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Organizational and procedural matters

Report of the Human Rights Council on its twenty-first session

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Contents

	<i>Page</i>
Part one: Resolutions and decisions	6
I. Resolutions	6
21/1. Situation of human rights in Eritrea	6
21/2. The human right to safe drinking water and sanitation	7
21/3. Promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind: best practices	11
21/4. Enforced or involuntary disappearances	13
21/5. Contribution of the United Nations system as a whole to the advancement of the business and human rights agenda and the dissemination and implementation of the Guiding Principles on Business and Human Rights.....	17
21/6. Preventable maternal mortality and morbidity and human rights	19
21/7. Right to the truth	21
21/8. The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination	24
21/9. Promotion of a democratic and equitable international order	28
21/10. Human rights and international solidarity	33
21/11. Guiding principles on extreme poverty and human rights	37
21/12. Safety of journalists	39
21/13. Panel discussion on the negative impact of corruption on the enjoyment of human rights	41
21/14. World Programme for Human Rights Education	42
21/15. Human rights and transitional justice.....	43
21/16. The rights to freedom of peaceful assembly and of association.....	49
21/17. Mandate of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes ..	51
21/18. Human rights and issues related to terrorist hostage-taking.....	53
21/19. Promotion and protection of the human rights of peasants and other people working in rural areas.....	53
21/20. High-level panel discussion to commemorate the twentieth anniversary of the adoption of the Vienna Declaration and Programme of Action	54
21/21. Enhancement of technical cooperation and capacity-building in the field of human rights	55
21/22. Technical assistance and capacity-building for Yemen in the field of human rights	58
21/23. The human rights of older persons.....	60
21/24. Human rights and indigenous peoples	61
21/25. Situation of human rights in the Republic of Mali.....	64
21/26. Situation of human rights in the Syrian Arab Republic	65

21/27.	Technical assistance for the Sudan in the field of human rights	69
21/28.	Technical assistance and capacity-building for South Sudan in the field of human rights	70
21/29.	Open-ended intergovernmental working group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies	71
21/30.	Elaboration of complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination	72
21/31.	Assistance to Somalia in the field of human rights	73
21/32.	The right to development	76
21/33.	From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance	79
II.	Decisions	84
21/101.	Outcome of the universal periodic review: Bahrain	84
21/102.	Outcome of the universal periodic review: Ecuador	84
21/103.	Outcome of the universal periodic review: Tunisia	85
21/104.	Outcome of the universal periodic review: Morocco	85
21/105.	Outcome of the universal periodic review: Indonesia	85
21/106.	Outcome of the universal periodic review: Finland	86
21/107.	Outcome of the universal periodic review: United Kingdom of Great Britain and Northern Ireland	86
21/108.	Outcome of the universal periodic review: India	87
21/109.	Outcome of the universal periodic review: Brazil	87
21/110.	Outcome of the universal periodic review: Philippines	88
21/111.	Outcome of the universal periodic review: Algeria	88
21/112.	Outcome of the universal periodic review: Poland	89
21/113.	Outcome of the universal periodic review: Netherlands	89
21/114.	Outcome of the universal periodic review: South Africa	89
Part two:	Summary of proceedings	91
I.	Organizational and procedural matters	91
A.	Opening and duration of the session	91
B.	Attendance	91
C.	Agenda and programme of work	91
D.	Organization of work	91
E.	Meetings and documentation	92
F.	Visits	93
G.	Election of members of the Human Rights Council Advisory Committee	93
H.	Selection and appointment of mandate holders	94

