/HRC/19/15/Add.1). With regard to recommendations which Lithuania was not able to support, the delegation noted that this was largely due to either limited resources or an on-going debate on the way in which certain rights should be implemented in a specific context, particularly where competing human rights-based claims are identified. Nevertheless, Lithuania sees some of them as indications of possible ways of addressing certain human rights issues.

743. The delegation noted that the domestic discussion in connection with the preparation of Lithuania's report, the consideration of the recommendations received and the elaboration of related implementation plans, had proved to be an effective trigger for development of further legislation, policies and practices which will help them advancing in protection and promotion of human rights.

744. Lithuania indicated that the initial cycle of the Universal Periodic Review is the start of the procedure which will be instrumental in consolidating the performance of all the States in the field of their human rights obligations. On its part, Lithuania stressed that the Universal Periodic Review process had highlighted certain common issues which may arise in different States in different forms but essentially require the same solutions. Creation of effective National Human Rights Institutions in compliance with the Paris Principles is one such issue. Lithuania will certainly draw inspiration from the experience of other States, as expressed in their comments and recommendations, that these institutions are a valuable

tool in the perpetual struggle for full respect, protection and implementation of everyone's human rights.

745. Lithuania highly values cooperation with the United Nations human rights bodies and procedures. It takes the Universal Periodic Review, specifically, as an opportunity to learn from others and to reflect on them. The delegation further reiterated its most favourable assessment of this form of cooperation within the United Nations and their readiness to both contribute to and benefit from this interaction among the United Nations Member States.

746. To conclude, the delegation commended the members of the Troika, namely Congo, Norway and Qatar, charged with the task of managing the Universal Periodic Review of Lithuania, and also the Secretariat for their solid, competent and efficient performance.

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

747. The Russian Federation welcomed Lithuania's support to three of its recommendations. It regretted however, that the single recommendation Lithuania did not support at the universal periodic review working group, was Russia's appeal to stop attempts to revise the outcomes of World War II and glorifying Nazis accomplices. It noted that Lithuania supported another recommendation which condemned the opening of the streets of Vilnius to the annual neo-Nazis march. Every year, on Hitler's birthday, there are desecrations of tombs of Soviet soldiers and victims of the Holocaust while followers hang out with Nazi flags and symbols. The Russian Federation called upon Lithuania to adopt measures to put an end to such manifestations of neo-Nazism, racism and xenophobia.

748. The Republic of Moldova commended Lithuania for its commitment to reinforce human rights education; for the measures aimed at improving the mechanisms for human rights protection; for promoting gender equality; combating domestic violence against women and trafficking in human beings. Moldova took note with satisfaction of measures to eliminate patriarchal attitudes and stereotypes regarding the role and responsibilities of women and men. Moldova was pleased to note that Lithuania supported all of its five recommendations and acknowledged steps to establish a coordinating human rights council, as a part of the Ombudsman institution, to ensure compliance with the Paris Principles.

749. Estonia noted that Lithuania ratified core international human rights treaties and fully cooperated with the Human Rights Council Special Procedures. It was pleased to note that Lithuania has already implemented, or it was in the process of implementing, most of the recommendations made during the review. The creation of a modern institutional system for human rights in a short period of twenty years was a substantial achievement. Lithuania also adopted new laws, introduced a human rights culture in the country and a human rights integrated approach in all its policies. Estonia noted that Lithuania made specific achievements in promoting gender equality, combating violence against women and integrating persons with disabilities in its society.

750. Algeria encouraged Lithuania to intensify its efforts to combat unemployment in light of the economic crisis presently affecting Europe. Algeria was pleased to note that its recommendations on the reinforcement of the Ombudsman on Equal Opportunities, on taking appropriate measures to ensure equality between men and women in the labour market, as well as to upgrade the participation of women in public life, were supported by Lithuania. Algeria encouraged Lithuania to intensify its efforts to improve prison conditions. Finally, Algeria noted that it would have liked that Lithuania supported its recommendation on the ratification of the International Convention on the Protection of the Rights of Migrant Workers and the Members of their Families.

751. The Islamic Republic of Iran remained concerned at the persistence of xenophobic acts and practices of racial segregation; discrimination against the Roma community as well as racist violence and hate speech against non-European minorities; excessive use of force by law enforcement officials; prison conditions, in particular overcrowding and the length of pre-trial detention. Iran stated that Lithuania should implement policies and actions aimed at the effective integration of the Roma community, including employment, education, security, health, use of the Roma language, school attendance by Roma pupils and regularization of identity documents.

3. General comments made by other relevant stakeholders

752. Federatie van Nederlandse Verenigingen tot Integratie Van Homoseksualiteit – COC Nederland commended Lithuania for supporting recommendations to combat discrimination against lesbian, gay, bisexual and transgender (LGBT) people, ensure full respect for freedom of expression and assembly for all, and prevent and prosecute all forms of violence and harassment related to sexual orientation and gender identity. It was concerned at a proposed amendment to the Constitution defining the concept of family, as based on heterosexual marriage, and recommended Lithuania to ensure equal rights between same sex and opposite sex couples in its legislation, for example by introducing the possibility of partnership registration. It noted that the Law on the Protection of Minors from the Detrimental Effects of Public Information, in itself, set out a message that contributes to stigma and discrimination of LGBT people.

753. Amnesty International (AI) welcomed Lithuania's support of recommendations to protect LGBT people from discrimination, and to refrain from violating their right to freedom of expression or criminalising homosexual relations. AI welcomed Lithuania's support to the recommendation to investigate human rights implications of counter-terrorism measures, such as secret detention programs, and urged the Government to fully cooperate with the European Parliament initiative investigating the alleged transportation and illegal detention of prisoners in European countries by the Central Intelligence Agency.

754. Action Canada for Population and Development – Sexual Rights Initiative, Family Planning and Sexual Health Association in Lithuania welcomed the Government's pledge to make a range of affordable contraceptives more widely available, and to improve awareness about family planning among women and men. It also welcomed Government's support to the recommendation regarding the implementation of sexuality into schools and urged the Government to consider integrating the UNESCO's International Technical Guidance on Sexuality Education into a national program.

4. Concluding remarks of the State under review

755. During its concluding remarks, Lithuania wished to clarify that the Lithuanian authorities never did and never will condone Nazism or its ideology.

756. As a democratic country based on the rule of law, Lithuania makes sure that guaranteeing the fundamental principles of the freedom of expression, freedom of information, freedom of assembly, and freedom of association on one hand, and applying all the necessary measures and relevant legislation to combat racism, intolerance, and discrimination on the other, go hand in hand - systematically, promptly, and vigorously, and in full compliance with international standards. In addition, every criminal act must be investigated and Lithuania will prosecute all those guilty of such acts.

757. Furthermore, Lithuania noted that like many other States, it had developed and put in action respective educational programmes and projects, aimed at promoting tolerance and combatting racism, anti-Semitism and xenophobia.

758. Lithuania considers that remarks on history presented during the meeting go beyond established facts and also beyond aims and tasks of the Universal Periodic Review process. It stressed that Lithuania has never attempted to revise history and it believed that an honest thorough debate in other forums on history will facilitate reconciliation based on truth and remembrance.

759. Lithuania thanked delegations for their comments, noting that comments which fall within the purview of the Council will be brought to the attention of relevant authorities, and would be taken into account while preparing the report at the second cycle.

760. Lithuania further indicated that it had taken note of two recommendations (90.12 and 90.21, as contained in paragraphs 11 and 19 of A/HRC/19/15/Add.1) for which it was currently unable to provide a final response.

Uganda

761. The review of Uganda was held on 11 October 2011 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

(a) The national report submitted by Uganda in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/12/UGA/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/12/UGA/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/12/UGA/3).

762. At its 41st meeting, on 16 March 2012, the Council considered and adopted the outcome of the review of Uganda (see section C below).

763. The outcome of the review of Uganda comprises the report of the Working Group on the Universal Periodic Review (A/HRC/19/16), the views of Uganda concerning the recommendations and/or conclusions, as well as its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/19/16/Add.1).

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

764. Uganda extended its appreciation to all state members and civil society organisations for their positive recommendations, to which it will pay utmost attention. During the UPR, Uganda received 171 recommendations. It accepted 110, did not support 19 and deferred 42 for further consideration. Numerous consultative processes were conducted on the 42 deferred recommendations, which culminated into a validation workshop held on 23rd February 2012.

765. Uganda stated that the 110 accepted recommendations were in accordance with its national priorities, and it is in the process of implementing the vast majority of them. Uganda is a signatory to all major international human rights instruments, and the rights contained therein are for the most part, justiciable in the domestic courts.

766. Uganda stated that some recommendations contravene constitutional and other laws and were therefore rejected. Nevertheless, Uganda will continue to review its positions on all issues, with a view to amendment it as necessary.

767. Uganda recalled that the consultative processes which took place between 1989 and 2006 did not support the recommendation regarding the abolition of death penalty. However, the Supreme Court of Uganda had ruled that after three years, a death sentence which is not enforced is automatically commuted to life imprisonment, without remission. There has been no enforcement of this penalty, since the turn of the century.

768. With respect to recommendations on ratifying the Optional Protocol to the Convention against Torture, Uganda reported that the Prohibition and Prevention of Torture Bill 2012 incorporates important provisions of the Convention. The Bill was before the Committee on Legal and Parliamentary Affairs, for further consultation. It imposes individual responsibility for perpetrators of acts of torture.

769. Uganda accepted the recommendations to ratify the Optional Protocol to the Convention on the Elimination of all forms of Discrimination against Women and pointed out its long-standing legal framework for affirmative action.

770. Uganda accepted the recommendations on Domestic relations and informed that the Marriage and Divorce Bill was before the relevant Parliamentarian Committee for scrutiny. The Bill dealt with marital rights and duties, cohabitation, separation and property rights.

771. Uganda sympathised with the recommendation on the issue of enforced disappearances, as it resonates with their past, during the years 1970 to 1985. Uganda indicated that the issue did not apply to its national context. However, it will study the issue further, with a view to providing a remedy where the situation arises and merits consideration.

772. Regarding recommendations to access to the Convention on the reduction of statelessness, Uganda noted that the Convention had been ratified by only 42 states and its provisions are not entirely in conformity with its constitution and laws relating to the acquisition of nationality.

773. Uganda accepted the recommendations that the Public Order Management Bill be brought in line with the international human rights instruments and indicated that the Bill was withdrawn for further consultations.

774. Uganda accepted the recommendation on aligning its policies to the African Union policy framework aimed at ensuring access to land and water for pastoralists, and referred to the on-going cooperation between local districts and with the Republic of Kenya.

775. Regarding the recommendation of issuing standing invitations to Special Procedure mandate holders, Uganda will continue to consider requests for country visits, on a case by case basis. It reiterated that equal attention should be given to Economic, Social and Cultural Rights.

776. Regarding the proposed legislation on the rights of Lesbian, Gay, Bisexual and transgender persons (LGBT), Uganda was of the position that it is a Private Member's Bill, as provided for under its Constitution.

777. Uganda accepted recommendations aimed at putting in place mechanisms and measures to prevent the exploitation of children, in line with their commitments under ILO Conventions.

778. Finally, with respect to the recommendation to increase health spending to 15% of Government budgetary allocation, Uganda subscribed to the Abuja Declaration and informed it is steadily working towards the achievement of this target.

779. In conclusion, Uganda appreciated the opportunity afforded to share its best practices, and consider its challenges. It indicated to be proud of its achievements, and looked forward to the opportunity to present their mid-term progress report. Uganda

recalled that it made voluntary pledges and commitments and reported that a standing inter-ministerial committee had been established and was in the process of formulating a National Action Plan and the road map.

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

780. Cuba stated that it was pleased that Uganda had accepted the two recommendations it had made on socio-economic development, as well as for the progress in achieving the Millennium Development Goals and in establishing a health programme to treat a number of diseases. In spite of the unprecedented world economic crisis, Uganda has progressed in its socio-economic development and increased the enjoyment of human rights of its people. Cuba stated that it was pleased with Uganda's development of infrastructure to achieve a better standard of living for its people.

781. Chad noted with satisfaction that, to prepare its national report, Uganda has engaged in dialogue with all stakeholders in a constructive spirit, which demonstrated the commitment of Uganda for the promotion and protection of human rights. Chad commended Uganda for accepting most recommendations that it received during its review, including those made by Chad. Uganda was encouraged to request technical and financial assistance from the International Community, to implement the accepted recommendations.

782. Morocco stated that it was pleased with Uganda's excellent cooperation with the UPR mechanism. It encouraged Uganda to continue with its cooperation with the international human rights bodies. Morocco stated that it was pleased that Uganda had taken up the commitment to fight against poverty, especially in rural areas. Uganda will need to effectively implement all of the programmes taken up in this regard. Morocco was pleased that Uganda accepted 151 of the 170 recommendations that were made during the review; and that it had accepted the recommendation made by Morocco related to education. It congratulated Uganda for its spirit of openness which has taken the shape of a large number of voluntary commitments in its national report.

783. Botswana welcomed Uganda's decision to accept a significant number of recommendations. It commended Uganda for its openness to dialogue and constructive cooperation during the review, which demonstrated the commitment to improve its human rights records. Botswana noted, and expressed its support to, the progressive measures already being taken regarding both institutional building and legislative reform. Botswana was encouraged by the acceptance of recommendations geared at guaranteeing the enjoyment of economic social and cultural rights, and advancing in the realization of the millennium development goals. Botswana called on the international community to support Uganda.

784. UNICEF congratulated Uganda in its efforts to reduce poverty and achieve equality of enrolment in primary school education, in accordance with the Millennium Development Goals. It welcomed Uganda's decision to permit girls who fell pregnant during school term to sit their year-end examinations and encouraged the creation of policy on re-entry of pregnant girls and child-mothers into the school system. UNICEF called on Uganda to prioritise the approval of the draft Child Act. It urged Uganda to concentrate its efforts to ensure the conditions for the Global Partnership for Education Grant were met to aid the attainment of "Education for All" goals.

785. Algeria noticed with satisfaction the measures and efforts taken by Uganda to improve the conditions of life and enjoyment of human rights by all citizens. Algeria appreciated the acceptance of its recommendations related to the implementation of the national development plan to reduce maternal mortality; improving the living conditions of persons with disabilities; addressing high cost of justice, especially in poor and rural areas;

and consolidating inter-ethnic harmony. Algeria indicated that Uganda faced various forms of constraints in the implementation of human rights, particularly in terms of human and financial resources. Algeria called for adequate assistance to Uganda.

786. Kenya noted the important measures Uganda has initiated to protect and promote human rights. It stated that of particular interest was Uganda's ratification of core human rights instruments and the steps taken to domesticate them. Kenya also welcomed Uganda's strengthening of the human rights infrastructure, including the establishment and facilitation of the "A" status Human Rights Commission.

787. Tanzania applauded several policies, legal and administrative measures taken by Uganda related to the human rights of women, children, youth and elderly persons. Tanzania was pleased to note the acceptance of its recommendation, as well as the voluntary commitments to mainstream human rights into all aspects of governance, and to include human rights in the education curriculum of schools. It noted the measures such as the establishment of a cabinet subcommittee, and a desk, to provide oversight and guidance, and to coordinate human rights issues at the national level. Tanzania urged the international community to assist Uganda.

3. General comments made by other relevant stakeholders

788. Ugandan Human Rights Commission (UHRC) commended Uganda for the consultative process that underpinned Uganda's UPR. It urged Uganda to implement the outcomes from the review and stated that it was important to develop a national action plan on human rights that will incorporate these outcomes. UHRC stated that some of the provisions of the Anti-Homosexuality Bill were in violation of international human rights standards; and that instead of a new bill the existing legislation should be strengthened to address same sex rape and abuse. It urged Uganda to hold accountable those alleged perpetrators from the now disbanded Rapid Response Unit in the Uganda Police Force; and to ensure that the Police respected human rights during rallies.

789. Human Rights Watch welcomed the commitment to adopt a national human rights action plan, to establish a human rights desk, and to mainstream rights training for security agencies. It urged Uganda to take concrete actions to address impunity and poor legislative proposals. It welcomed the acceptance of recommendations to investigate the use of excessive force and incidents of torture and prosecute and punish the perpetrators. It noted that financial compensation is not a sufficient remedy. HRW regretted that Uganda "categorically refuted the existence and use of "safe houses". It urged Uganda to ensure respect for freedom of expression and assembly and withdraw its pending Public Order Management Bill; to invite the Special Rapporteur on freedom of expression; and to take specific steps to ensure the anti-homosexuality bill does not pass in Parliament.

790. Canadian HIV/AIDS Legal Network (Network) expressed concern over Uganda's rejection of some recommendations regarding LGBT persons. While accepting recommendations to prosecute attacks against LGBT persons, Uganda rejected those recommendations that addressed the root causes of these violations. The Network requested to know of the specific measures that Uganda intended to take to protect LGBT persons. It referred to the reintroduction of the Anti-Homosexuality Bill in Parliament and to the shutting down of a workshop on the human rights of LGBT persons a week later by the Minister of State for Ethics and Integrity and requested to know how Uganda planned to respect the rights of sexual minorities.