I.	Appointment of additional members to the independent international commission of inquiry on the Syrian Arab Republic	94
J.	Consideration of the progress report of the task force on secretariat services, accessibility for persons with disabilities and use of information technology	94
K.	Adoption of the report on the session	94
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	96
A.	Update by the United Nations High Commissioner for Human Rights	96
B.	Reports of the Office of the High Commissioner and the Secretary-General	97
III.	Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development	98
A.	Special Representative of the Secretary-General for Children and Armed Conflict	98
B.	Interactive dialogue with special procedures mandate holders	98
C.	Panel discussions	104
D.	General debate on agenda item 3	105
E.	Consideration of and action on draft proposals	106
IV.	Human rights situations that require the Council's attention	116
A.	Interactive dialogue with the commission of inquiry on the Syrian Arab Republic	116
B.	Country reports of the Secretary-General and United Nations High Commissioner for Human Rights	116
C.	General debate on agenda item 4	117
D.	Consideration of and action on draft proposals	118
V.	Human rights bodies and mechanisms	120
A.	Panel discussions	120
B.	Complaint procedure	121
C.	Expert Mechanism on the Rights of Indigenous Peoples	121
D.	Interactive dialogue with the Advisory Committee	121
E.	General debate on agenda item 5	122
F.	Consideration of and action on draft proposals	122
VI.	Universal periodic review	124
A.	Consideration of universal periodic review outcomes	124
B.	General debate on agenda item 6	200
C.	Consideration of and action on draft proposals	201
VII.	Human rights situation in Palestine and other occupied Arab territories	203
VIII.	Follow-up to and implementation of the Vienna Declaration and Programme of Action	204
A.	Panel discussion on the integration of a gender perspective	204
B.	General debate on agenda item 8	205

	C. Consideration of and action on draft proposals	205
IX.	Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up to and implementation of the Durban Declaration and Programme of Action.....	207
	A. Nelson Mandela International Day panel.....	207
	B. Interactive dialogue with special procedures mandate holders	207
	C. General debate on agenda item 9	208
	D. Consideration of and action on draft proposals	209
X.	Technical assistance and capacity-building.....	210
	A. Interactive dialogue with special procedures mandate holders	210
	B. General debate on agenda item 10.....	211
	C. Consideration of and action on draft proposals	212
Annexes		
I.	Attendance.....	215
II.	Agenda	221
III.	Documents issued for the twenty-first session	222
IV.	Advisory Committee members and duration of terms of membership.....	252
V.	Special procedures mandate holders appointed by the Human Rights Council at its twenty-first session.....	253
VI.	Additional members of the independent international commission of inquiry on the Syrian Arab Republic appointed by the Human Rights Council at its twenty-first session.....	254

Part one

Resolutions and decisions

I. Resolutions

21/1

Situation of human rights in Eritrea

The Human Rights Council,

Having considered the material relating to the situation of human rights in Eritrea, brought under the complaint procedure established in accordance with the annex to Human Rights Council resolution 5/1 of 18 June 2007, alleging widespread and systematic human rights violations in Eritrea, in particular regarding cases of arbitrary arrest and detention, torture, summary executions, violence against women, forced labour, forced conscription and restrictions on the liberty of movement and the rights to freedom of expression, peaceful assembly and of thought, conscience and religion,

Noting the efforts of the Government of Eritrea to cooperate with the Human Rights Council,

Regretting the inadequate and incomplete information provided in written form and orally during the closed meeting, held on 17 September 2012, by the representative of the Government of Eritrea concerning the questions raised in the communications,

Considering that the allegations made in the submitted complaints are a cause for grave concern to the extent that they may reveal a consistent pattern of gross and reliably attested violations of human rights,

Welcoming the establishment of the mandate of Special Rapporteur on the situation of human rights in Eritrea by the Human Rights Council in its resolution 20/20 of 6 July 2012,

1. *Decides*, in accordance with paragraph 109 (d) of the annex to Human Rights Council resolution 5/1, to discontinue reviewing the matter under the confidential complaint procedure in order to take up public consideration of the same in the context of the implementation of Council resolution 20/20;

2. *Also decides* that the documentation considered by the Human Rights Council under its complaint procedure relating to the situation of human rights in Eritrea should no longer be considered confidential, with the exception of the names or any other identifying information of specific individuals who have not consented, and should therefore be transmitted to the Special Rapporteur on the situation of human rights in Eritrea;