791. International Commission of Jurists emphasized that the unlawful use of lethal force against the peaceful exercise of rights and freedoms together with arbitrary arrests and harassment of political opponents and human rights defenders continue to pose a threat to the rule of law and respect for human rights in Uganda. It urged Uganda to protect the

legitimate exercise of freedoms of assembly, association and expression; ensure that the Anti-Homosexuality Bill is not adopted into law; stop the use of military courts to try civilian suspects; ensure compliance by security and prosecutorial officials with fair trial standards; and end impunity for gross human rights violations.

792. The Foundation for Human Rights Initiative (FHRI) and International Federation for Human Rights (FIDH) commended Uganda for the establishment of a Cabinet Sub-Committee to provide policy oversight and guidance on human rights issues. They urged Uganda to ratify the Second Optional Protocol to the International Convention on Civil and Political Rights and to amend the Constitution to scrap the death penalty. They stated that Uganda was yet to ratify the Optional Protocol to the CAT; and called for the incorporation into law of the 2010 Prevention and Prohibition of Torture Bill. FHRI and FIDH expressed worry about freedom of speech and assembly and the discrimination based on sexual orientation and gender identity. They called on Uganda to reconsider its position on all the recommendations it had rejected.

793. World Vision International and Franciscans International urged Uganda to improve the situation for new-born and child mortality rates. They emphasized the continuing barriers to access to health care. According to WVI and FI, due to corruption in the health sector, there is persistent theft of many drugs, dispensing of expired drugs, abuse of patients and impunity of those involved. They strongly urged the acceptance of recommendations to raise the health budget and called upon Uganda to implement the existing health related policy and legal frame-work for health systems strengthening.

794. Save the Children on behalf of the Uganda Child Rights NGO Network commended Uganda for establishing the policy, legislative and institutional frameworks for the implementation of child rights initiatives but expressed regret at the chronic underfunding for implementation of these mechanisms. They called on Uganda to allocate sufficient resources to maternal and child health; to put in place comprehensive and efficient measures for the prevention and combating economic exploitation of children; and to implement the UPR recommendations on child rights.

795. Rencontre Africaine pour la Défense des Droits de l'Homme (RADDHO) commended Uganda for the consultations with various actors of civil society in the UPR process. RADDHO welcomed efforts on gender equality and appreciated the recent laws passed to combat domestic violence. RADDHO remained concerned about reports of torture by security agencies, and that Uganda still has not incorporated the CAT into its domestic law. RADDHO urged Uganda to provide human rights education to police and security forces, and to reform its penal code that allows prosecutions and convictions motivated by sexual orientation. RADDHO urged the government to revise its 2010 Bill on Press and Journalists. It saluted the achievement of "A" status by the Ugandan Commission of Human Rights.

796. CIVICUS, HURINET-U and Members of the civil society stakeholders' forum on UPR in Uganda stated that Uganda should reconsider its decision not to extend an invitation to the special rapporteurs on promotion and protection of the right to freedom of opinion and expression and on the right to peaceful assembly and association. Uganda should investigate and prosecute the perpetrators of human rights abuses during the September 2009 riots and Walk to Work demonstrations in 2011. They called on Uganda to ratify and domesticate the International Convention for the Protection of All Persons from Enforced Disappearance. Uganda should ensure that proposed legislation did not interfere with its international human rights obligations, and in this regard should set up a committee to review and redraft current bills. Uganda should pass the Torture Bill into law and should reconsider the recommendation to ratify the Optional Protocol to CAT.

797. UN watch welcomed the recommendations calling on Uganda to put an end to laws, policies, and practices that are inconsistent with its international human rights obligations. It endorsed the call to refrain from enacting the proposed Public Order Management Bill, and to guarantee freedom of assembly. UN watch supported calls to ease the heavy administrative burdens on NGOs, and remove the NGO Board from the supervision of security agencies. UN watch joined the calls to reject the proposed Anti-Homosexuality Bill.

4. Concluding remarks of the State under review

798. Uganda thanked all the States for their constructive comments and views extended to its government and delegation. It thanked, in particular, UNICEF, Save the Children Organization and all the other civil society organizations for their participation, and took note of their recommendations and concerns. Uganda looked forward to their implementation and to the presentation of its mid-term progress report.

Timor-Leste

799. The review of Timor-Leste was held on 12 October 2011 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

(a) The national report submitted by Timor-Leste in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/12/TLS/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/12/TLS/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/12/TLS/3 and A/HRC/WG.6/12/TLS/3/Corr.1).

800. At its 41st meeting, on 16 March 2012, the Council considered and adopted the outcome of the review of Timor-Leste (see section C below).

801. The outcome of the review of Timor-Leste comprises the report of the Working Group on the Universal Periodic Review (A/HRC/19/17), the views of Timor-Leste concerning the recommendations and/or conclusions, as well as its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/19/17/Add.1).

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

802. Timor-Leste indicated that in the course of the interactive dialogue it had accepted 88 out of 125 recommendations received and rejected one. The decision on 36 recommendations were deferred and after careful deliberation, the Council of Ministers decided to accept most of these. Nonetheless, it stated some recommendations were not accepted. It was also highlighted that certain recommendations incorporate complex issues, and that Timor-Leste agrees to some parts, but cannot accept other parts.

803. Timor-Leste had accepted all recommendations related to ratification of international human rights treaties. It provided details regarding measures already adopted to ensure such action and the hope was expressed that the process for the ratification of these instruments can be finalized within the next legislative period.

804. Timor-Leste referred to recommendations 10, 11, 20 and 26 related to the enactment or amendment of Timorese Domestic Laws. It informed the Council that a Draft Law on

Trafficking in Person has been submitted to the Council of Minister and that it is expected that it will be submitted to Parliament at the beginning of the next legislative period. Timor-Leste also referred to the Draft Law on the Execution of Penal Sanction which seeks to regulate, among others, the implementation of Presidential pardons.

805. With regards recommendations to empower the National Commission on Children's Rights to receive complaints, Timor-Leste explained that efforts to strengthen the protection child rights are focused on improving inter-agency coordination and the strategic implementation of multi-disciplinary actions. This requires that the Commission be incorporated into the executive structure of the Government, not separated from it. Timor-Leste recalled that it has a National Human Rights Institution (NHRI), namely the Provedoria de Direitos Humanos e Justiça, empowered to deal with complaints, including those related to children's rights.

806. Regarding the recommendation to repeal laws which discriminate against women, Timor-Leste recalled that the Constitution guarantees equal rights and duties between women and men. Timor-Leste stated that there are no Laws intended to discriminate on the basis of gender and that existing inequalities between women and men in Timor-Leste have not resulted from the application of laws.

807. Timor-Leste recalled that it is party to several core human rights treaties. However, it has only reported on two treaties. Timor-Leste indicated that notwithstanding its enormous benefits, it has found that treaty reporting can be quite a cumbersome exercise. It indicated its continuing efforts to meet treaty reporting obligations, and that it had recently established a combined Task-Force for treaty reporting, under the auspices of the Ministry of Justice and the Ministry of Foreign Affairs. Timor-Leste also welcomed the existing efforts to simplify the mechanisms for treaty reporting.

808. Timor-Leste noted that several recommendations concern the extension of a standing invitation to the Special Procedures. Timor-Leste highlighted that since 2002, it has received a number of Special Procedure mandate holders, and appreciates their contribution to the policy dialogues in the country. Nonetheless, Timor-Leste expressed the view that good coordination is needed between the receiving state and the Special Procedures in order for country missions to be effective. It was explained that for Timor-Leste at this stage, a good coordination can be guaranteed by organising the country missions on an ad hoc and case by case basis.

809. Timor-Leste recalled that three recommendations are related to measures to address past human rights violations, with specific reference to the follow-up, and implementation of the recommendations of the Commission for Reception, Truth and Reconciliation (CAVR) and the Commission of Truth and Friendship (CTF). It clarified that two CAVR recommendations regarding justice addressed to Timor-Leste have both been implemented.

810. Various policies and programs have been put in place to implement other CAVR recommendations addressed to Timor-Leste.

811. Timor-Leste also recalled that it is working closely with the Government of the Republic of Indonesia to implement the recommendations of the CTF.

812. Timor-Leste explained that it is aware of the backlog of cases in the courts and the Prosecutor's Office. It added that the entire justice system needs further strengthening and that measures have been adopted to this end. It disagrees with claims that backlog of cases are caused by the salary levels of the Public Prosecutors and Public Defenders, and does not see the increase of salary as a solution to the problem.

813. One recommendation was made that the Government strengthens its response to incidents of violence against members of minority religious. Freedom of conscience, religion and worship is guaranteed in Timor-Leste. There have been incidents where

problems such as those related to claims of land ownership have manifested themselves in conflicts among members of communities, who, in some cases, happen to profess different faiths. Timor-Leste indicated that these incidents are merely criminal acts, and have been swiftly investigated. It stated that any attempt to depict such incidents as religious conflicts represents a lack of knowledge of the real situation, or is a flagrant misrepresentation of facts.

814. On implementation of UPR recommendations, Timor-Leste explained that despite of lack of specific implementation plan for UPR recommendations, programs which satisfy the objectives of the accepted recommendations are found in the National Strategic Development Plan 2011 – 2030 and annual plans of different Ministries.

815. Timor-Leste concluded by thanking the President of the Human Rights Council for her leadership, and the Members and Observer States of the Council for their active participation. It also thanked the members of the Troika for their support throughout the UPR process.

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

816. Indonesia praised Timor-Leste for the number of recommendations accepted, including those it had put forward. It also commended Timor-Leste ratifying seven human rights core conventions in a short period of time. Indonesia stated that it stood ready to collaborate and move forward on the recommendations made by the Commission of Truth and Friendship. As a close neighbour, Indonesia expressed appreciation for the enhanced cooperation between the two countries. Furthermore, Indonesia expressed the belief that cooperation based on mutual respect and friendship would serve the shared interests in bringing mutual benefits for the peoples of both countries.

817. Cuba noted the challenges faced by Timor-Leste, derived mainly from the unjust international economic order. It highlighted Timor-Leste's achievements in providing health services, in particular hospital services at community level; and establishing the National Health Institute to improve the quality of nurses, midwives and laboratory technicians. It also noted efforts to treat tuberculosis and malaria and recent reduction of child mortality. Cuba expressed satisfaction at its modest contribution through the presence of Cuban medical personnel in Timor-Leste and Timorese students in Cuba. It congratulated Timor-Leste for accepting many recommendations.

818. Malaysia was pleased to note that in spite of resource and capacity constraints, the Government had accepted a large number of recommendations and was encouraged by the steps taken towards implementing many of them. Additionally, it welcomed the various mechanisms put in place to guarantee the protection of the fundamental rights and freedoms, including those that focused on economic, social and cultural rights. Malaysia was encouraged by the Government's commitment to deepen interaction with relevant international human rights mechanisms.

819. Viet Nam noted that Timor-Leste was a young nation facing many challenges and hardships on its way to development and highlighted its efforts and achievements in protecting human rights and fundamental freedoms. It appreciated Timor-Leste's acceptance of many recommendations, including Viet Nam's recommendations on strengthening the rule of law and good governance, promoting rights to education and health care, and integrating further into regional and international human rights mechanisms.

820. Morocco stated that Timor-Leste's review had been an opportunity to appraise both progress made and the difficulties faced in the area of human rights since its independence. It praised the Government for having committed to ratify more international conventions as

soon as the necessary human resources and institutional capacity is in place. Morocco thanked Timor-Leste for accepting the recommendation it had made and invited the Government to take advantage of the support of the UPR voluntary fund to assist in the implementation of recommendations.

821. Philippines congratulated Timor-Leste for its engagement with the UPR and noted that as young democracy, Timor-Leste had shown resoluteness in upholding the rule of law. It highlighted Timor-Leste's ratification of seven human rights treaties and several optional protocols since 2003. Philippines noted with satisfaction that Timor-Leste had favourably considered its recommendation on improving its legislature, taking into account international human rights obligations. It also considered Timor-Leste's efforts in building partnerships and exploring cooperation encouraging. It commended Timor-Leste for measures to address the protection of women and children.

822. Monaco congratulated the Government for the acceptance of UPR recommendations accepted and for strengthening its institutions and programs aimed at establishing rule of law. Monaco indicated that it encouraged some important Timorese initiatives, including the program to support victims, the national plan for education 2011-2015, and the 2010 Act on the eradication of violence against women. It also welcomed recent changes in national jurisprudence and the new Civil Code which established equality between men and women in all areas. It hoped the Code on the adoption of children would shortly be finalised.

823. Lao People's Democratic Republic noted that Timor-Leste, as a young democracy, had accepted a large number of recommendations and had started taking the necessary steps for implementing them. It also acknowledged the significant progress achieved in order to promote and protect the fundamental rights of the Timorese citizens. It recognized that the Government had cooperated with UN human rights mechanisms and with the international community in the implementation of international and regional human rights instruments.

824. Thailand expressed appreciation that Timor-Leste had accepted a large number of recommendations, including that of Thailand. It noted that Timor-Leste had started implementing recommendations received and welcomed its ratification of human rights instruments. It was convinced that the more Timor-Leste's commitments are converted into practice, the more benefits there would be for the Timorese people. It encouraged the international community to assist Timor-Leste and respond positively to its requests for assistance. Thailand expressed its readiness to assist and share its experience and expertise.

825. Algeria noted with satisfaction the progress achieved by Timor-Leste in the fields of human rights, security, economic development and human development since 2005. It welcomed the fact that Timor-Leste had accepted the three recommendations put forward by Algeria. It concurred with one of the conclusions of the national report that the combat for independence of the Timorese people, founded on the right to self-determination, was fundamentally a combat for human rights and encouraged to Government to continue on this path.

826. Romania, as a member of the Troika, thanked Timor-Leste for its full availability and cooperative spirit exhibited all along the UPR exercise and for accepting a great number of recommendations. It looked forward to and encouraged Timor-Leste to make every effort to implement the accepted recommendations and further human rights for the benefit of its people. Romania was convinced that the presidential and legislative elections soon to take place would bring further progress.

827. Angola recognized the Government's commitment to implementing several of recommendations received during the review. Angola highlighted two recommendations, one on the strengthening of democratic institutions, and the other on combatting violence against women. Angola welcomed the reforms undertaken in the area of human rights, in

particular the adoption of a new civil code that guaranteed gender equality, the establishment of an independent human rights institution, and the creation of a commission against corruption. It called the international community to accompany the efforts and reforms undertaken by Timor-Leste.

3. General comments made by other relevant stakeholders

828. Provedoria de Direitos Humanos, A status Human Rights Institution, noted that a total of 125 recommendations were put to Timor-Leste concerning issue that needed to be tackled. It recognised challenges faced in developing a young nation and addressing the needs of its population who lived for many years under occupation. It regretted delays in addressing human rights violations that occurred between 1975 and 1999. Contrary to the State's position, the Provedoria believed that reconciliation, national unity and lasting peace cannot exist without truth, justice and rule of law. It urged Timor-Leste to be faithful to its promises in the implementation of UPR, noting the Provedoria and civil society were ready to provide support.

829. Instituto Internazionale Maria Ausiliatrice delle Salesiane di Don Bosco, International Volunteerism Organizations for Women, Education and Development (VIDES), Movement International d'Apotolates des Milieux Sociaux Independants and International Organization for the Right to Education and Freedom of Education (OIDE), recognized the efforts of the Government in the area of human rights, in particular children's rights. They highlighted the adoption of the national strategic plan for education 2011-2015 that placed the child's well-being at the centre of school decision making. Nevertheless, they noted different problems in the accessibility, availability and acceptability of education. They also noted the persistence of child labour, sexual exploitation, child trafficking and violence against children in the country.

830. Amnesty International noted that although two draft laws establishing a national reparations program and a public memory institute had been submitted to Parliament in 2010, their debate faced delays. By delaying their establishment, Timor-Leste continues to deny justice and effective reparation to victims of crimes against humanity and grave human rights violations committed between 1975 and 1999. It further noted that to date, not a single person had been prosecuted for human rights violations during the occupation. Attempts to bring to justice for violations during the 1999 referendum have also been grossly inadequate. AI was disappointed that the UPR failed to adequately address concerns raised in the Stakeholders' Summary related to impunity and urged the international community to do more.

831. Save the Children, on behalf of the Child Rights Coalition Timor-Leste, welcomed particularly the recommendations on children's rights. It called on the Government to implement policies to improve the quality of the school feeding program. It also called for a substantial increase of the budget for education, with the goal to achieving the international standard of 20% dedicated to education as well as the establishment of a truly independent and fully resourced National Child Rights Commission. It looked forward to the Government's continued cooperation with civil society organisations in the follow-up and implementation of UPR recommendations.

832. Marist International Solidarity Foundation and Franciscans International appreciated Timor-Leste's commitment to human rights despite the challenges faced. They commended the development of the Strategic Action Plan for Education 2011-2015 which places child needs at the fore-front of decision-making and urged Timor-Leste to maintain its commitment to universal primary education. They noted deficiencies regarding equal access to education, especially for children with disabilities and urged Timor-Leste to ratify CRPD. They welcomed the Children's Code, which prohibits corporal punishment and called for assurances that child victims of violence would have access to adequate care. It

endorsed UPR recommendations to establish institutional mechanisms to protect children in the juvenile justice system, as well as recommendations on integrating the best interest of the child into draft legislation.

4. Concluding remarks of the State under review

833. Timor-Leste thanked all delegations who had contributed to the outcome once again as well as other stakeholders including civil society. Unfortunately, as Presidential elections are about to be held neither the representatives of the national human rights institutions or of civil society were able to attend. Nonetheless, their contributions, made through their representatives, were appreciated. Timor-Leste undertook to be true to its work in the implementation of recommendations.