3. *Invites* the Special Rapporteur on the situation of human rights in Eritrea to investigate further the allegations contained in the submitted complaints and the circumstances of the individuals mentioned in the submitted communications whose names may be disclosed consistent with provisions of paragraph 2 above, and to report thereon to the Human Rights Council at its twenty-third session and in accordance with its programme of work;

4. *Urges* the Government of Eritrea to cooperate fully with the Special Rapporteur, in particular to permit access to visit all parts of the country and to provide the

information necessary for the fulfilment of the mandate, as reflected in Human Rights Council resolution 20/20;

5. *Requests* the Secretary-General to communicate the present resolution to the Government of Eritrea;
6. *Decides* to make public the present resolution;
7. *Also decides* to remain seized of the matter under agenda item 4.

*35th (closed) meeting
26 September 2012*

[Adopted without a vote.]

21/2

The human right to safe drinking water and sanitation

The Human Rights Council,

Reaffirming all previous relevant resolutions of the Human Rights Council, inter alia, resolutions 7/22 of 28 March 2008, 12/8 of 1 October 2009, 15/9 of 30 September 2010, 16/2 of 24 March 2011 and 18/1 of 28 September 2011,

Recalling 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,

Recalling also the holding of the General Assembly plenary meeting of 27 July 2011 entitled “The human right to water and sanitation”,

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

Recalling Human Rights Council resolution 19/5 of 22 March 2012 on the question of the realization in all countries of economic, social and cultural rights,

Recalling also the relevant provisions of declarations and programmes with regard to access to safe drinking water and sanitation adopted by major United Nations conferences and summits, and by the General Assembly at its special sessions and during follow-up meetings, inter alia, the Mar del Plata Action Plan on Water Development and Administration, adopted at the United Nations Water Conference in March 1977, Agenda 21 and the Rio Declaration on Environment and Development, adopted at the United Nations Conference on Environment and Development in June 1992, and the Habitat Agenda, adopted at the second United Nations Conference on Human Settlements in June 1996, Assembly resolutions 54/175 of 17 December 1999 on the right to development, and 58/217 of 23 December 2003 proclaiming the International Decade for Action, “Water for Life” (2005–2015), 65/153 of 20 December 2010, establishing the follow-up to the International Year of Sanitation, 65/154 of 20 December 2010, establishing 2013 as the International Year of Water Cooperation, and the outcome document entitled “The future we want”, adopted at the United Nations Conference on Sustainable Development in Rio de Janeiro on 22 June 2012 and by the Assembly in its resolution 66/288 of 27 July 2012,

Noting with interest relevant commitments and initiatives promoting the human right to safe drinking water and sanitation, including the Abuja Declaration, adopted at the first Africa-South America Summit, in 2006, the message from Beppu, adopted at the first Asia-Pacific Water Summit, in 2007, the Delhi Declaration, adopted at the third South Asian Conference on Sanitation, in 2008, the Sharm el-Sheikh Final Document, adopted at the Fifteenth Summit Conference of Heads of State and Government of the Movement of Non-Aligned Countries, in 2009, and the Colombo Declaration, adopted at the fourth South Asian Conference on Sanitation, in 2011,

Bearing in mind the commitments made by the international community to achieve fully the Millennium Development Goals, and stressing in that context the resolve of Heads of State and Government, as expressed in the United Nations Millennium Declaration, to halve, by 2015, the proportion of people unable to reach or afford safe drinking water, and to halve the proportion of people without access to basic sanitation, as agreed in the Plan of Implementation of the World Summit on Sustainable Development (“Johannesburg Plan of Implementation”) and the outcome document adopted at the High-level Plenary Meeting of the sixty-fifth session of the General Assembly on the Millennium Development Goals entitled “Keeping the promise: united to achieve the Millennium Development Goals”,

Recalling World Health Assembly resolution 64/24 of May 2011, in which the Assembly urged Member States to, inter alia, “ensure that national health strategies contribute to the realization of water- and sanitation-related Millennium Development Goals while coming in support to the progressive realization of the human right to water and sanitation that entitles everyone, without discrimination, to water and sanitation that is sufficient, safe, acceptable, physically accessible and affordable for personal and domestic uses”,

Recalling in particular paragraph 5 (f) of Human Rights Council resolution 16/2, in which the Council encouraged the Special Rapporteur on the human right to safe drinking water and sanitation, in fulfilling her mandate, to make recommendations for goals beyond the 2015 Millennium Development Goals process with special regard to the full realization of the human right to safe drinking water and sanitation, and also to continue to make more recommendations that could help the realization of the Millennium Development Goals, in particular of Goal 7, as appropriate,

Deeply concerned that approximately 780 million people still lack access to improved water sources and that more than 2.5 billion people do not have access to improved sanitation as defined by the World Health Organization and the United Nations Children’s Fund in their 2012 Joint Monitoring Programme report, concerned that these figures do not fully capture the water safety aspect and equity, equality and non-discrimination issues as indicated by that report, and therefore underestimate the numbers of those without access to safe drinking water and sanitation, and alarmed that, every year, approximately 1.5 million children under five years of age die and 443 million school days are lost as a result of water- and sanitation-related diseases,

Affirming the need to focus on local and national perspectives in considering the issue, leaving aside questions of international watercourse law and all transboundary water issues,

1. *Welcomes* the recognition of the human right to safe drinking water and sanitation by the General Assembly and the Human Rights Council, and the reaffirmation by the latter 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;

2. *Also welcomes* the commitments of States regarding the human right to safe drinking water and sanitation made at the United Nations Conference on Sustainable Development on 22 June 2012;

3. *Further welcomes* the fact that, according to the 2012 Joint Monitoring Programme report, the Millennium Development Goal target relating to the reduction by 50 per cent of people without access to an improved water source has been met five years before its deadline of 2015, insists that much remains to be done on safety, equity, equality and non-discrimination issues, and regrets the fact that the Millennium Development Goal target on sanitation is still one of the most off-track of the United Nations development agenda beyond 2015;

4. *Welcomes* the work of the Special Rapporteur on the human right to safe drinking water and sanitation, the comprehensive, transparent and inclusive consultations conducted with relevant and interested actors from all regions for her thematic reports and compilation of good practices, and the undertaking of country missions;

5. *Also welcomes* the second annual report of the Special Rapporteur submitted to the General Assembly on financing for the realization of the right to water and sanitation,¹ and takes note with appreciation of her recommendations and clarifications with regard to questions of financing the implementation of the human right to safe drinking water and sanitation;

6. *Takes note* of the fourth annual report of the Special Rapporteur submitted to the Human Rights Council;²

7. *Expresses deep concern* at the negative impact of discrimination, marginalization and stigmatization on the full enjoyment of the human right to safe drinking water and sanitation;

8. *Reaffirms* that States have the primary responsibility to ensure the full realization of all human rights and must take steps, nationally and through international assistance and cooperation, especially economic and technical, to the maximum of their available resources, to achieve progressively the full realization of the right to safe drinking water and sanitation by all appropriate means, including in particular the adoption of legislative measures in the implementation of their human rights obligations;

9. *Takes note* of the finding made by the Special Rapporteur that ensuring safe drinking water and sanitation for all will require considerably more resources;

10. *Also takes note* of the finding made by the Special Rapporteur that better targeted use of existing resources to prioritize the most excluded and marginalized, as well as more transparent budgets and better coordination, will help to realize fully the human right to safe drinking water and sanitation;

11. *Calls upon* States:

(a) To prioritize in an appropriate way funding for safe drinking water and sanitation, with a particular focus on extending access to the unserved or underserved, including measures to identify the most marginalized, excluded and disadvantaged persons in terms of access to safe drinking water and sanitation, to develop the capacity of decision makers and practitioners for implementing strategies and concepts specifically focusing on the sustainable provision of safe drinking water and sanitation to the unserved poor, and to

¹ A/66/255.