834. The President noted that certain recommendations had been considered as partially accepted and that in accordance with resolution 5/1 these would be considered as noted.

Republic of Moldova

835. The review of the Republic of Moldova was held on 12 October 2011 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

(a) The national report submitted by the Republic of Moldova in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/12/MDA/1 and A/HRC/WG.6/12/MDA/1/Corr.1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/12/MDA/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/12/MDA/3).

836. At its 42nd meeting, on 16 March 2012, the Council considered and adopted the outcome of the review of the Republic of Moldova (see section C below).

837. The outcome of the review of the Republic of Moldova comprises the report of the Working Group on the Universal Periodic Review (A/HRC/19/18), the views of the Republic of Moldova concerning the recommendations and/or conclusions, as well as its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/19/18/Add.1).

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

838. The delegation of the Republic of Moldova highlighted that UPR has revolutionized the national system of human rights and was an opportunity to internally assess the implementation of international standards. The Government has learnt from the process of preparing for this exercise and had consulted extensively since the UPR review in October 2011. It has held a first follow-up joint meeting with intergovernmental organisations and civil society, and will continue to consult all stakeholders in the follow-up.

839. The delegation highlighted having received 122 recommendations, and had provided most responses at the UPR WG session. Furthermore, responses to the 15 remaining recommendations are contained in the addendum document A/HRC/19/18/Add.1. The authorities have given and continue to give serious consideration to all recommendations, and each recommendation provided an opportunity to re-examine positions. The Government has responded positively to the overwhelming majority of recommendations

by accepting them integrally or partially. Some of the issues raised focused on challenging areas, where further attention is required.

840. In November 2011, the Strategy for Justice Sector Reform (2011 - 2016), was adopted by the Parliament and in early 2012, the Action Plan for the strategy implementation was approved. The strategy aims to inter alia reform the judicial system, criminal justice, access to justice and the execution of justice, and promote anti-corruption measures, professional ethical standards and monitoring of human rights in the justice system.

841. Since the adoption of the Strategy, the Government adopted a draft law on the amendment of the legislation regarding the organization and functioning of the judiciary, a draft law on selection, career and performance evaluation of judges, and a draft law on the functioning of the specialised courts.

842. According to the Strategy pillar on human rights, a working group on amending the Ombudsman Law was established with the objective to upgrade the status of the National Human Rights Institution (the Centre for Human Rights of Moldova) from B to A Status. The delegation expects that during 2012 the new draft law will be adopted to this end.

843. The Justice Sector Reform Strategy also provides for preventing and combatting torture and other forms of ill-treatment, and fights impunity. The criminal law will be amended with a view to removing the statute of limitations for the crime of torture. The delegation added that the Government recently launched a process of equipping all police stations and temporary detention facilities with video cameras and video surveillance systems for monitoring compliance of the detention regime.

844. With regard to reducing the length of custody to 48 hours, the delegation underlined that implementing this recommendation would call for the amendment of Article 25 of the Constitution, which sets the limit at 72 hours. Consequently, this implies a lengthy exercise. Moreover, the reduction of the length of custody could prevent the law enforcement bodies and the judiciary from conducting comprehensive investigations.

845. Regarding the April 2009 events, the delegation agreed that the comprehensive inquiry should be continued. To this end, the activity of the special Commission tasked with compensating the victims of these events has been resumed.

846. The delegation stressed that in order to strengthen existing rules, the draft Law on preventing and combating discrimination includes an indicative list of discriminatory criteria and establishes the Council for preventing and combating discrimination. The Government has embarked on broad consultations and the draft law was revised according to the proposals presented by national and international stakeholders.

847. In order to implement the provisions of the Convention on the Rights of Persons with Disabilities (CRPD), the Republic of Moldova is implementing the Strategy for social inclusion of persons with disabilities for 2010-2013. The Draft Law on social inclusion of persons with disabilities provides for the development and approval of a methodology for determining degrees of disabilities in accordance with WHO standards. It also reorganizes the structures and institutions responsible for the coordination of the system of social inclusion of persons with disabilities. In November 2011, the Government launched an inter-Ministerial Working Group tasked to rethink the system of decision-making for persons with psycho-social disorders.

848. The delegation informed about the adoption of the amendments to the Action Plan to support the Roma population for 2011-2015, which confirms the commitment to promote and implement social inclusion of Roma. The Government is currently working on a comprehensive costing exercise in order to secure necessary budgetary funds.

849. As regards freedom of religion, the Parliament adopted in December 2011 amendments to the re-named Law on freedom of conscience, thought and religion. Adopted as a result of broad consultations, amendments have the aim of reaffirming the commitment of the state to warrant equality and non-discrimination of all religious communities.

850. The national legal framework foresees the creation of the necessary conditions to guarantee the respect of the right to education for all children. Pupils and students have the right to choose the language of instruction at any level of education and a structural reform has been launched by the Government.

851. For 2011–2012, the network of pre-university institutions in the country includes 1456 institutions (schools, gymnasiums, high schools) of which 278 has access to education in the Russian language and 81 are mixed institutions. At the same time, local TV and radio stations broadcast programs in languages of national minorities, and newspapers and magazines are disseminated also in minority languages. According to the Public Opinion Survey of November 2011, freedoms of media and access to information are listed as areas that have registered the most significant progress during the last 2 years. The delegation concluded by stressing that the recommendations received constitute an important reference point in the Government's continued activity.

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

852. Morocco welcomed the Republic of Moldova's decision to include recommendations accepted during the UPR in its National Human Rights Action Plan for 2011–2014. By accepting almost all of the recommendations received, Moldova has once again reaffirmed its strong commitment and full cooperation with the UPR mechanism. Morocco welcomed the Government's commitment to human rights, democracy and rule of law. This commitment is shown in particular through progress made towards gender equality and the protection of the rights of women, children and minorities, efforts made for persons with disabilities, the strategy to reform the judicial system, reform of the penitentiary system and specific measures taken to prevent human trafficking. Morocco encouraged Moldova on its new initiatives and wished success in the implementation of the recommendations accepted.

853. Estonia noted with appreciation that the Republic of Moldova has already implemented and intends to implement a high number of recommendations put forward during the UPR. Estonia considered especially important the adoption of the comprehensive anti-discrimination legislation in line with international standards, policies addressing the root causes of domestic violence and the conducting of awareness campaigns and implementing policies to prevent the mistreatment of the women and children. It emphasised that the creation of a modern institutional framework for the human rights protection during a short period is noteworthy achievement. Moldova has improved the criminal code, and the legal framework in the areas of juvenile justice, human trafficking, peaceful assembly and access to legal and social assistance.

854. Algeria congratulated Moldova for the measures taken since October 2011 for the implementation of recommendations, and encouraged Moldova to finalize the various plans for human rights and implement them. Algeria welcomed the commitment the recommendation on measures in favour of the reinforcement of harmony and tolerance between the different segments of the society. It noted with great satisfaction that the recommendation for strengthening the training programmes on human rights for law enforcement officials has already being implemented. Algeria noted Moldova's partial acceptance of the recommendation for the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. It

hoped that the consideration of this matter will result in the ratification thereof to ensure better protection for this vulnerable category of persons.

855. Romania commended the Republic of Moldova for not rejecting any recommendations put forward during the UPR process. In particular, Romania noted with appreciation the acceptance of the recommendations made related to raising awareness of the state language in the society and the promoting of human rights in the Transnistrian region. Romania acknowledged the efforts made to improve legal and institutional framework for the protection and promotion of human rights in line with international standards.

856. Belarus noted with satisfaction that the Republic of Moldova accepted the vast majority of the recommendations, which demonstrated the Government's commitment to strengthening the national capacity to promote and protect human rights. The UPR process provided an opportunity to assess the achievements, including in the reform of domestic legislation. Belarus noted with appreciation the Government's effort to reduce the level of poverty, provide support to the most vulnerable groups, guarantee universal primary education, combat human trafficking and protect the rights of women and children. Belarus also appreciated the readiness expressed by the Government to strengthen the protection of national minorities.

3. General comments made by other relevant stakeholders

857. Federatie van Nederlandse Verenigingen tot Integratie Van Homoseksualiteit – COC Nederland and *International Lesbian and Gay Association* (ILGA) noted that among other commitments, the Republic of Moldova expressed its unequivocal support to ensure that actions will be undertaken to build broad support for LGBT-rights in the new anti-discrimination law and that the right to freedom of expression and assembly will be upheld for LGBT communities. Unfortunately, the reality was different. The city of Balti and several other local councils have adopted decisions making the region a forbidden zone for “aggressive propaganda of non-traditional sexual orientations” and “homosexual demonstrations”. At the same time, the mayor of Chisinau has banned pride manifestations over the past two years. In 2008, a group of pride participants were exposed to savage reprisal by extremist groups and left unprotected by the police. COC and ILGA asked the delegation to explain how it viewed these developments in light of its commitments. In this context, COC and ILGA emphasized that such bans perpetuated to a climate of homophobia and transphobia. It urged the Government to inter alia express its explicit support of the 2011 Human Rights Council resolution condemning violence and discrimination based on sexual orientation and gender identity, and to respond to the recently adopted homophobic unconstitutional decisions by local municipalities.

858. World Alliance for Citizen Participation (CIVICUS) urged the Government to adopt a comprehensive and inclusive anti-discrimination legislation, and to set up effective implementation mechanisms to prevent and combat human rights abuses. While expressing concern at the violation of the rights of ethnic, religious and sexual minorities, CIVICUS urged the Republic of Moldova to take further steps to ensure adequate protection for all minorities, including the protection of the rights of the LGBT people. It also encouraged the Government to continue its efforts in supporting the development of a strong, free and independent civil society. CIVICUS urged the Government to review and revise the National Human Rights Action Plan and other human rights documents with a view to develop a policy document which incorporates the UPR recommendations.

859. Amnesty International (AI) stated it continued to receive reports of torture and other ill-treatment taking place in Moldova. It therefore welcomed the Government's commitment to combat torture and other ill-treatment, as recommended by several States. AI was concerned that there had been little progress in prosecuting police officers

responsible for torture and other ill-treatment during the events following the elections in April 2009. During her visit to Moldova in November 2011, the High Commissioner for Human Rights stressed the need to enact a comprehensive anti-discrimination law without delay. In the UPR WG examination, this call was echoed by no less than 13 States. AI joined them in urging the Government to adopt without further delay the Anti-Discrimination Law which has been under discussion for almost five years.

4. Concluding remarks of the State under review

860. The delegation of the Republic of Moldova stated that by accepting all UPR recommendations the Moldovan authorities demonstrates that there are still issues that need to be resolved, on the one hand, and the political will of the Government to address the existing problems, on the other hand.

861. The delegation indicated that the Ministry of Justice is conducting consultations with civil society and other relevant stakeholders to finalize the draft Law on anti-discrimination. It underlined that the draft Law is fully in line with international standards. The delegation added that the situation around the Law was artificially politicised and that the Government will promote a delicate policy which needs time and careful work.

862. In regard to the recent decisions of the local public authorities regarding the LGBT issue, the delegation emphasised that above mentioned decisions are administrative acts. Any person who believes that an administrative act adopted by a local public authority infringes his or her rights can initiate court proceedings. At the same time, the National Human Rights Institution has condemned the decisions adopted by a few local councils declaring that there are derogating from the legal framework. The authorities will continue to pay special attention and promote dialogue in order to prepare a smooth adoption of the anti-discrimination law.

863. Human rights in the Transnistrian region of the Republic of Moldova represent a priority for the authorities of the country. Issues pertaining to human rights in this region will be part of the agenda of official negotiations in the 5+2 format, resumed recently, and also raised in the framework of the activity of the Working Group on confidence building measures.

864. The delegation emphasized that during the careful analysis of the UPR recommendations, it noticed that many have similarities with the concluding observations from regional or treaty bodies. In this context and with the support of the UNCT, the Government started the review and amendment process of the National Human Rights Action Plan for 2011–2014. Earlier in 2012, the Monitoring Commission for the implementation of the National Human Rights Action Plan was established. The delegation highlighted that shortly after the adoption of the UPR Outcome, the first meeting of the Monitoring Commission will be convened to establish the further steps for the implementation of the UPR recommendations.

Haiti

865. The review of Haiti was held on 13 October 2011 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

(a) The national report submitted by Haiti in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/12/HTI/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/12/HTI/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/12/HTI/3).

866. At its 42nd meeting, on 16 March 2012, the Council considered and adopted the outcome of the review of Haiti (see section C below).

867. The outcome of the review of Haiti comprises the report of the Working Group on the Universal Periodic Review (A/HRC/19/19), the views of Haiti concerning the recommendations and/or conclusions, as well as its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/19/19/Add.1).

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

868. His Excellency Minister Michel P. Brunache, Minister of Justice and Public Security of Haiti, began his statement by extending his condolences to the people and the Government of Belgium following the tragic death of 28 people (including 22 children) in a road accident in Switzerland.

869. Despite the difficult situation of Haiti, Minister Brunache highlighted President Martelly's intention to keep his electoral promises to respect the rule of law and human rights.

870. The Minister referred to the Government's intent to involve the civil society in the implementation of the UPR recommendations through a national consultation that took place on 14 February 2012. He informed that out of 136 recommendations to 122 were accepted, including 3 with reservations, while 14 were temporarily rejected. Amongst the accepted recommendations some had already been implemented including judicial reform, improvement of the penitentiary system, combating impunity, violence against women and girls, right to education, and re - housing of the disaster victims of the earthquake of 12 January 2010.

871. With regard to the judicial reform, the vacant posts in the Court of Cassation had been filled. The members of the Supreme Judicial Council were known and the certification process was moving towards its conclusive phase. A new Commission including three former Ministers of Justice had also been created to propose reforms to the President.

872. On the improvement of the penitentiary system, the construction of a new prison had begun in line with the minimum norms accepted at the international level. To resolve the problem of prolonged pre-trial detention the Government intended to stress particularly the respect of the 48 hours rule provided by the Constitution. Since February 2012, a new Commission has been established for judicial authorities to make inquiries in tribunals, police stations and detention centres to identify the case of prolonged and abusive detention. A new program was launched that allowed the release of 116 persons between July 2011 and January 2012.

873. To combat impunity, the Government had declared its willingness to fight it by prosecuting police officers who were responsible for the death of several detainees during an attempted escape after the earthquake of January 2010. Minister Brunache also highlighted the case of Jean Claude Duvalier and the Government's aim at sensitizing the legal authorities to the international conventions relating to crimes against humanity and serious violations of human rights. The Minister highlighted the removal of statutory limitation in cases of torture and enforced disappearances.

874. Violence against women had significantly worsened after the earthquake of 12 January 2010, an international symposium has been organized in January 2012 to ensure a national polity on this matter. A national forum on issues relating to Haitian women was organized in March 2012 with the participation of 600 delegates from various Departments

of the country under the patronage of the First Lady. A more effective follow up will also be given to cases of female victims of violence and ill-treatment.

875. Education was one of the main priorities of President Martelly. A National Fund for Education was being considered. School transport was free for those enrolled in the public system. There was an appeal for the building of 28 new schools in seven of ten departments, in addition to the reconstruction of the secondary schools that were affected by the earthquake. Furthermore 300 000 school students will benefit from the national school canteen programmes.

876. Regarding the housing of the earthquake victims, last February President Martelly inaugurated 400 decent homes of 35 square meters under the Program 400 /100 financed by the Inter- American Development Bank. Another program launched by the Government in August 2011, program 16/6 supported the displaced persons by offering a durable solution for their housing and providing subsidies for their relocation.

877. Minister Brunache stated that the Government would have liked to accept all the recommendations; however it was unable to do so and therefore accepted partially some of them. For example, with respect to recommendation 88.71, the Government will deploy all its efforts to facilitate the detainees access to health services, food, water and sanitation but cannot at this moment do it in a uniform manner due to its limited resources.

878. The Government was determined to combat the phenomena of child domestic workers.

879. With regard to impunity (recommendation 88.100), the Government was determined to combat all forms of impunity but did not believe that it was necessary to establish a Commission on Impunity.

880. Finally some of the recommendations demanded a broad national consensus before their adoption thus the Government had decided to reject 14 of them. These recommendations could be regrouped under four themes, the ratification of the 1954 and 1961 Conventions on the reduction of Statelessness, the adoption of a Code on Children that was also depending on the elaboration of a Family Code, the establishment of a National Human Rights Institution in conformity with the Paris Principles and the issuance of a Standing Invitation to all Special Procedures.

881. The Minister closed his introductory statement by thanking the President, the Troika and the staff of the OHCHR for their important contribution to the UPR of Haiti.

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

882. Uruguay commended Haiti for its engagement with the UPR and applauded that recommendations made by them on administration of justice, reconstruction and education had started to be implemented. It highlighted its commitment to combat impunity and the priority given to education. Uruguay also paid tribute to efforts made by Haiti to build decent homes for victims of the earthquake. It encouraged Haiti to continue intensifying the combat against all forms of trafficking in women. Uruguay considered that ratification of human rights instruments would strengthen its legal framework to promote and protect human rights.