² A/HRC/21/42.

develop specific initiatives that are more likely to reach the most marginalized and disadvantaged and improve their situation;

(b) To consider increasing the percentage of international aid allocated to safe drinking water and sanitation, and to incorporate a human rights-based approach;

(c) To monitor the affordability of safe drinking water and sanitation in order to determine whether specific measures are needed to ensure that household contributions are and remain affordable by means of, inter alia, effective regulation and oversight of all service providers;

(d) To promote transparency of budgets and other funding, as well as of programmes and projects of all actors in the water and sanitation sector, in order to ensure an adequate basis for planning with regard to the most vulnerable and marginalized sectors of society and in order to inform decision-making and policymaking processes in both public and private sectors;

(e) To consult with communities on adequate solutions to ensure sustainable access to safe drinking water and sanitation;

(f) To ensure the sustainability of access to water and sanitation by, inter alia, capacity-building of Government authorities at all levels with regard to their responsibilities in the service delivery chain, adequate budgeting of costs, including costs of maintenance, and establishing an adequate and effective regulatory system;

12. *Invites* States to continue to promote, at all levels, including at the highest level, the full realization of the human right to safe drinking water and sanitation in forthcoming national, regional and international initiatives;

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

14. *Encourages* the Special Rapporteur to continue to make contributions to the discussions on the United Nations development agenda beyond 2015, in particular on the integration of the human right to safe drinking water and sanitation and, in this regard, calls upon States to build the post-2015 framework on the values outlined in the Millennium Declaration around the fundamental principles of respect for human rights, equality and sustainability, and to integrate the human right to safe drinking water and sanitation into the international development agenda beyond 2015;

15. *Encourages* all Governments to continue to respond favourably to requests by the Special Rapporteur for visits and information, to follow up effectively on the recommendations of the mandate holder and to make available information on measures taken in this regard;

16. *Requests* the Special Rapporteur to continue to report, on an annual basis, to the Human Rights Council and to submit an annual report to the General Assembly;

17. *Encourages* the Special Rapporteur to facilitate, including through engagement with relevant stakeholders, the provision of technical assistance in the area of the implementation of the human right to safe drinking water and sanitation;

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

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

36th meeting
27 September 2012

[Adopted without a vote.]

21/3

Promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind: best practices

The Human Rights Council,

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

Reaffirming the Universal Declaration of Human Rights and that everyone is entitled to the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Reiterating the call of the Universal Declaration of Human Rights to promote respect for human rights and fundamental freedoms by teaching and education, and to secure their universal and effective recognition and observance by progressive measures, national and international,

Guided by the Vienna Declaration and Programme of Action, which reaffirms, inter alia, the solemn commitment of all States to fulfil their obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all in accordance with the Charter, other instruments relating to human rights, and international law, and that the universal nature of these rights and freedoms is beyond question,

Reiterating that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing, and that all human rights must be treated in a fair and equal manner, on the same footing and with the same emphasis and that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, all States, regardless of their political, economic and cultural systems, have the duty to promote and protect all human rights and fundamental freedoms,

Reaffirming that all cultures and civilizations in their traditions, customs, religions and beliefs share a common set of values that belong to humankind in its entirety, and that those values have made an important contribution to the development of human rights norms and standards,

Stressing that traditions shall not be invoked to justify practices contrary to human dignity and violating international human rights law,

Recalling its previous resolutions on the issue, in particular resolutions 12/21 of 2 October 2009 and 16/3 of 24 March 2011,

Noting the ongoing work of the Advisory Committee, in accordance with Human Rights Council resolution 16/3, on the preparation of a study on how a better understanding and appreciation of traditional values of dignity, freedom and responsibility can contribute to the promotion and protection of human rights,

1. *Reaffirms* that a better understanding and appreciation of traditional values shared by all humanity and embodied in universal human rights instruments contribute to promoting and protecting human rights and fundamental freedoms worldwide;

2. *Recalls* the important role of family, community, society and educational institutions in upholding and transmitting these values, which contributes to promoting respect for human rights and increasing their acceptance at the grass roots, and calls upon all States to strengthen this role through appropriate positive measures;