883. Venezuela (Bolivarian Republic of) noted that Haiti had a series of constraints stressed by the 2010 earthquake. It added that the humanitarian crisis threatened human rights. Venezuela expressed concerns for the cholera epidemic. Venezuela praised Haiti's efforts to allocate grants to rebuild schools and housing but it remained insufficient. Venezuela reiterated the call made to developed countries and UN to bring support and the

humanitarian assistance needed by Haiti. It made also a call for the cancelation of the external debt.

884. Cuba stated that Haiti still needed to overcome constraints to implement human rights policies. It added that Haiti's situation was affected by the global economic crisis and internal crisis such natural disaster and poverty. Cuba reiterated that improving Haiti's situation remained a global obligation. It added that Haiti needed UN and the States to strengthen its sovereignty and self-determination. Cuba acknowledged that Haiti had accepted its recommendations on poverty and inequality reduction; organization and extension of education and health systems; and extension of housing supply and relocation of affected persons.

885. India commended the efforts made by Haiti to participate in the UPR process even in the backdrop of daunting challenges posed by the aftermath of the devastating earthquake. It welcomed the encouraging steps taken towards the right to decent housing and the re-housing of those made homeless in 2010, the efforts to eradicate hunger and combat human trafficking. Haiti's courageous and resilient approach in rebuilding and in stabilizing the country despite the lack of resources and in wake of natural disasters was notable. It behooved the international community to continue to extend technical assistance and capacity-building in consonance with her needs.

886. Morocco stated that, despite the crises and disasters that had affected Haiti, most particularly the earthquake of 2010, Haiti managed to respect its commitment to the Human Rights Council by submitting its UPR report, which contained ambitious programmes aiming at the construction of a favourable economic and social environment for the exercise of human rights. Morocco welcomed that Haiti had accepted 122 recommendations out of 136 made, which expressed Haiti's determination to ensure respect for human rights. Morocco noted with appreciation the acceptance of the recommendation made by Morocco on the action plan for national reconstruction and development of Haiti, as well as national strategies for education for all and in order to ensure training for judges, judicial authorities and law enforcement officers, particularly, in the area of human rights. It encouraged Haiti to pursue its intention to formalize the inter-ministerial committee, which prepared Haiti's first review, in order to make it a standing committee.

887. The United States of America commended Haiti for already implementing one of its recommendations by filling four vacancies at the Supreme Court. This included filling the vacancy of the presidency of the Cassation Court, a step that would enable creation of the Superior Judicial Council. It was also pleased that Haiti had agreed to take the necessary steps to enable the judicial system to effectively combat impunity. It urged Haiti to continue to take steps to ensure accountability, which would help strengthen the rule of law and break the pervasive cycle of impunity that hindered reconciliation and limited Haiti's economic development. It also echoed the recommendations made by Peru and France, and accepted by Haiti, to continue cooperation with the Independent Expert on the situation of human rights in Haiti. The continuing of the Independent Expert's mandate would help identify new technical assistance opportunities and other collaboration to help Haiti advance human rights.

888. France stated that, despite the efforts by the Haitian authorities and the scale of the mobilization by the international community and the United Nations, the challenges in overcoming the consequences of the earthquake that struck and devastated Haiti on 10 January 2010 were vast. The restoration of the rule of law and full respect for human rights and fundamental freedoms in Haiti need to be a priority. France indicated that the Independent Expert on the human rights situation in Haiti had a major role to play in providing advice and assisting Haiti in implementing the necessary reforms. The Independent Expert can also draw the attention of the international community to Haiti's

needs and to their situation there. France will continue to work actively, alongside Haiti, in building democracy and promoting human rights and fundamental freedoms.

889. Algeria appreciated that Haiti had accepted a large number of UPR recommendations. It noted that Haiti's efforts, with the assistance of the international community, had made some achievements in recovery and reconstruction. Algeria congratulated Haiti for the measures taken to strengthen political stability. It paid tribute for the frank way in which Haiti had addressed the human rights situation during its review. Algeria recognized that natural disasters, the fragility of the ecosystem and the climate changes had negative impact on human rights. Given the scale of difficulties that Haiti had to cope with, Algeria said it was vital for the international community to continue providing assistance.

3. General comments made by other relevant stakeholders

890. Istituto Internazionale Maria Ausiliatrice (IIMA), on behalf of an NGO coalition, welcomed the finalization of the very detailed operational plan for 2010–2015 by the Ministry of the National Education and Professional Training, "*Towards reforms of Haiti's education system*", which showed Haiti's determination to ambitiously and specifically respond to the education system that was still fragmented. IIMA hoped that Haiti would be able to implement this operational plan as quickly as possible in order to promote free mandatory schooling for all children of the primary school level and also to improve the quality of all levels of education by 2015. IIMA recommended Haiti to take into account the human rights based approach in all its initiatives in order to ensure equitable reconstruction and to build a fairer society based on the integration into the education system of the most vulnerable groups, particularly girls, children with disabilities, poor children, undocumented children, and children living in rural areas. Particular attention needs to be paid to children who became disabled as a result of the earthquake, and who also need psychological support in adapting to their new condition. IIMA recommended Haiti to set up plans and establish a system of direct monitoring of private schools. IIMA particularly suggested standardization of curricula and school handbooks, training of teachers, as well as quality of teaching and learning.

891. Human Rights Advocates noted that people were still living in internal displacement camps and Haiti had not adopted a comprehensive re-housing plan, ignoring regional recommendations. HRA commended Haiti for ratifying the International Covenant of Economic, Social and Cultural Rights. It indicated that despite the evidence against Jean Claude Duvalier, the judge dismissed all crimes against humanity. It recommended Haiti and the international community to assure a fair and transparent judicial process. It reminded that senatorial and local elections had not taken place in November 2011 and recommended that a permanent electoral council would be appointed and all due measures be taken accordingly.

892. Human Rights Watch congratulated Haiti in passing a bill to ratify the International Covenant on Economic, Social and Cultural Rights. Haiti must begin to take steps towards the realization of the rights enshrined therein and fulfill its obligations under other human rights treaties. This included ensuring that women and girls had access to reproductive and maternal health services. It was concerned, however, that Haiti's attitude, to holding former President Jean-Claude Duvalier to account, seriously damaged its credibility with respect to upholding a core and fundamental element of human rights. Under human rights conventions to which Haiti is party, statutes of limitations were inapplicable in connection with gross human rights violations proscribed by international law. Yet, in November 2011, the new state prosecutor recommended dismissal of the human rights charges against Mr. Duvalier, while President Michel Martelly suggested that he would pardon or amnesty him. On January 30, 2012, the instructing judge found that the statute of limitations in the

criminal code prevented the prosecution of human rights crimes. President Martelly listed building the rule of law as a priority in his reconstruction efforts. If the concept of the rule of law had any meaning, however, it was that those accused of the worst crimes were brought to justice and given a fair trial. Impunity in the Duvalier case would entrench the distrust many Haitians had in the justice system.

893. Institute for Justice and Democracy in Haiti (IJDH) expressed concern with the implementation of the accepted recommendations by Haiti and criticized the exclusion of some NGO in the national consultation process. Regarding justice, noted that Haiti had to first, among others, set up its judicial system and strengthen its capacity. It added that Haiti had to facilitate access to free legal assistance especially for the most vulnerable and referred to the case of Duvalier. Regarding the gender-based violence. IJDH stressed the need for a training for the police and the judiciary personnel on gender and sexual exploitation issues. It also expressed concerns for the cholera epidemic.

894. Amnesty International welcomed the National Assembly's adoption of legislation for the ratification of the International Covenant on Economic, Social and Cultural Rights and urged Haiti to strengthen its efforts to make the rights enshrined in the Covenant a reality for the Haitian people. It was concerned at a recent judicial decision to drop criminal charges against Jean-Claude Duvalier for grave human rights violations committed under his government, some of which might amount to crimes against humanity. This decision reinforced prevailing impunity and was a clear setback in terms of strengthening the rule of law in Haiti. It urged Haiti to ensure that alleged crimes committed under this rule were investigated and those responsible brought to justice in full conformity. The issue of housing rights remained largely unaddressed by the reconstruction process. Thousands of people had been forcibly evicted or relocated, without adequate safeguards or consultation. Evictions should be a measure of last resort, and must be carried out in accordance with international human rights standards. Violence against women and girls remained a serious problem, and impunity for such crimes prevailed. It urged Haiti to complete the drafting, adoption and implementation of new legislation to combat violence against women and girls, and protect their rights.

895. Rencontre Africaine pour la Defense des Droits de l'Homme (Raddho) thanked Haiti for its clear and detailed UPR report. Raddho acknowledged some progress such as the establishment of human rights defense institutions. It congratulated Haiti for, among others, the abolishment of the death penalty and the establishment of a Brigade for the protection of minors. Raddho encouraged Haiti to continue its efforts in housing ; combating sexual exploitation against women, girls and children; improving the situation of detainees, including juveniles and; fighting against corruption.

4. Concluding remarks of the State under review

896. His Excellency Minister Brunache thanked the intervening States. He reiterated the commitment of the new authorities to establish the Rule of Law, and to contribute significantly to improve the living conditions for the Haitian people especially with regard to education and housing. The Minister also reported about the new housing policy where no one could be evicted without alternative relocation. The Minister thanked the International Community for their support

Antigua and Barbuda

897. The review of Antigua and Barbuda was held on 4 October 2011 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

(a) The national report submitted by Antigua and Barbuda in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/12/ATG/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/12/ATG/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/12/ATG/3).

898. At its 42nd meeting, on 16 March 2012, the Council considered and adopted the outcome of the review of Antigua and Barbuda (see section C below).

899. The outcome of the review of Antigua and Barbuda comprises the report of the Working Group on the Universal Periodic Review (A/HRC/19/5), the views of Antigua and Barbuda concerning the recommendations and/or conclusions, as well as its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/19/5/Add.1).

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

900. Pursuant to Antigua and Barbuda's request and on its behalf, the President of the Human Rights Council presented Antigua and Barbuda's views on the recommendations as Antigua and Barbuda could not be present in the meeting. Antigua and Barbuda submitted its position and views on the recommendations in writing which could be found in the addendum to the report of the UPR working group.

901. The Government of Antigua and Barbuda indicated that it accepted all the recommendations contained in paragraph 68 of A/HRC/19/5, except for the following, of which due note had been taken.

902. With regard to the recommendation calling for strengthening its legal arsenal by acceding to the First Optional Protocol to the International Covenant on Civil and Political Rights, contained in paragraph 68.6 of A/HRC/19/5, Antigua and Barbuda stated that any alteration of existing legislation and binding judicial pronouncements on matters relating to the death penalty was not an acceptable position. That apart, Antigua and Barbuda would seek to adopt the other provisions of the International Covenant.

903. On issuing a standing invitation to all special procedures of the Human Rights Council, Antigua and Barbuda acknowledged the importance of the special procedures in ensuring that human rights obligations under the various conventions were respected and upheld. It also expressed its willingness to cooperate, but stated it could not accept that recommendation at this time because of the financial burden and additional requirements this invitation would impose on a small island developing state such as Antigua and Barbuda. However, it would continue to monitor the implications with a view to accepting such invitations in the future.

904. Concerning recommendations 68.23 to 68.25 on raising the age of criminal responsibility, Antigua and Barbuda was cognizant of the emotional, mental and relative intellectual maturity of juveniles and would give active consideration to the recommendations to increase the legal minimum age for criminal responsibility in line with internationally acceptable standards.

905. On recommendation 68.31 with regard to implementing public awareness campaigns on discrimination based on sexual preference, Antigua and Barbuda recognized the human rights of all citizens. However, the issue of discrimination based on sexual orientation was one which remained a matter of concern, and it was of the view that implementing policies

based on sexual orientation required extensive public consultation and education, given the current pre-disposition of its people and their religious influences and indoctrination.

906. On recommendation 68.8 to consider the ratification of those international instruments of human rights of which it is not a party yet, Antigua and Barbuda indicated that it was a party to a number of core human rights instruments and would continue to work towards completing the accession process for those which it considered acceptable following cabinet and/or public consultation.

907. Antigua and Barbuda welcomed this exercise and was grateful to Member States of the Human Rights Council for their commendations on its work in progress, as well as their recommendations on areas in which more work was needed. In this regard, Antigua and Barbuda welcomed the continued support and encouragement of the Human Rights Council as it strove to achieve the high ideals being pursued by this august body.

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

908. The Bolivarian Republic of Venezuela appreciated Antigua and Barbuda's cooperation with the Universal Periodic Review and commitment to human rights. It welcomed the efforts made by Antigua and Barbuda in the realization of human rights despite the challenges faced. During the review, it had appreciated Antigua and Barbuda's achievements in the educational policies: providing school lunches to primary schools in the disadvantaged zones; guaranteeing free primary and secondary education; and taking measures to strengthen the school system at all levels in order to meet the universal education in 2013. It encouraged Antigua and Barbuda to continue promoting social policies with the support of the international community. It further appreciated the participation of Antigua and Barbuda in the Universal Periodic Review process.

909. Cuba expressed that Antigua and Barbuda was a fraternal country that had the same history, cultural traditions, and challenges of island states in the Caribbean Sea. Antigua and Barbuda had worked for socioeconomic development of its society through integrations projects, which Cuba had contributed to as well, particularly in the area of health, education and developing its infrastructure. In its endeavours, Antigua and Barbuda had been affected by an unfair international order, global crisis, and challenges facing humanity. Cuba highlighted human rights achievements made by Antigua and Barbuda, such as the actions to fight and reduce poverty and to provide family services and social welfare. The universal primary and secondary education was a reality in the country. Cuba also highlighted the actions to prevent HIV/AIDS. To promote social security, gender issues, and employment, as well as to preserve and promote culture, among others, were priorities for the Government. Equally important was attaining the Millennium Development Goals. Cuba congratulated Antigua and Barbuda for having accepted a long number of the recommendations, including those made by Cuba. It recommended the adoption of the Working Group report and reiterated its solidarity.

910. Singapore was encouraged by Antigua and Barbuda's constructive participation in the review. As a fellow member of the Alliance of Small Island States, Singapore recognized the challenges faced by Antigua and Barbuda in its economic development. Despite these challenges, Singapore noted that Antigua and Barbuda had made significant progress in enhancing the enjoyment of human rights by its people. Singapore believed that Antigua and Barbuda had demonstrated its commitment to human rights. Singapore endorsed the adoption of the Working Group Report and wished the country success in the implementation of the recommendations.

911. Morocco congratulated Antigua and Barbuda for accepting a large number of the recommendations, including those made by Morocco, and reiterated its readiness to

strengthen the bilateral cooperation in the field of human rights. Morocco believed that challenges and constraints faced by Antigua and Barbuda, as a small island state, were numerous. These could not be overcome only with the effort of the national authorities. People of Antigua and Barbuda were very strong in their will and solidarity and able to continue the march towards strengthening the democracy and the rule of law. The irreversible attachment of Antigua and Barbuda to human rights could only be attained with the help of donors and international partners. The latter should respond to the needs expressed by Antigua and Barbuda, notably regarding capacity building and technical assistance. Morocco encouraged Antigua and Barbuda to make the best out of the universal periodic review exercise. It added that it was an excellent opportunity to exchange the best practices with a view to finding solutions to difficulties that affect small islands states.

912. Algeria recalled that, during the review, it had welcomed Antigua and Barbuda's commitment to human rights despite the human, environmental and financial difficulties, which had been faced by the country, like other island states. Algeria took the opportunity to remind the call made to the international community to provide assistance to these island states. It added that this assistance was needed to support their efforts to promote and protect human rights. Algeria welcomed the fact that Antigua and Barbuda accepted most of the recommendations, including the ones made by Algeria with regard to accession to the International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights as well as establishment of a national human rights institution. Algeria wished Antigua and Barbuda a success in implementing its accepted recommendations and encouraged it to continue its work on the promotion and protection of human rights.

3. General comments made by other relevant stakeholders

913. The Canadian HIV/AIDS Legal Network spoke also on behalf of the Meeting Emotional and Social Needs Holistically and the Caribbean Forum for Liberation and Acceptance of Genders and Sexualities. They called the attention of the Human Rights Council to particular challenges related to sexual orientation and gender identity faced by rights-holders in small-island developing states like Antigua and Barbuda. Contrary to the state's view that no discrimination based on sexual orientation and gender identity existed, such acts were ongoing. They urged Antigua and Barbuda to follow up on the police report filed, consistent with its acceptance of recommendation 67.28 to end such violence, and address its root causes. NGOs were committed to working with the Government in drafting policies and initiatives that Antigua and Barbuda committed to in recommendation 67.29 to address such discrimination. Antigua and Barbuda acknowledged changes in public opinion with regard to same sex conduct and admitted making little use of the serious indecency statute. The law, however, sanctioned violence, drove stigma, and especially in small island states, fuelled fear to exercise the rights to freedom of assembly and expression. They urged Antigua and Barbuda to follow other Caribbean states and declare a moratorium on enforcing laws against private sexual conduct between consenting adults. They also congratulated Antigua and Barbuda on its planned accession to several human rights conventions and thanked many States who made those recommendations.

914. The Amnesty International welcomed that there had been no executions in Antigua and Barbuda in the last 11 years and further welcomed the Government's commitment to rigorously apply international standards for fair trial in all death penalty cases. However, it was disappointed that Antigua and Barbuda rejected recommendations from six States to abolish the death penalty. It recalled that the death penalty violated the right to life as recognized in the Universal Declaration of Human Rights. It urged Antigua and Barbuda to impose a formal moratorium on the use of the death penalty with a view to abolishing it; to commute all death sentences to terms of imprisonment; to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights; and to vote in support of the next General Assembly resolution on a moratorium on the use of the death penalty.