3. *Stresses* that human rights derive from the dignity and worth inherent in the human person;

4. *Notes* that traditional values, especially those shared by all humanity, can be practically applied in the promotion and protection of human rights and upholding human dignity, in particular in the process of human rights education;

5. *Takes note* of recommendation 9/4 of the Advisory Committee³ on the progress of work on a study on how a better understanding and appreciation of traditional values of dignity, freedom and responsibility can contribute to the promotion and protection of human rights, and decides to accord it additional time to finalize the study;

6. *Requests* the Office of the United Nations High Commissioner for Human Rights to collect information from States Members of the United Nations and other relevant stakeholders on best practices in the application of traditional values while promoting and protecting human rights and upholding human dignity, and to submit a summary thereon to the Human Rights Council before its twenty-fourth session;

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

*36th meeting
27 September 2012*

[Adopted by a recorded vote of 25 to 15, with 7 abstentions. The voting was as follows:

In favour:

Angola, Bangladesh, Burkina Faso, Cameroon, China, Congo, Cuba, Djibouti, Ecuador, India, Indonesia, Jordan, Kuwait, Kyrgyzstan, Libya, Malaysia, Maldives, Mauritania, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, Thailand, Uganda

Against:

Austria, Belgium, Botswana, Costa Rica, Czech Republic, Hungary, Italy, Mauritius, Mexico, Norway, Poland, Romania, Spain, Switzerland, United States of America

Abstaining:

Benin, Chile, Guatemala, Nigeria, Peru, Republic of Moldova, Uruguay]

³ See A/HRC/AC/9/6.

21/4 Enforced or involuntary disappearances

The Human Rights Council,

Reaffirming the relevant articles of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights that protect the right of life, the right of liberty and security of the person, the right not to be subjected to torture and the right to recognition as a person before the law,

Recalling Commission on Human Rights resolution 20 (XXXVI) of 29 February 1980, in which the Commission decided to establish a working group of five members to serve as experts in their individual capacity and to examine questions relevant to enforced or involuntary disappearances, and also all previous resolutions on this subject, in particular Human Rights Council resolution 16/16 of 24 March 2011, in which the Council renewed by consensus the mandate of the Working Group on Enforced or Involuntary Disappearances,

Acknowledging the adoption of the International Convention for the Protection of All Persons from Enforced Disappearance by the General Assembly in its resolution 61/177 on 20 December 2006,

Recalling General Assembly resolution 47/133 of 18 December 1992, by which the Assembly adopted the Declaration on the Protection of All Persons from Enforced Disappearance as a body of principles for States,

Recalling also General Assembly resolution 60/147 of 16 December 2005, by which the Assembly adopted the Basic Principles and Guidelines on the Right to Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law,

Deeply concerned in particular by the increase in enforced or involuntary disappearances in various regions of the world, including arrest, detention and abduction, when these are part of or amount to enforced disappearances, and by the growing number of reports concerning harassment, ill-treatment and intimidation of witnesses of disappearances or relatives of persons who have disappeared,

Recalling that the Convention sets out the right of victims to know the truth regarding the circumstances of the enforced disappearance, the progress and the result of the investigation and the fate of the disappeared person, and sets forth State party obligations to take appropriate measures in this regard,

Recalling also that no exceptional circumstance whatsoever may be invoked as a justification for enforced disappearance,

Recalling further that no one shall be held in secret detention,

Recognizing that enforced disappearance has special consequences for women and vulnerable groups, especially children, as they most often bear the serious economic hardships that usually accompany a disappearance and, when they are subjected to disappearance themselves, they may become particularly vulnerable to sexual and other forms of violence,

Acknowledging the fact that acts of enforced disappearance may amount to crimes against humanity, as defined by the Rome Statute of the International Criminal Court,

I. International Convention on the Protection of All Persons from Enforced Disappearance

1. *Recognizes* that the implementation of the International Convention on the Protection of All Persons from Enforced Disappearance will be a significant contribution to ending impunity and to the promotion and protection of all human rights for all;