It welcomed Antigua and Barbuda's commitment to condemn human rights violations against persons because of their sexual orientation and to institute policies and initiatives to address discrimination based on sexual orientation or gender identity. However, it emphasized that the removal of discriminatory laws was a first step in fighting the stigma surrounding homosexuality, and it regretted Antigua and Barbuda's rejection of recommendations to decriminalize sexual relations between consenting adults of the same sex. It also welcomed Antigua and Barbuda's support of recommendations to sign and ratify human rights conventions, including the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights.

B. General debate on agenda item 6

915. At its 43rd meeting, on 16 March 2012, the Human Rights Council held a general debate on agenda item 6, during which the following made statements:

(a) Representatives of States Members of the Council: Algeria⁷² (on behalf of 40 countries), Bangladesh, Costa Rica, Cuba, Czech Republic, Denmark⁷² (on behalf of European Union, Albania, Armenia, Bosnia and Herzegovina, Croatia, Georgia, Iceland, Montenegro, Republic of Moldova, Serbia, the former Yugoslav Republic of Macedonia and Ukraine), Hungary, Pakistan⁷² (on behalf of the Organization of Islamic Cooperation), Republic of Moldova, Russian Federation, Spain, United States of America, Uruguay;

(b) Representatives of the following observer States: Azerbaijan, Bahrain, Colombia, Morocco, Portugal, Republic of Korea, Slovenia, Sudan;

(c) Observers for intergovernmental organizations: Council of Europe, Organisation internationale de la Francophonie;

(d) Observers for the following non-governmental organizations: Action Canada for Population and Development, International Service for Human Rights, United Nations Watch, Verein Sudwind Entwicklungspolitik.

C. Consideration of and action on draft proposals

Tajikistan

916. At the 37th meeting, on 14 March 2012, the Council adopted draft decision 19/101 without a vote (for the text as adopted, see part one, chapter II).

United Republic of Tanzania

917. At the 37th meeting, on 14 March 2012 the Council adopted draft decision 19/102 without a vote (for the text as adopted, see part one, chapter II).

Libya

918. At the 37th meeting, on 14 March 2012, the Council adopted draft decision 19/103 without a vote (for the text as adopted, see part one, chapter II).

Swaziland

919. At the 38th meeting, on 15 March 2012, the Council adopted draft decision 18/104 without a vote (for the text as adopted, see part one, chapter II).

Trinidad and Tobago

920. At the 38th meeting, on 15 March 2012, the Council adopted draft decision 18/105 without a vote (for the text as adopted, see part one, chapter II).

Thailand

921. At the 38th meeting, on 15 March 2012, the Council adopted draft decision 18/106 without a vote (for the text as adopted, see part one, chapter II).

Ireland

922. At the 39th meeting, on 15 March 2012, the Council adopted draft decision 19/107 without a vote (for the text as adopted, see part one, chapter II).

Togo

923. At the 39th meeting, on 15 March 2012, the Council adopted draft decision 19/108 without a vote (for the text as adopted, see part one, chapter II).

Syrian Arab Republic

924. At the 39th meeting, on 15 March 2012, the Council adopted draft decision 19/109 without a vote (for the text as adopted, see part one, chapter II).

Venezuela (Bolivarian Republic of)

925. At the 40th meeting, on 15 March 2012, the Council adopted draft decision 19/110 without a vote (for the text as adopted, see part one, chapter II).

Iceland

926. At the 40th meeting, on 15 March 2012, the Council adopted draft decision 19/111 without a vote (for the text as adopted, see part one, chapter II).

Zimbabwe

927. At the 40th meeting, on 15 March 2012, the Council adopted draft decision 19/112 without a vote (for the text as adopted, see part one, chapter II).

Lithuania

928. At the 41st meeting, on 16 March 2012, the Council adopted draft decision 19/113 without a vote (for the text as adopted, see part one, chapter II).

Uganda

929. At the 41st meeting, on 16 March 2012, the Council adopted draft decision 19/114 without a vote (for the text as adopted, see part one, chapter II).

Timor Leste

930. At the 41st meeting, on 16 March 2012, the Council adopted draft decision 19/115 without a vote (for the text as adopted, see part one, chapter II).

Republic of Moldova

931. At the 42nd meeting, on 16 March 2012, the Council adopted draft decision 19/116 without a vote (for the text as adopted, see part one, chapter II).

Haiti

932. At the 42nd meeting, on 16 March 2012, the Council adopted draft decision 19/117 without a vote (for the text as adopted, see part one, chapter II).

Antigua and Barbuda

933. At the 42nd meeting, on 16 March 2012, the Council adopted draft decision 19/118 without a vote (for the text as adopted, see part one, chapter II).

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

A. General debate on agenda item 7

934. At the 31st meeting, on 12 March 2012, the representative of Palestine made a statement on the situation of human rights on the occupied Palestinian territories.

935. At the 44th meeting, on 19 March 2012, the High Commissioner for Human Rights represented her report (A/HRC/19/20) and the report of the Secretary-General (A/HRC/19/46 and Add.1).

936. At the same meeting, the representatives of Israel and the Syrian Arab Republic made statements as concerned countries, and the representative of Palestine made a statement as the concerned party.

937. Also at the same meeting and at the 45th meeting on the same day, the Council held a general debate on agenda item 7, during which the following made statements:

(a) Representatives of States Members of the Council: Argentina⁷² (on behalf of MERCOSUR, Bolivia (Plurinational State of), Chile, Ecuador, Peru, and Venezuela (Bolivarian Republic of)), Bangladesh, China, Cuba, Denmark⁷² (on behalf of the European Union, Albania, Bosnia and Herzegovina, Croatia, Montenegro, Serbia, and the former Yugoslav Republic of Macedonia), Ecuador, Egypt⁷² (on behalf of the Non-Aligned Movement), India (also on behalf of Brazil and South Africa), Indonesia, Jordan, Kuwait, Libya, Malaysia, Maldives, Mauritania (also on behalf of the Group of Arab States), Norway, Pakistan⁷² (on behalf of the Organization of Islamic Cooperation), Qatar, Russian Federation, Saudi Arabia, Senegal (on behalf of the Group of African States), Switzerland, United States of America;

(b) Representatives of the following observer States: Algeria, Bahrain, Egypt, Iceland, Iran (Islamic Republic of), Iraq, Morocco, Nicaragua, Lebanon, Oman, South Africa, Sri Lanka, Sudan, Tunisia, Turkey, United Arab Emirates, Venezuela (Bolivarian Republic of), Yemen;

(c) Observers for the following non-governmental organizations: Al-Haq, Law in the Service of Man, BADIL Resource Centre for Palestinian Residency and Refugee Rights, Cairo Institute for Human Rights Studies, Charitable Institute for Protecting Social Victims, Commission of the Churches on International Affairs of the World Council of Churches, Coordinating Board of Jewish Organizations (also on behalf of B'nai B'rith), European Union of Jewish Students, Institute for Women's Studies and Research, International Association of Democratic Lawyers (IADL) (also on behalf of American Association of Jurist), International Association of Jewish Lawyers and Jurists, International Federation for Human Rights Leagues (also on behalf of Palestinian Centre for Human Rights), Maarij Foundation for Peace and Development, Nord-Sud XXI - North-South XXI, The Institute on Human Rights and The Holocaust, Union of Arab Jurists (also

on behalf of General Arab Women Federation, and International Organization for the Elimination of All Forms of Racial Discrimination), and United Nations Watch.

938. At the 45th meeting, a statement in exercise of the right of reply was made by the representative of Iran (Islamic Republic of).

B. Consideration of and action on draft proposals

Human rights in the occupied Syrian Golan

939. At the 53rd meeting, on 22 March 2012, the representative of Pakistan introduced draft resolution A/HRC/19/L.3, sponsored by Pakistan (on behalf of the Organization of Islamic Cooperation) and co-sponsored by Cuba and Venezuela (Bolivarian Republic of). Subsequently, Angola, Belarus, and Nicaragua joined the sponsors.

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

941. Also at the same meeting, the representative of the United States of America made a statement in explanation of vote before the vote.

942. At the same meeting, at the request of the representative of the United States of America, a recorded vote was taken on draft resolution A/HRC/19/L.3. The draft resolution was adopted by 33 votes in favour, 1 against, with 13 abstentions. The voting was as follows:

In favour:

Angola, Bangladesh, Benin, Botswana, Burkina Faso, Chile, China, Congo, Costa Rica, Cuba, Djibouti, Ecuador, India, Indonesia, Jordan, Kuwait, Kyrgyzstan, Libya, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, Thailand, Uganda, Uruguay;

Against:

United States of America;

Abstaining:

Austria, Belgium, Cameroon, Czech Republic, Guatemala, Hungary, Italy, Norway, Poland, Republic of Moldova, Romania, Spain, Switzerland.

943. For the text as adopted, see part one, chapter I, resolution 19/14.

Right of the Palestinian people to self-determination

944. At the 53rd meeting, on 22 March 2012, the representative of Pakistan introduced draft resolution A/HRC/19/L.33, sponsored by Mauritania (on behalf of the Group of Arab States), Pakistan (on behalf of the Organization of Islamic Cooperation) and Palestine and co-sponsored by Austria, Bolivia (Plurinational State of), Cuba, Ireland, Luxembourg, Norway, Portugal, Switzerland and Venezuela (Bolivarian Republic of). Subsequently, Belarus, Belgium, Bulgaria, Finland, France, Greece, Malta, Monaco, Nicaragua, San Marino, Serbia, Slovenia, Spain and Sweden joined the sponsors.

945. At the same meeting, the representative of Israel made a statement as the concerned country, and the representative of Palestine made a statement as the concerned party.

946. Also at the same meeting, the representative of the United States of America made a statement in explanation of vote before the vote on draft resolutions A/HRC/19/L.33 and A/HRC/19/L.34.

947. At the same meeting, at the request of the representative of the United States of America, a recorded vote was taken on draft resolution A/HRC/19/L.33. The draft resolution was adopted by 46 votes in favour, 1 against. The voting was as follows:

In favour:

Angola, Austria, Bangladesh, Belgium, Benin, Botswana, Burkina Faso, Cameroon, Chile, China, Congo, Costa Rica, Cuba, Czech Republic, Djibouti, Ecuador, Guatemala, Hungary, India, Indonesia, Italy, Jordan, Kuwait, Kyrgyzstan, Libya, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Norway, Peru, Philippines, Poland, Qatar, Republic of Moldova, Romania, Russian Federation, Saudi Arabia, Senegal, Spain, Switzerland, Thailand, Uganda, Uruguay;

Against:

United States of America.

948. For the text as adopted, see part one, chapter I, resolution 19/15.

Human Rights situation in the Occupied Palestinian Territory, including East Jerusalem

949. At the 53rd meeting, on 22 March 2012, the representative of Pakistan introduced draft resolution A/HRC/19/L.34, sponsored by Mauritania (on behalf of the Group of Arab States), Pakistan (on behalf of the Organization of Islamic Cooperation) and Palestine, and co-sponsored by Bolivia (Plurinational State of), Cuba and Venezuela (Bolivarian Republic of). Subsequently, Nicaragua joined the sponsors.

950. At the same meeting, the representative of Pakistan orally revised the draft resolution.

951. At the same meeting, the representatives of Belgium (on behalf of States Members of the European Union that are Members of the Council) made a statement in explanation of vote before the vote.

952. Also at the same meeting, at the request of the representative of the United States of America, a recorded vote was taken on the draft resolution. The draft resolution, as orally revised, was adopted by 44 votes in favour, 1 against, with 2 abstentions. The voting was as follows:

In favour:

Angola, Austria, Bangladesh, Belgium, Benin, Botswana, Burkina Faso, Chile, China, Congo, Costa Rica, Cuba, Czech Republic, Djibouti, Ecuador, Hungary, India, Indonesia, Italy, Jordan, Kuwait, Kyrgyzstan, Libya, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Norway, Peru, Philippines, Poland, Qatar, Republic of Moldova, Romania, Russian Federation, Saudi Arabia, Senegal, Spain, Switzerland, Thailand, Uganda, Uruguay;

Against:

United States of America;

Abstaining:

Cameroon, Guatemala.

953. For the text as adopted, see part one, chapter I, resolution 19/16.

Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan

954. At the 53rd meeting, on 22 March 2012, the representative of Pakistan introduced draft resolution A/HRC/19/L.35, sponsored by Mauritania (on behalf of the Group of Arab States), Pakistan (on behalf of the Organization of Islamic Cooperation), Palestine, and co-sponsored by Bolivia (Plurinational State of), Cuba, Venezuela (Bolivarian Republic of). Subsequently, Finland, Greece, Ireland, Luxembourg, Malta, Nicaragua, Norway, Portugal, Slovenia, Sweden and Switzerland joined the sponsors.

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

956. Also at the same meeting, in accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of the draft resolution.

957. At the same meeting, the representatives of Austria, Costa Rica, Czech Republic (also on behalf of Hungary, Poland, and Romania), Italy (also on behalf of Spain), Mexico and the United States of America made statements in explanation of vote before the vote.

958. Also at the same meeting, at the request of the representative of the United States of America, a recorded vote was taken on the draft resolution. The draft resolution was adopted by 36 votes in favour, 1 against, with 10 abstentions. The voting was as follows:

In favour:

Angola, Austria, Bangladesh, Belgium, Benin, Botswana, Burkina Faso, Chile, China, Congo, Cuba, Djibouti, Ecuador, India, Indonesia, Jordan, Kuwait, Kyrgyzstan, Libya, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Norway, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, Switzerland, Thailand, Uganda, Uruguay;

Against:

United States of America;

Abstaining:

Cameroon, Costa Rica, Czech Republic, Guatemala, Hungary, Italy, Poland, Republic of Moldova, Romania, Spain,

959. For the text as adopted, see part one, chapter I, resolution 19/17.

Follow-up to the report of the United Nations Independent International Fact-finding Mission on the Gaza conflict

960. At the 53rd meeting, on 22 March 2012, the representative of Pakistan introduced draft resolution A/HRC/19/L.36, sponsored by Mauritania (on behalf of the Group of Arab States), Pakistan (on behalf of the Organization of Islamic Cooperation) and Palestine and co-sponsored by Bolivia (Plurinational State of), Cuba, Venezuela (Bolivarian Republic of). Subsequently, Nicaragua joined the sponsors.

961. At the same meeting, in accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of the draft resolution.

962. Also at the same meeting, the representatives of Belgium (on behalf of States Members of the European Union that are Members of the Council), India and the United States of America made statements in explanation of vote before the vote.

963. At the same meeting, at the request of the representative of United States of America, a recorded vote was taken on the draft resolution. The draft resolution was adopted by 29 votes in favour, 1 against, with 17 abstentions. The voting was as follows:

In favour:

Angola, Bangladesh, Benin, Botswana, Chile, China, Congo, Cuba, Djibouti, Ecuador, India, Indonesia, Jordan, Kuwait, Kyrgyzstan, Libya, Malaysia, Maldives, Mauritania, Mauritius, Nigeria, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, Thailand, Uganda;

Against:

United States of America;

Abstaining:

Austria, Belgium, Burkina Faso, Cameroon, Costa Rica, Czech Republic, Guatemala, Hungary, Italy, Mexico, Norway, Poland, Republic of Moldova, Romania, Spain, Switzerland, Uruguay.

964. For the text as adopted, see part one, chapter I, resolution 19/18.

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

A. General debate on agenda item 8

965. At its 45th meeting, on 19 March 2012, the Council held a general debate on agenda item 8, during which the following made statements:

(a) Representatives of States Members of the Council: Argentina⁷² (on behalf of MERCOSUR, Colombia, Chile, Ecuador and Peru), Chile, Denmark⁷² (on behalf of the European Union, Albania, Armenia, Croatia, Iceland, Montenegro, Serbia, the former Yugoslav Republic of Macedonia and Ukraine), Djibouti, Senegal (on behalf of the Group of African States), Spain, United States of America;

(b) Representatives of the following observer States: Algeria, Colombia, Iran (Islamic Republic of), Monaco, Morocco;

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

(d) Observers for the following non-governmental organizations: Action internationale pour la paix et le développement dans la région des Grands Lacs, Agence Internationale pour le Développement, Amnesty International, Associazione Comunita Papa Giovanni XXIII (also on behalf of AVSI Foundation, Caritas Internationalis (International Confederation of Catholic Charities), Company of the Daughters of Charity of St. Vincent de Paul, International Association of Charities, International Council of Catholic Men, International Organization for the Right to Education and Freedom of Education, New Humanity, Society for the Protection of Unborn Children, World Union of Catholic Women's Organizations and World Youth Alliance), Canadian HIV/AIDS Legal Network, Centrist Democratic International, Comité International pour le respect et l'application de la Charte Africaine des Droits de l'Homme et des Peuples, International Buddhist Relief Organisation, International Islamic Federation of Student Organizations, Liberation, United Nations Watch, Verein Sudwind Entwicklungspolitik, World Muslim Congress.

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

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

A. General debate on agenda item 9

967. At the 48th meeting, on 20 March 2012, the Chairperson-Rapporteur of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, Mohamed Siad Douale, presented the report of the Working Group on its ninth session, held from 17 to 28 October 2011 (A/HRC/19/77).