2. *Welcomes* the entry into force of the Convention on 23 December 2010, as well as the work achieved by the Committee on Enforced Disappearances during its two first sessions, and encourages all States parties to the Convention to support and promote the Committee's work and to implement its recommendations;

3. *Calls upon* all States that have not yet signed, ratified or acceded to the Convention to consider doing so as a matter of priority, and to also consider the option provided for in articles 31 and 32 of the Convention regarding the Committee on Enforced Disappearances;

4. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to continue their intensive efforts to assist States in becoming parties to the Convention, with a view to achieving universal adherence;

II. Declaration on the Protection of All Persons from Enforced Disappearance

5. *Recognizes* the importance of the Declaration on the Protection of All Persons from Enforced Disappearance as a body of principles for all States designed to punish enforced disappearances, to prevent their commission and to help victims of such acts and their families to seek fair, prompt and adequate reparation;

6. *Notes* that 2012 marks the twentieth anniversary of the adoption by the General Assembly of the Declaration;

7. *Urges* all States to promote and to give full effect to the Declaration;

8. *Encourages* all States to translate the Declaration into their languages in order to assist its global dissemination and the ultimate goal of preventing enforced disappearances;

III. Working Group on Enforced or Involuntary Disappearances

9. *Takes note* of the report submitted by the Working Group on Enforced or Involuntary Disappearances⁴ and of the recommendations contained therein;

10. *Stresses the importance* of the work of the Working Group, and encourages it to pursue the fulfilment of its mandate as set out in Human Rights Council resolution 16/16;

11. *Welcomes* the cooperation established between the Working Group and the Committee on Enforced Disappearances, within the framework of their respective mandates;

12. *Takes note with interest* of all the general comments of the Working Group, including the most recent one on the right to recognition as a person before the law in the context of enforced disappearances, which are aimed at helping States to apply the Declaration in a way that is most conducive to the protection of all persons from enforced disappearances;

⁴ A/HRC/19/58/Rev.1.

13. *Calls upon* States that have not provided for a long period of time substantive replies concerning claims of enforced disappearances in their countries to do so, and to give due consideration to relevant recommendations concerning this issue made by the Working Group in its reports;

14. *Urges* States to cooperate with the Working Group to help it to carry out its mandate effectively and, in that framework, to give serious consideration to responding favourably to its requests for visits to their countries;

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

16. *Expresses:*

(a) Its thanks to the many Governments that have cooperated with the Working Group and replied to its requests for information, and the Governments that have accepted visits of the Working Group to their countries, requesting them to give all necessary attention to the Working Group's recommendations and inviting them to inform the Working Group of any action that they take on them;

(b) Its appreciation to the Governments that are investigating, cooperating at the international and bilateral levels, and have developed or are developing appropriate mechanisms to investigate any claims of enforced disappearance brought to their attention, and encourages all the Governments concerned to expand their efforts in this area;

IV. General principles

17. *Takes note* of the reports submitted by the Office of the High Commissioner, including their recommendations, on programmes and other measures for the protection of witnesses implemented within the framework of criminal procedures relating to gross violations of human rights and serious violations of international humanitarian law,⁵ on the seminar on the importance of archives as a means to guarantee the right to the truth⁶ and on the obligation of States to investigate serious violations of human rights, and the use of forensic genetics;⁷

18. *Urges* States:

(a) To prevent the occurrence of enforced disappearances, including by guaranteeing that any person deprived of liberty is held solely in officially recognized and supervised places of detention, guaranteeing access to all places of detention by authorities and institutions whose competence in this regard has been recognized by the concerned State, maintaining official, accessible, up-to-date registers and/or records of detainees, and ensuring that detainees are brought before a competent authority promptly after detention as provided for by article 10 of the Declaration on the Protection of All Persons from Enforced Disappearance;

(b) To work to eradicate the culture of impunity for the perpetrators of enforced disappearances and to elucidate cases of enforced disappearance as a crucial step in effective prevention;

⁵ A/HRC/15/33.