968. At the same meeting the Council held a general debate on agenda item 9, during which the following made statements:

(a) Representatives of States Members of the Council: Austria, Bangladesh, China, Costa Rica, Cuba, Denmark⁷² (on behalf of the European Union, Albania, Armenia, Bosnia and Herzegovina, Croatia, Georgia, Iceland, Montenegro, the Republic of Moldova, Serbia, the former Yugoslav Republic of Macedonia and Ukraine), Egypt⁷² (on behalf of the Non-Aligned Movement), Indonesia, Kuwait, Libya, Mauritania (on behalf of the Group of Arab States), Pakistan⁷² (on behalf of the Organization of Islamic Cooperation), Qatar, Senegal (on behalf of the Group of African States), Russian Federation, United States of America;

(b) Representatives of the following observer States: Algeria, Brazil, Democratic People's Republic of Korea, Egypt, France, Iran (Islamic Republic of), Morocco, Nepal, South Africa, Tunisia, Turkey, Venezuela (Bolivarian Republic of), Viet Nam;

(c) Observer for an intergovernmental organization: Council of Europe;

(d) Observers for the following non-governmental organizations: Action internationale pour la paix et le développement dans la région des Grands Lacs, African Association of Education for Development, African Commission of Health and Human Rights Promoters, Centre for Human rights and Peace Advocacy, Fraternité Notre Dame, Indian Council of South America, International Association of Jewish Lawyers and Jurists, International Buddhist Relief Organisation, International Committee for the Indians of the Americas, International Educational Development, Inc., International Islamic Federation of Student Organizations, International Youth and Student Movement for the United Nations, Liberation, Mouvement contre le racisme et pour l'amitié entre les peuples, Nord-Sud XXI - North-South XXI, Rencontre Africaine pour la défense des droits de l'homme, United Nations Watch, United Schools International, United Towns Agency for North-South Cooperation, Verein Sudwind Entwicklungspolitik and World Muslim Congress.

969. Also at the same meeting, statements in exercise of the right of reply were made by the representatives of the Democratic People's Republic of Korea, Japan, Latvia and the Russian Federation.

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

B. Consideration of and action on draft proposals

Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief

971. At the 55th meeting, on 23 March 2012, the representative of Pakistan (on behalf of the Organization of Islamic Cooperation) introduced draft resolution A/HRC/19/L.7, sponsored by Pakistan (on behalf of the Organization of Islamic Cooperation) and co-sponsored by Australia and Venezuela (Bolivarian Republic of). Subsequently, Belarus, Nicaragua, Thailand and Uruguay joined the sponsors.

972. At the same meeting, the representative of the United States of America made general comments in relation to the draft resolution.

973. At the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 19/25).

X. Technical assistance and capacity-building

A. Interactive dialogue with special procedures mandate holders

Individual Interactive Dialogue with Independent Expert on the situation of human rights in Côte d'Ivoire

974. At the 49th meeting, on 21 March 2012, Doudou Diène, the Independent Expert on the human rights situations in Côte d'Ivoire presented his report (A/HRC/19/72).

975. At the same meeting, the representative of Côte d'Ivoire made a statement as the concerned country.

976. During the ensuing interactive dialogue at the same meeting, the following made statements and asked the Independent Expert questions:

(a) Representatives of States Members of the Human Rights Council: Burkina Faso, China, Maldives, Nigeria, Senegal (on behalf of the Group of African States), Switzerland, United States of America;

(b) Representatives of the following observer States: Australia, Canada, France, Morocco, United Kingdom of Great Britain and Northern Ireland;

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

(d) Observer for a United Nations entity, specialized agency and related organization: United Nations Children's Fund;

(e) Observers for the following non-governmental organizations: Democracy Coalition Project, Femmes Afrique Solidarité, Human Rights Watch, International Federation for Human Rights Leagues, United Nations Watch.

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

B. Annual thematic discussion on best practices on technical cooperation

978. At the 50th meeting, on 21 March 2012, pursuant to Council resolution 18/18, the Council held an annual thematic discussion to promote the sharing of experiences and best

practices and technical cooperation in the promotion and protection of human rights. Sek Wannamethee, Deputy Permanent Representative of Thailand, moderated the discussion for the panel. The High Commissioner for Human Rights made introductory remarks for the panel.

979. During the ensuing panel discussion for the first slot, at the same meeting, the following made statements and asked the panelists questions:

(a) Representatives of States Members of the Council: Ecuador, Indonesia, Maldives, Mauritius, Norway, Pakistan⁷² (on behalf of the Organization of Islamic Cooperation);

(b) Representatives of the following observer States: Algeria, Barbados, Japan, Kenya, Morocco, Paraguay, United Kingdom of Great Britain and Northern Ireland;

(c) Representatives of the following observer intergovernmental organizations: European Union, Inter Parliamentary Union.

980. Also at the same meeting, the moderator and the panelists Ridha Bouabid, Victore Bwire, Etta Rosales, and Shireen Said made statements and answered questions.

981. During the ensuing panel discussion for the second slot, at the same meeting, the following made statements and asked the panelists questions:

(a) Representatives of States Members of the Council: Austria, Chile, Costa Rica, Cuba, Mauritania (on behalf of the Group of Arab States), Mexico, Qatar, Senegal (on behalf of the Group of African States), Switzerland, United States of America;

(b) Representatives of the following observer States: Australia (also on behalf of Canada and New Zealand), Brazil, Georgia, Honduras, Sri Lanka, Sudan, Turkey;

(c) Observers for the following non-governmental organizations: International Service for Human Rights, Regional Centre for Human Rights and Gender Justice.

982. At the same meeting, the panelists answered questions and made their concluding remarks.

983. Also at the same meeting, the representative of the Office of the High Commissioner for Human Rights made a statement.

C. General debate on agenda item 10

984. At the 51st meeting, on 21 March 2012, the Deputy High Commissioner introduced country-specific reports submitted under agenda item 10 (A/HRC/19/47, A/HRC/19/48, A/HRC/19/49 and A/HRC/19/51).

985. At the same meeting, the representatives of Afghanistan, Democratic Republic of the Congo, Guinea, and Yemen made statements as concerned countries.

986. At the same meeting, the Council held a general debate on agenda item 10, during which the following made statements:

(a) Representatives of States Members of the Council: Australia⁷² (also on behalf of Hungary, Nigeria, Thailand and Uruguay), China, Denmark⁷² (also on behalf of the European Union, Albania, Armenia, Bosnia and Herzegovina, Croatia, Iceland, Montenegro, the Republic of Moldova, Serbia, Turkey, the former Yugoslav Republic of Macedonia and Ukraine), Ecuador, Indonesia, Italy, Jordan, Kuwait, Kyrgyzstan, Maldives, Mauritania (on behalf of the Group of Arab States), Norway, Pakistan⁷² (on behalf of the Organization of the Islamic Cooperation), Saudi Arabia, United States of America;

(b) Representatives of the following observer States: Algeria, Luxembourg, Morocco, Sri Lanka, Sudan, Turkey, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland;

(c) Observer for an intergovernmental organization: Council of Europe;

(d) Observer for a United Nations entity, specialized agency and related organization: United Nations Children's Fund;

(e) Observers for the following non-governmental organizations: African Commission of Health and Human Rights Promoters, American Civil Liberties Union, Amnesty International, Femmes Africa Solidarité, General Arab Women Federation, Human Rights Watch, International Buddhist Foundation, International Federation for Human Rights Leagues, Maarij Foundation for Peace and Development, Liberation, Rencontre Africaine pour la defense des droits de l'homme, Union des Juristes Arabes (also on behalf of United Towns Agency for North-South Cooperation), United Nations Watch, World Organisation Against Torture.

D. Consideration of and action on draft proposals

Voluntary Trust Fund for Least Developed Countries and Small Island Developing States

987. At the 55th meeting, on 23 March 2012, the representatives of Barbados, Maldives, Morocco, the Netherlands and Senegal introduced draft resolution A/HRC/19/L.6, sponsored by Barbados, Brazil, Burkina Faso, Djibouti, Maldives, Mauritius, Morocco, Netherlands, Norway, Senegal, Switzerland and Turkey and co-sponsored by Albania, Australia, Austria, Azerbaijan, Bangladesh, Benin, Bosnia and Herzegovina, Botswana, Cameroon, Cape Verde, Chad, Chile, Congo, Côte d'Ivoire, Croatia, Cuba, Cyprus, Denmark, Dominican Republic, Ecuador, Finland, France, Germany, Georgia, Greece, Honduras, Hungary, India, Indonesia, Ireland, Italy, Kyrgyzstan, Lebanon, Libya, Lithuania, Luxembourg, Malaysia, Mali, Malta, Mauritania, Mexico, Montenegro, Nepal, Nicaragua, Nigeria, Palestine, Peru, the Philippines, Poland, Portugal, Romania, the Russian Federation, Saint Kitts and Nevis, Saudi Arabia, Senegal (on behalf of the Group of African States), Singapore, Slovenia, the Solomon Islands, Spain, Sri Lanka, Sudan, Sweden, Thailand, Tunisia, Turkmenistan, Uganda, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Venezuela (Bolivarian Republic of), Viet Nam and Yemen. Subsequently, Angola, Argentina, Bhutan, Burundi, Cambodia, Canada, the Central African Republic, Costa Rica, Israel, Jamaica, Japan, Jordan, Kenya, the Lao People's Democratic Republic, Lesotho, Namibia, Pakistan, Rwanda, Saint Vincent and the Grenadines, Serbia, Somalia, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Ukraine and Vanuatu joined the sponsors.

988. At the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 19/26).

Situation of human rights in the Democratic Republic of the Congo and the strengthening of technical cooperation and advisory services

989. At the 55th meeting, on 23 March 2012, the representative of Senegal introduced draft resolution A/HRC/19/L.15/Rev.1, sponsored by Senegal (on behalf of the Group of Africa States).

990. At the same meeting, the representative of Senegal orally revised the draft resolution.

991. Also at the same meeting, the representative of Belgium (on behalf of Member States of the European Union that are Members of the Council) made general comments in relation to the draft resolution.

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

993. Also at the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 19/27).

Assistance to Somalia in the Field of human rights

994. At the 55th meeting, on 23 March 2012, the representatives of Somalia and the United Kingdom of Great Britain and Northern Ireland introduced draft resolution A/HRC/19/L.28/Rev.1, sponsored by Somalia and the United Kingdom of Great Britain and Northern Ireland and co-sponsored by Australia, Bulgaria, Canada, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Honduras, Indonesia, Ireland, Israel, Italy, Latvia, Lithuania, Maldives, Norway, Poland, Portugal, Romania, Senegal (on behalf of the Group of African States), Serbia, Slovakia, the Republic of Moldova, Turkey, the United States of America. Subsequently, Austria, Bangladesh, Belgium, Croatia, Cuba, Cyprus, Ecuador, Georgia, Greece, Hungary, Japan, Luxembourg, Malta, Mauritania (on behalf of the Group of Arab States), Monaco, the Netherlands, Nicaragua, Pakistan (on behalf of the Organization of Islamic Cooperation), Qatar, Saudi Arabia, Slovenia, Spain, Sweden, Switzerland, Thailand, Ukraine and Yemen joined the sponsors.

995. At the same meeting, in accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of the draft resolution.

996. Also at the same meeting, the representative of Mauritania made a statement in explanation of vote before the vote.

997. At the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 19/28).

Situation of human rights in Haiti

998. At the 55th meeting, on 23 March 2012, the President of the Council introduced the draft president's statement A/HRC/19/L.32.

999. At the same meeting, the President of the Council orally revised the draft statement.

1000. Also at the same meeting, the representative of Haiti made a statement as the concerned country.

1001. At the same meeting, in accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of the draft president's statement.

1002. Also at the same meeting, the president's statement, as orally revised, was adopted without a vote (for the text as adopted, see part one, chapter III, PRST 19/2).

Technical assistance and capacity-building to Yemen in the field of human rights

1003. At the 55th meeting, on 23 March 2012, the representative of the Netherlands introduced draft resolution A/HRC/19/L.37/Rev.1, sponsored by the Netherlands and Yemen and co-sponsored by Bulgaria, Canada, Croatia, the Czech Republic, Djibouti, France, Iraq, Italy, Jordan, Libya, Mauritania (on behalf of the Group of Arab States), Morocco, Oman, Pakistan (on behalf of the Organization of Islamic Cooperation),

Palestine, Poland, Romania, Saudi Arabia, Tunisia, Turkey, the United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Subsequently, Australia, Austria, Denmark, Indonesia, Japan, Kuwait, Maldives, Portugal, the Republic of Moldova, Slovakia, Somalia, Spain and the Sudan joined the sponsors.

1004. At the same meeting, the representative of Yemen made a statement as the concerned country.

1005. Also at the same meeting, in accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of the draft decision.

1006. At the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 19/29).

Strengthening of technical cooperation and consultative services in Guinea

1007. At the 55th meeting, on 23 March 2012, the representative of Senegal introduced draft resolution A/HRC/19/L.40, sponsored by Guinea and co-sponsored by Canada, France, Norway and Senegal (on behalf of the Group of African States). Subsequently, Australia, Austria, Bulgaria, Cyprus, the Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Indonesia, Ireland, Luxembourg, the Netherlands, Poland, Portugal, Romania, Slovenia, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America joined the sponsors.

1008. At the same meeting, the representatives of Guinea made a statement as the concerned country.

1009. At the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 19/30).

Assistance to Libya in the field of human rights

1010. At the 55th meeting, on 23 March 2012, the representative of Morocco introduced draft resolution A/HRC/19/L.39/Rev.1, sponsored by Libya and Morocco and co-sponsored by Italy, Mauritania (on behalf of the Group of Arab States), Pakistan (on behalf of the Organization of Islamic Cooperation), Senegal (on behalf of the Group of African States with the exception of Uganda) and the United States of America. Subsequently, Australia, Bulgaria, Croatia, the Czech Republic, Denmark, Indonesia, Ireland, Montenegro, the Netherlands, the Republic of Korea, Romania, Saudi Arabia, Sweden and Thailand joined the sponsors.

1011. At the same meeting, the representative of Morocco orally revised the draft resolution.

1012. Also at the same meeting, the representative of Libya made a statement as the concerned country.

1013. At the same meeting, the representatives of the Russian Federation and Uganda made general comments in relation to the draft resolution, in which the Russian Federation introduced two oral amendments to the draft resolution and Uganda introduced one oral amendment to the draft resolution.

1014. Also at the same meeting, the representatives of Botswana, Cuba, Hungary, Italy, Jordan, Kuwait, Libya, Mauritania, Qatar, Saudi Arabia, the Russian Federation, Uganda and the United States of America made general comments in relation to the draft resolution and the oral amendments.

1015. At the same meeting, at the request of the representative of Libya, a recorded vote was taken on the first amendment introduced by the Russian Federation to draft resolution A/HRC/19/L.39/Rev.1. The amendment was rejected by 11 votes in favour, 16 against, with 19 abstentions. The voting was as follows:

In favour:

Chile, China, Congo, Costa Rica, Ecuador, Guatemala, Mexico, Peru, Russian Federation, Uganda, Uruguay;

Against:

Benin, Czech Republic, Djibouti, Hungary, Italy, Jordan, Kuwait, Libya, Malaysia, Maldives, Mauritania, Poland, Qatar, Romania, Saudi Arabia, United States of America;

Abstaining:

Angola, Austria, Bangladesh, Belgium, Botswana, Burkina Faso, Cameroon, India, Indonesia, Kyrgyzstan, Mauritius, Nigeria, Norway, Philippines, Republic of Moldova, Senegal, Spain, Switzerland, Thailand.

1016. Also at the same meeting, at the request of the representative of Libya, a recorded vote was taken on the second oral amendment introduced by the Russian Federation to draft resolution A/HRC/19/L.39/Rev.1. The amendment was rejected by 13 votes in favour, 16 against, with 17 abstentions. The voting was as follows:

In favour:

Botswana, Chile, China, Congo, Costa Rica, Ecuador, Guatemala, Kyrgyzstan, Mexico, Peru, Russian Federation, Uganda, Uruguay;

Against:

Benin, Czech Republic, Djibouti, Hungary, Italy, Jordan, Kuwait, Libya, Malaysia, Maldives, Mauritania, Poland, Qatar, Romania, Saudi Arabia, United States of America;

Abstaining:

Angola, Austria, Bangladesh, Belgium, Burkina Faso, Cameroon, India, Indonesia, Mauritius, Nigeria, Norway, Philippines, Republic Moldova, Senegal, Spain, Switzerland, Thailand.

1017. At the same meeting, at the request of the representative of Libya, a recorded vote was taken on the oral amendments introduced by Uganda to draft resolution A/HRC/19/L.39/Rev.1. The amendment was rejected by 15 votes in favour, 17 against, with 14 abstentions. The voting was as follows:

In favour:

Angola, Botswana, Burkina Faso, Chile, China, Congo, Costa Rica, Ecuador, Guatemala, Mauritius, Mexico, Peru, Russian Federation, Uganda, Uruguay;

Against:

Benin, Czech Republic, Djibouti, Hungary, Indonesia, Italy, Jordan, Kuwait, Libya, Malaysia, Maldives, Mauritania, Poland, Qatar, Romania, Saudi Arabia, United States of America;

Abstaining:

Austria, Bangladesh, Belgium, Cameroon, India, Kyrgyzstan, Nigeria, Norway, Philippines, Republic Moldova, Senegal, Spain, Switzerland, Thailand.

1018. Also at the same meeting, the representative of the Russian Federation made a statement in explanation of vote before the vote in relation to the draft resolution.

1019. At the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 19/39).

1020. Also at the same meeting, the representative of Maldives made a statement in explanation of vote after the vote in relation to the draft resolution and the oral amendments.

Annex

Attendance

Members

Angola	Guatemala	Philippines
Austria	Hungary	Poland
Bangladesh	India	Norway
Belgium	Indonesia	Qatar
Benin	Italy	Republic of Moldova
Botswana	Jordan	Romania
Burkina Faso	Kuwait	Russian Federation
Cameroon	Kyrgyzstan	Saudi Arabia
Chile	Libya	Senegal
China	Malaysia	Spain
Congo	Maldives	Switzerland
Costa Rica	Mauritania	Thailand
Cuba	Mauritius	Uganda
Czech Republic	Mexico	United States of America
Djibouti	Nigeria	Uruguay
Ecuador	Peru	

States Members of the United Nations represented by observers

Afghanistan	Estonia	Monaco
Albania	Etiopía	Morocco
Algeria	Finland	Myanmar
Andorra	France	Namibia
Armenia	Germany	Netherlands
Australia	Ghana	Nepal
Azerbaijan	Greece	New Zealand
Bahrain	Haiti	Oman
Belarus	Honduras	Pakistan
Bolivia (Plurinational State of)	Iceland	Palau
Bosnia and Herzegovina	Iran (Islamic Republic of)	Paraguay
Brazil	Iraq	Republic of Korea
Brunei Darussalam	Ireland	Rwanda
Bulgaria	Israel	Saint Vincent and the Grenadines
Cambodia	Ivory Coast	Seychelles
Canada	Japan	Sierra Leone
Chad	Kenya	Singapore
Colombia	Lao People's Democratic Republic	Slovakia
Croatia	Latvia	Slovenia
Cyprus	Lebanon	Solomon Islands
Denmark	Liechtenstein	South Africa
Democratic People's Republic of Korea	Lithuania	South Sudan
Egypt	Luxembourg	Sri Lanka
Equatorial Guinea	Madagascar	Sudan
	Malta	Suriname
		Sweden

Syrian Arab Republic	Turkmenistan	Venezuela (Bolivarian Republic of)
Tajikistan	United Arab Emirates	Viet Nam
Timor Leste	United Kingdom of Great Britain and Northern Ireland	Yemen
Tunisia	Uzbekistan	Zimbabwe
Turkey		

Non-Member States represented by observers

Holy See

Other observers

Palestine

United Nations

Joint United Nations Programme on HIV/AIDS
United Nations High Commissioner for Refugees
United Nations Children's Fund

Specialized agencies and related organizations

International Labour Organization World Health Organization

Intergovernmental organizations

European Union
Council of Europe
International Organization of the Francophonie
Organization of Islamic cooperation
Inter Parliamentary Union

Other entities

Sovereign Military Order of Malta

National human rights institutions

Australian Human Rights Commission
National Council for Human Rights of Morocco
Equality and Human Rights Commission of Great Britain
Public Defender of Human in Georgia
German Institute for Human Rights
Kenya Human Rights Commission
French Commission on Human Rights
International Coordinating Committee of National Human Rights Institutions
South Africa Human Rights Commission (by video message)
Mexico's National Human Rights Commission (by video message)
National Human Rights Institutions of Timor-Leste (by video Message)

Non-governmental organizations

Action Canada for Population and Development	African Commission of Health and Human Rights Promoters
African Association of Education for Development	African Technology Development Link

Action internationale pour la paix et le développement dans la région des Grands Lacs
 Agence internationale pour le développement (AIDE FEDERATION)
 Centrist Democratic International
 Al Zubair Charitable Foundation
 Al-Hakim Foundation
 Al-Haq, Law in the Service of Man
 All-Russian Society of the Deaf All Russian Public Organization of Persons with Disabilities – “ARSD” AOPD
 American Association of Jurists
 American Civil Liberties Union
 Amman Center for Human Rights Studies
 Amnesty International
 Association for the Prevention of Torture
 Arab Lawyers Union
 Arab NGO Network for Development
 Arab Organization for Human Rights
 Association Apprentissage Sans Frontieres-ASF
 African-American Society for Humanitarian and Development (ASHAD)
 Asian Forum for Human Rights and Development
 Asian Indigenous and Tribal Peoples Network
 Asian Legal Resource Centre
 Association for Progressive Communications
 Association Comunità Papa Giovanni XXIII
 BADIL Resource Center for Palestinian Residency and Refugee Rights
 Baha'i International Community
 B'nai B'rith
 Cairo Institute for Human Rights Studies
 Canadian HIV/AIDS Legal Network
 Canners International Permanent Committee
 CARE (Christian Action Research and Education)
 Caritas Internationalis (International Confederation of Catholic Charities)
 Center for Environmental and Management Studies
 Center for Reproductive Rights, Inc.
 Center for Inquiry
 Centre for Human Rights and Peace Advocacy
 Centro Regional de Derechos Humanos y Justicia de Genero
 Charitable Institute for Protecting Social Victims
 China Association for Preservation and Development of Tibetan Culture (CAPDTC)
 China NGO Network for International Exchanges
 Child Helpline International
 CIVICUS - World Alliance for Citizen Participation
 Colombian Commission of Jurists
 Comité international pour le respect et l'application de la Charte Africaine des Droits de l'Homme et des Peuples (CIRAC)
 Commission to Study the Organization of Peace
 Commission of the Churches on International Affairs of the World Council of Churches
 Company of the Daughters of Charity of St. Vincent De Paul
 Conectas Direitos Humanos
 Coordinating Board of Jewish Organizations
 Consortium for Street Children
 Defence for Children International
 Democracy Coalition Project
 Development Innovations and Networks
 Dominicans for Justice and Peace - Order of Preachers
 European Centre for Law and Justice
 European Disability Forum
 European Law Students' Association (ELSA)
 European Region of the International Lesbian and Gay Federation
 European Union of Jewish Students
 European Union of Public Relations
 European Women's Lobby
 Federacion de Asociaciones de Defensa Y Promocion de los Derechos Humanos
 Federatie van Nederlandse Verenigingen tot Integratie Van Homoseksualiteit - COC Nederland
 Femmes Africa Solidarité
 Foodfirst Information and Action Network (FIAN)
 France Libertes: Fondation Danielle Mitterrand
 Franciscans International
 Fraternite Notre Dame, Inc
 Freedom House
 Friedrich Ebert Foundation
 Friends World Committee for Consultation
 Front Line, The International Foundation for the Protection of Human Rights Defenders
 General Arab Women Federation
 Geneva for Human Rights
 Geneva International Model United Nations
 Good Neighbors International
 HelpAge International

Helsinki Foundation for Human Rights
 Himalayan Research and Cultural Foundation
 Human Rights Advocates Inc.
 Human Rights First
 Human Rights House Foundation
 Human Rights Information and Documentation Systems International
 Human Rights Watch
 Independent Centre for Research and Initiative for the Dialogue (ICRID)
 Indian Council of Education
 Indian Council of South America
 Institute for Planetary Synthesis
 Institute for Women's Studies and Research
 International Association for Democracy in Africa
 International Association of Jewish Lawyers and Jurists
 International Association for Religious Freedom
 International Association of Democratic Lawyers
 International Association of Peace Messenger Cities
 International Association of Schools of Social Work
 International Bridges to Justice
 International Buddhist Foundation (IBF)
 International Buddhist Relief Organisation
 International Catholic Child Bureau
 International Committee for the Indians of the Americas (Switzerland)
 International Commission of Jurists
 International Educational Development, Inc.
 International Federation for Human Rights Leagues
 International Federation of Journalists
 International Federation Terre Des Hommes
 International Fellowship of Reconciliation
 International Gay and Lesbian Human Rights Commission
 International Human Rights Association of American Minorities (IHRAAM)
 International Humanist and Ethical Union
 International Institute for Non-Aligned Studies
 International Institute for Peace
 International Institute of Mary Our Help of the Salesians of Don Bosco
 International Islamic Federation of Student Organizations
 International Lesbian and Gay Association
 International Movement ATD Fourth World
 International Mouvement Against All Forms of Discrimination and Racism (IMADR)
 International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD)
 International Peace Bureau
 International Rescue Committee, Inc.
 International Service for Human Rights
 International Society for Human Rights
 International Union of Notaries
 International Volunteerism Organization for Women, Education and Development - VIDES
 International Youth and Student Movement for the United Nations
 Internet Society
 Iranian Elite Research Center
 Islamic Human Rights Commission
 Islamic Women's Institute of Iran
 Jammu and Kashmir Council for Human Rights (JKCHR)
 Japanese Workers' Committee for Human Rights
 Jubilee Campaign
 Khiam Rehabilitation Center for Victims of Torture
 Lawyers' Rights Watch Canada
 Liberal International (World Liberal Union)
 Liberation
 Ligue internationale contre le racisme et l'antisémitisme
 Lutheran World Federation
 Maarij Foundation for Peace and Development
 Madre, Inc.
 Mandat International
 Medical Care Development International
 MINBYUN - Lawyers for a Democratic Society
 German Catholic Bishops' Organisation for Development Cooperation
 Mouvement contre le Racisme et l'Amitié entre les Peuples
 Myochikai (Arigatou Foundation)
 National Association for the Advancement of Colored People
 Nonviolent Radical Party, Transnational and Transparty
 Nord-Sud XXI
 Norwegian Refugee Council
 Organisation pour la communication en Afrique et de promotion de la coopération économique internationale

International Organization for the
Development of Freedom of Education
(OIDEL)
ONG HOPE International
Organization For Defending Victims of
Violence
Green Motherland
Pax Romana
Penal Reform International
People's Solidarity for Participatory
Democracy
Permanent Assembly for Human Rights
Physicians for Human Rights
Plan International, Inc.
Planetary Association for Clean Energy, Inc.
Press Emblem Campaign
Regional Center for Human Rights and
Gender Justice "Corporacion Humanas"
Rencontre Africaine pour la défense des droits
de l'homme
Reporters Without Borders
Save a Child's Heart in Memory of Dr. Ami
Cohen
Save the Children International
Servas International
Social Service Agency of the Protestant
Church in Germany
Society for Threatened Peoples
Soka Gakkai International
Sudan Council of Voluntary Agencies
The Charitable Institute for Protecting Social
Victims
Touro Law Center, the Institute on Human
Rights and the Holocaust
Union of Arab Jurists
United Nations Association of China (UNA-
China)
United Nations Watch
United Schools International
United Towns Agency for North-South
Cooperation
Universal Esperanto Association
Verein Sudwind Entwicklungspolitik
VIVAT International
Women's Federation for World Peace
Women's Human Rights International
Association
Women's International League for Peace and
Freedom
Women's World Summit Foundation
World Environment and Resources Council
(WERC)
World Federation of Trade Unions
World Federation of United Nations
Associations
World Muslim Congress
World Organisation Against Torture
World Russian People's Council
World Student Christian Federation
World Vision International
World Young Women's Christian Association

Annex II

Agenda

- Item 1 Organizational and procedural matters.
- Item 2 Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General
- Item 3 Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development
- Item 4 Human rights situations that require the Council's attention
- Item 5 Human rights bodies and mechanisms
- Item 6 Universal periodic review
- Item 7 Human rights situation in Palestine and other occupied Arab territories.
- Item 8 Follow-up to and implementation of the Vienna Declaration and Programme of Action
- Item 9 Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up to and implementation of the Durban Declaration and Programme of Action
- Item 10 Technical assistance and capacity-building

Annex III

Documents issued for the nineteenth session

Documents issued in the general series

<i>Symbol</i>		<i>Agenda item</i>
A/HRC/19/1	1	Annotations to the agenda for the nineteenth session of the Human Rights Council
A/HRC/19/1/Corr.1	1	Corrigendum
A/HRC/19/1/Corr.2	1	Corrigendum
A/HRC/19/2	1	Report of the Human Rights Council on its nineteenth session
A/HRC/19/3	6	Report of the Working Group on the Universal Periodic Review on Tajikistan
A/HRC/19/3/Add.1	6	Addendum
A/HRC/19/3/Add.1/Corr.1	6	Corrigendum
A/HRC/19/4	6	Report of the Working Group on the Universal Periodic Review on the United Republic of Tanzania
A/HRC/19/5	6	Report of the Working Group on the Universal Periodic Review on Antigua and Barbuda
A/HRC/19/6	6	Report of the Working Group on the Universal Periodic Review on Swaziland
A/HRC/19/6/Add.1	6	Addendum
A/HRC/19/7	6	Report of the Working Group on the Universal Periodic Review on Trinidad and Tobago
A/HRC/19/7/Add.1	6	Addendum
A/HRC/19/8	6	Report of the Working Group on the Universal Periodic Review on Thailand
A/HRC/19/8/Add.1	6	Addendum
A/HRC/19/9	6	Report of the Working Group on the Universal Periodic Review on Ireland
A/HRC/19/9/Add.1	6	Addendum
A/HRC/19/10	6	Report of the Working Group on the Universal Periodic Review on Togo

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<i>Symbol</i>		<i>Agenda item</i>
A/HRC/19/10/Add.1	6	Addendum
A/HRC/19/11	6	Report of the Working Group on the Universal Periodic Review on the Syrian Arab Republic
A/HRC/19/11/Add.1	6	Addendum
A/HRC/19/12	6	Report of the Working Group on the Universal Periodic Review on the Venezuela (Bolivarian Republic of)
A/HRC/19/12/Add.1	6	Addendum
A/HRC/19/13	6	Report of the Working Group on the Universal Periodic Review on Iceland
A/HRC/19/13/Add.1	6	Addendum
A/HRC/19/14	6	Report of the Working Group on the Universal Periodic Review on Zimbabwe
A/HRC/19/15	6	Report of the Working Group on the Universal Periodic Review on Lithuania
A/HRC/19/15/Add.1	6	Addendum
A/HRC/19/16	6	Report of the Working Group on the Universal Periodic Review on Uganda
A/HRC/19/17	6	Report of the Working Group on the Universal Periodic Review on Timor-Leste
A/HRC/19/18	6	Report of the Working Group on the Universal Periodic Review on the Republic of Moldova
A/HRC/19/18/Add.1	6	Addendum
A/HRC/19/19	6	Report of the Working Group on the Universal Periodic Review on Haiti
A/HRC/19/19/Add.1	6	Addendum
A/HRC/19/20	2, 7	Report of the High Commissioner for Human Rights on the implementation of HRC resolutions S-9/1 & S-12/
A/HRC/19/21	2	Annual report of the United Nations High Commissioner for Human Rights
A/HRC/19/21/Add.1	2	Addendum – Report of the High Commissioner for Human Rights on the activities of her office in Guatemala
A/HRC/19/21/Add.2	2	Addendum – Report of the High

Documents issued in the general series

<i>Symbol</i>	<i>Agenda item</i>	
		Commissioner for Human Rights on the activities of her office in Bolivia
A/HRC/19/21/Add.3	2	Addendum – Report of the High Commissioner for Human Rights on the activities of her office in Colombia
A/HRC/19/21/Add.4	2	Addendum – Report of the High Commissioner for Human Rights on the human rights situation and the activities of her office, including technical cooperation, in Nepal
A/HRC/19/22	2	Report of the United Nations High Commissioner for Human Rights on the question of human rights in Cyprus
A/HRC/19/23	2	Report of the Secretary-General containing conclusions and recommendations by special procedures
A/HRC/19/24	2	Report of the High Commissioner for Human Rights on the composition of the staff of the Office of the United Nations High Commissioner for Human Rights
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A/HRC/19/NGO/55	4	Idem

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<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/19/NGO/56	4	Written statement submitted by the Jubilee Campaign, a non-governmental organization in special consultative status
A/HRC/19/NGO/57	4	Written statement submitted by the Nonviolent Radical Party, Transnational and Transparty, a non-governmental organization in general consultative status
A/HRC/19/NGO/58	3	Written statement submitted by the Federation of Western Thrace Turks in Europe, a non-governmental organization in special consultative status
A/HRC/19/NGO/59	3	Written statement submitted by the Himalayan Research and Cultural Foundation, a non-governmental organization in special consultative status
A/HRC/19/NGO/60	4	Written statement submitted by the Maarij Foundation for Peace and Development (MFPD), a non-governmental organization in special consultative status
A/HRC/19/NGO/61	3	Written statement submitted by the Commonwealth Human Rights Initiative, a non-governmental organization in special consultative status
A/HRC/19/NGO/62	3	Written statement submitted by Franciscans International, a non-governmental organization in general consultative status
A/HRC/19/NGO/63	3	Joint written statement submitted submitted by Caritas Internationalis (International Confederation of Catholic Charities), a non-governmental organization in general consultative status, the Association Points-Coeur, the Associazione Comunità Papa Giovanni XXIII, the Dominicans for Justice and Peace -Order of Preachers, the International Volunteerism Organization for Women, Education, Development – VIDES, the Istituto Internazionale Maria Ausiliatrice delle Salesiane di Don Bosco, non-governmental organizations in special consultative status
A/HRC/19/NGO/64	4	Written statement submitted by the Asian Forum for Human Rights and Development, a non-governmental organization in special consultative status
A/HRC/19/NGO/65	3	Written statement submitted by Verein Sudwind Entwicklungspolitik, a non-governmental

Documents issued in the non-governmental organization series

<i>Symbol</i>	<i>Agenda item</i>	
		organization in special consultative status
A/HRC/19/NGO/66	3	Written statement submitted by Franciscans International, a non-governmental organization in general consultative status
A/HRC/19/NGO/67	7	Written statement submitted by BADIL Resource Center for Palestinian Residency and Refugee Rights, a nongovernmental organization in special consultative status
A/HRC/19/NGO/68	3	Written statement submitted by Amnesty International, a non-governmental organization in special consultative status
A/HRC/19/NGO/69	3	Written statement submitted by the Fondation Danielle Mitterrand France-Libertés, a non-governmental organization in special consultative status
A/HRC/19/NGO/70	7	Joint written statement submitted by Al-Haq, Law in the Service of Man, the Al Mezan Centre for Human Rights, the Badil Resource Center for Palestinian Residency and Refugee Rights, the Women's Centre for Legal Aid and Counselling, non-governmental organizations in special consultative status
A/HRC/19/NGO/71	3	Written statement submitted by the Fondation Danielle Mitterrand - France Libertés, a non-governmental organization in special consultative status
A/HRC/19/NGO/72	3	Joint written statement submitted by France Libertés – Fondation Danielle Mitterrand, the American Association of Jurists, the Society for Threatened Peoples, nongovernmental organizations in special consultative status, Survival International, the Mouvement contre le racismisme et pour l'amitié entre les peuples, International Educational Development, Inc., non-governmental organizations on the roster
A/HRC/19/NGO/73	2	Written statement submitted by the International Commission of Jurists, a non-governmental organization in special consultative status
A/HRC/19/NGO/74	3	Idem
A/HRC/19/NGO/75	3	Written statement submitted by Defence for Children International, a non-governmental organization in special consultative status

Documents issued in the non-governmental organization series

<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/19/NGO/76	3	Written statement submitted by the Cairo Institute for Human Rights Studies, a non-governmental organization in special consultative status
A/HRC/19/NGO/77	4	Written statement submitted by the Cairo Institute for Human Rights Studies, a non-governmental organization in special consultative status
A/HRC/19/NGO/78	6	Written statement submitted by the International Federation of ACAT (Action by Christians for the Abolition of Torture), a non-governmental organization in special consultative status
A/HRC/19/NGO/79	3	Written statement submitted by the Cairo Institute for Human Rights Studies, a non-governmental organization in special consultative status
A/HRC/19/NGO/80	3	Written statement submitted by the International Human Rights Association of American Minorities (IHRAAM), a non-governmental organization on the roster
A/HRC/19/NGO/81	6	Written statement submitted by the International Federation of ACAT (Action by Christians for the Abolition of Torture), a non-governmental organization in special consultative status
A/HRC/19/NGO/82	3	Written statement submitted by the Cairo Institute for Human Rights Studies, a non-governmental organization in special consultative status
A/HRC/19/NGO/83	3	Exposé écrit présenté par Reporters Sans Frontières International, organisation non gouvernementale dotée du statut consultatif spécial
A/HRC/19/NGO/84	3	Joint written statement submitted by Franciscans International, a non-governmental organization in general consultative status, the Marist International Solidarity Foundation – ONLUS, a non-governmental organization in special consultative status
A/HRC/19/NGO/85	3	Written statement submitted by the International Human Rights Association of American Minorities (IHRAAM), a non-governmental organization on the roster
A/HRC/19/NGO/86	4	Written statement submitted by the Human Rights House Foundation, a non-governmental organization in special consultative status
A/HRC/19/NGO/87	3	Written statement submitted by the Cairo Institute for Human Rights Studies, a non-governmental

Documents issued in the non-governmental organization series

<i>Symbol</i>	<i>Agenda item</i>	
		organization in special consultative status
A/HRC/19/NGO/88	3	Written statement submitted by Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs and International Movement of Catholic Students), a nongovernmental organization in special consultative status
A/HRC/19/NGO/89	3	Written statement submitted by the International Human Rights Association of American Minorities (IHRAAM), a non-governmental organization on the roster
A/HRC/19/NGO/90	3	Written statement submitted by the Press Emblem Campaign, a non-governmental organization in special consultative status
A/HRC/19/NGO/91	6	Written statement submitted by the International Planned Parenthood Federation, a non-governmental organization in general consultative status
A/HRC/19/NGO/92	4	Joint written statement submitted by the Human Rights House Foundation, the B.A.B.E. - Be Active, Be Emancipated, the Helsinki Foundation for Human Rights, non-governmental organizations in special consultative status
A/HRC/19/NGO/93	3	Exposé écrit présenté par Defence for Children International, organisation non gouvernementale dotée du statut consultatif spécial
A/HRC/19/NGO/94	6	Joint written statement submitted by CIVICUS World Alliance for Citizen Participation, a non-governmental organization in general consultative status, the Center for Economic and Social Rights, a non-governmental organization in special consultative status, the Arab NGO Network for Development, a non-governmental organization on the roster
A/HRC/19/NGO/95	3	Written statement submitted by Lawyers Rights Watch Canada, a non-governmental organization in special consultative status
A/HRC/19/NGO/96	4	Written statement submitted by Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs and International Movement of Catholic Students), a non-governmental organization in special consultative status
A/HRC/19/NGO/97	4	Written statement submitted by Amnesty International, a non-governmental organization in

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<i>Symbol</i>	<i>Agenda item</i>	
		special consultative status
A/HRC/19/NGO/98	3	Written statement submitted by the Consortium for Street Children, a non-governmental organization in special consultative status
A/HRC/19/NGO/99	4	Written statement submitted by the Cairo Institute for Human Rights Studies, a non-governmental organization in special consultative status
A/HRC/19/NGO/100	3	Written statement submitted by Plan International, Inc., a non-governmental organization in special consultative status
A/HRC/19/NGO/101	4	Written statement submitted by the International Centre Against Censorship, a non-governmental organization on the roster
A/HRC/19/NGO/102	3	Written statement submitted by Amnesty International, a non-governmental organization in special consultative status
A/HRC/19/NGO/103	3	Written statement submitted by the World Organisation Against Torture, a non-governmental organization in special consultative status
A/HRC/19/NGO/104	4	Written statement submitted by International Educational Development, Inc., a non-governmental organization on the roster
A/HRC/19/NGO/105	7	Written statement submitted by the Cairo Institute for Human Rights Studies, a non-governmental organization in special consultative status
A/HRC/19/NGO/106	3	Written statement submitted by the Cairo Institute for Human Rights Studies, a non-governmental organization in special consultative status
A/HRC/19/NGO/107	4	Written statement submitted by the Cairo Institute for Human Rights Studies, a non-governmental organization in special consultative status
A/HRC/19/NGO/108	3	Written statement submitted by Liberal International (World Liberal Union), a non-governmental organization in general consultative status
A/HRC/19/NGO/109	3	Written statement submitted by Lawyers Rights Watch Canada, a non-governmental organization in special consultative status
A/HRC/19/NGO/110	4	Written statement submitted by Amnesty International, a non-governmental organization in special consultative status

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<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/19/NGO/111	3	Joint written statement submitted by the Women's Federation for World Peace, International, a nongovernmental organization in general consultative status, the Pan Pacific and South East Asia Women's Association, the Universal Peace Federation, non-governmental organizations in special consultative status
A/HRC/19/NGO/112	4	Written statement submitted by Amnesty International, a non-governmental organization in special consultative status
A/HRC/19/NGO/113	3	Written statement submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status
A/HRC/19/NGO/114	3	Idem
A/HRC/19/NGO/115	3	Idem
A/HRC/19/NGO/116	3	Idem
A/HRC/19/NGO/117	3	Written statement submitted by the International Human Rights Association of American Minorities (IHRAAM), a non-governmental organization on the roster
A/HRC/19/NGO/118	9	Idem
A/HRC/19/NGO/119	3	Exposición escrita presentada por la Permanent Assembly for Human Rights, organización no gubernamental reconocida como entidad consultiva especial
A/HRC/19/NGO/120	3	Written statement submitted by the International NGO Forum on Indonesian Development (INFID), a nongovernmental organization in special consultative status
A/HRC/19/NGO/121	3	Written statement submitted by Amnesty International, a non-governmental organization in special consultative status
A/HRC/19/NGO/122	3	Written statement submitted by Front Line – the International Foundation for the Protection of Human Rights Defenders, a non-governmental organization in special consultative status
A/HRC/19/NGO/123	4	Written statement submitted by the International Movement Against All Forms of Discrimination and Racism (IMADR), a non-governmental organization in special consultative status

Documents issued in the non-governmental organization series

<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/19/NGO/124	3	Written statement submitted by the International Society for Human Rights, a non-governmental organization on the roster
A/HRC/19/NGO/125	2	Written statement submitted by Nord-Sud XXI, a nongovernmental organization in special consultative status
A/HRC/19/NGO/126	3	Written statement submitted by the International Association for Religious Freedom, a non-governmental organization in general consultative status
A/HRC/19/NGO/127	3	Written statement submitted by the International Association for Religious Freedom, a non-governmental organization in general consultative status
A/HRC/19/NGO/128	3	Exposé écrit présenté par Reporters sans frontières International, organisation non gouvernementale dotée du statut consultatif spécial
A/HRC/19/NGO/129	3	Written statement submitted by the Organization for Defending Victims of Violence, a non-governmental organization in special consultative status
A/HRC/19/NGO/130	9	Written statement submitted by the Organization for Defending Victims of Violence, a non-governmental organization in special consultative status
A/HRC/19/NGO/131	3	Written statement submitted by the Organization for Defending Victims of Violence, a non-governmental organization in special consultative status
A/HRC/19/NGO/132	3	Written statement submitted by Amnesty International, a non-governmental organization in special consultative status
A/HRC/19/NGO/133	3	Written statement submitted by the International Rescue Committee, a non-governmental organization in special consultative status
A/HRC/19/NGO/134	4	Written statement submitted by the Helsinki Foundation for Human Rights, a non-governmental organization in special consultative status
A/HRC/19/NGO/135	6	Written statement submitted by the International Trade Union Confederation, a non-governmental organization in general consultative status

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<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/19/NGO/136	2, 4	Joint written statement submitted by the International Youth and Student Movement for the United Nations, the Women's International Democratic Federation, nongovernmental organizations in general consultative status, the International Organization for the Elimination of all Forms of Racial Discrimination, the Union of Arab Jurists, the Arab Lawyers Union, the General Arab Women Federation, the International Association of Democratic Lawyers, North-South XXI, the United Towns Agency for North-South Cooperation, the Indian Movement "Tupaj Amaru", the Asian Women Human Rights Council, the Organisation pour la Communication en Afrique et de Promotion de la Coopération Economique Internationale - OCAPROCE International, non-governmental organizations in special consultative status, the International Educational Development, Inc., a non-governmental organization on the roster
A/HRC/19/NGO/137	3	Idem
A/HRC/19/NGO/138	3	Idem
A/HRC/19/NGO/139	4	Written statement submitted by Amnesty International, a non-governmental organization in special consultative status
A/HRC/19/NGO/140	7	Joint written statement submitted by the International Youth and Student Movement for the United Nations, the Women's International Democratic Federation, nongovernmental organizations in general consultative status, the International Organization for the Elimination of all Forms of Racial Discrimination, the Union of Arab Jurists, the Arab Lawyers Union, the General Arab Women Federation, the International Association of Democratic Lawyers, North-South XXI, the United Towns Agency for North-South Cooperation, the Indian Movement "Tupaj Amaru", the Asian Women Human Rights Council, the Organisation pour la Communication en Afrique et de Promotion de la Coopération Economique Internationale - OCAPROCE International, non-governmental organizations in special consultative status, the International Educational Development, Inc., a non-governmental organization on the roster
A/HRC/19/NGO/141	4	Joint written statement submitted by the General

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<i>Symbol</i>		<i>Agenda item</i>
		Arab Women Federation, the Union of Arab Jurists, the Arab Lawyers Union, North-South XXI, the United Towns Agency for North-South Cooperation, the Indian Movement “Tupaj Amaru”, non-governmental organizations in special consultative status
A/HRC/19/NGO/142	3	Joint written statement submitted by the International Youth and Student Movement for the United Nations, the Women's International Democratic Federation, nongovernmental organizations in general consultative status, the International Organization for the Elimination of all Forms of Racial Discrimination, the Union of Arab Jurists, the Arab Lawyers Union, the General Arab Women Federation, the International Association of Democratic Lawyers, North-South XXI, the United Towns Agency for North-South Cooperation, the Indian Movement “Tupaj Amaru”, the Asian Women Human Rights Council, the Organisation pour la Communication en Afrique et de Promotion de la Coopération Economique Internationale - OCAPROCE International, non-governmental organizations in special consultative status, the International Educational Development, Inc., a non-governmental organization on the roster
A/HRC/19/NGO/143	3	Idem
A/HRC/19/NGO/144	3	Idem
A/HRC/19/NGO/145	3	Idem
A/HRC/19/NGO/146	3	Idem
A/HRC/19/NGO/147	3	Idem
A/HRC/19/NGO/148	6	Written statement submitted by the International Federation of Human Rights Leagues, a non-governmental organization in special consultative status
A/HRC/19/NGO/149	3, 4	Joint written statement submitted by the International Youth and Student Movement for the United Nations, the Women's International Democratic Federation, nongovernmental organizations in general consultative status, the International Organization for the Elimination of all Forms of Racial Discrimination, the Union of Arab Jurists, the Arab Lawyers Union, the General Arab Women Federation, the International

Documents issued in the non-governmental organization series

<i>Symbol</i>		<i>Agenda item</i>
		Association of Democratic Lawyers, North-South XXI, the United Towns Agency for North-South Cooperation, the Indian Movement “Tupaj Amaru”, the Asian Women Human Rights Council, the Organisation pour la Communication en Afrique et de Promotion de la Coopération Economique Internationale - OCAPROCE International, non-governmental organizations in special consultative status, the International Educational Development, Inc., a non-governmental organization on the roster
A/HRC/19/NGO/150	8	Written statement submitted by the Canadian HIV/AIDS Legal Network, a non-governmental organization in special consultative status
A/HRC/19/NGO/151	9	Written statement submitted by the China NGO Network for International Exchanges, a non-governmental organization in general consultative status
A/HRC/19/NGO/152	3	Written statement submitted by the China Society for Human Rights Studies, a non-governmental organization in special consultative status
A/HRC/19/NGO/153	3	Written statement submitted by the China NGO Network for International Exchanges, a non-governmental organization in general consultative status
A/HRC/19/NGO/154	2	Written statement submitted by the International Fellowship of Reconciliation, a non-governmental organization in special consultative status

Documents issued in the national institutions series

<i>Symbol</i>		<i>Agenda item</i>
A/HRC/19/NI/1	3	Information presented by the South African Human Rights Commission (SAHRC) - Note by the Secretariat
A/HRC/19/NI/2	6	Information presented by the Australian Human Rights Commission - Note by the Secretariat
A/HRC/19/NI/3	3	Information presented by the Equality and Human Rights Commission of Great Britain - Note by the Secretariat
A/HRC/19/NI/4	6	Information presented by the National Commission on Human Rights and Freedoms of Cameroon - Note by the Secretariat

Documents issued in the national institutions series

<i>Symbol</i>		<i>Agenda item</i>
A/HRC/19/NI/5	6	Information presented by the National Commission on Human Rights and Freedoms of Cameroon - Note by the Secretariat
A/HRC/19/NI/6	10	[Informations communiquées par la Commission nationale des droits de l'homme et des libertés du Cameroun - Note du secrétariat]
A/HRC/19/NI/7	3	Information presented by the National Human Rights Institution of Timor-Leste - Note by the Secretariat

Annex IV

List of Advisory Committee members and duration of terms of membership

<i>Member</i>	<i>Term expires in</i>
Miguel d'Escoto Brockmann (Nicaragua)	2012
José Antonio Bengoa Cabello (Chile)	2013
Laurence Boisson de Chazournes (France)	2014
Chen Shiqiu (China)	2012
Chung Chinsung (Republic of Korea)	2013
Wolfgang Stefan Heinz (Germany)	2013
Latif Huseynov (Azerbaijan)	2014
Alfred Ntunduguru Karokora (Uganda)	2013
Vladimir Kartashkin (Russian Federation)	2013
Obiora Chinedu Okafor (Nigeria)	2014
Anantonia Reyes Prado (Guatemala)	2014
Cecilia Rachel V. Quisumbing (Philippines)	2015
Shigeki Sakamoto (Japan)	2013
Dheerujall Baramlall Seetulsingh (Mauritius)	2014
Ahmer Bilal Soofi (Pakistan)	2014
Halima Embarek Warzazi (Morocco)	2012
Jean Ziegler (Switzerland)	2012
Mona Zulficar (Egypt)	2013

Annex V

Special procedures mandate holders appointed by the Human Rights Council at its nineteenth session

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

Pablo DE GREIFF (Colombia)

Expert Mechanism on the rights of indigenous peoples

Danfred TITUS (South Africa)

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

Alfred DE ZAYAS (United States of America)

Special Rapporteur on the situation of human rights in the Syrian Arab Republic

Paulo PINHEIRO (Brazil)

Independent Expert on the situation of human rights in the Sudan

Mashood BADERIN (Nigeria)