⁶ A/HRC/17/21.

⁷ A/HRC/18/25 and Corr.1.

(c) To prevent and investigate with special attention the enforced disappearance of persons belonging to vulnerable groups, especially children, and the enforced disappearance of women, as they may become particularly vulnerable to sexual violence and other forms of violence, and to bring the perpetrators of those enforced disappearances to justice;

(d) To ensure that their competent authorities proceed immediately to conduct impartial inquiries in all circumstances where there is reason to believe that an enforced disappearance has occurred in territory under their jurisdiction and, if such belief is borne out, to ensure that all the perpetrators of enforced or involuntary disappearances are brought to justice;

(e) To continue their efforts to elucidate the fate of disappeared persons and to ensure that competent authorities in charge of investigation and prosecution are provided with adequate means and resources to resolve cases and bring perpetrators to justice, including after considering establishing, where appropriate, specific judicial mechanisms or truth and reconciliation commissions that complement the justice system;

(f) To consider the use of forensic genetics to contribute to the identification of the remains of the victims of enforced or involuntary disappearances and to address the issue of impunity;

(g) To take steps to provide adequate protection to witnesses of enforced or involuntary disappearances, human rights defenders acting against enforced disappearances, and the lawyers and families of disappeared persons against any intimidation, persecution, reprisals or ill-treatment to which they might be subjected, paying special attention to women as relatives of disappeared persons in the context of their struggle to resolve the disappearance of members of their families;

(h) To make provisions in their legal systems for victims of enforced or involuntary disappearances or their families to seek fair, prompt and adequate reparation and, in addition, where appropriate, to consider symbolic measures recognizing the suffering of victims and restoring their dignity and reputation;

(i) To adopt an archival policy that ensures that all archives pertaining to human rights violations related to enforced disappearances held by all types of institutions are preserved, protected and accessible in accordance with applicable law, in order to habilitate victims to realize their right to the truth to judicial accountability and non-judicial truth seeking process and for reparations;

(j) To address the specific needs of the families of disappeared persons;

(k) To take appropriate steps to address the legal uncertainty under domestic law of the absence of the disappeared person and faced by their family members, the next-of-kin and others connected to him or her, including by considering the possibility to put in place a system of declaration of absence as a result of enforced disappearance;

(l) To intensify their cooperation with civil society organizations that deal with the issue of enforced disappearances;

19. *Decides* to continue consideration of the question of enforced or involuntary disappearances in accordance with its programme of work.

*36th meeting
27 September 2012*

[Adopted without a vote.]

21/5

Contribution of the United Nations system as a whole to the advancement of the business and human rights agenda and the dissemination and implementation of the Guiding Principles on Business and Human Rights

The Human Rights Council,

Recalling all previous Human Rights Council resolutions on the issue of human rights and transnational corporations and other business enterprises, including Council resolutions 8/7 of 18 June 2008 and 17/4 of 16 June 2011, as well as Commission on Human Rights resolution 2005/69 of 20 April 2005,

Recalling also the endorsement of the Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework by the Human Rights Council in its resolution 17/4,

Recalling further the request made by the Human Rights Council in its resolution 17/4 to the Secretary-General to prepare a report on how the United Nations system as a whole, including programmes, funds and specialized agencies, can contribute to the advancement of the business and human rights agenda and the dissemination and implementation of the Guiding Principles, addressing in particular how capacity-building of all relevant actors to this end can best be addressed within the United Nations system,

Stressing that the obligation and the primary responsibility to promote and protect human rights and fundamental freedoms lie with the State,

Emphasizing that transnational corporations and other business enterprises have a responsibility to respect human rights, irrespective of where they conduct their business,

Recognizing the importance that guidance, initiatives and practices relevant to the area of business and human rights, at the international, regional and national levels, are guided by the Guiding Principles,

Recognizing also the importance of building the capacity of all actors to better manage challenges in the area of business and human rights, and that the United Nations system has an important role to play in advancing the business and human rights agenda, particularly the Guiding Principles, including by supporting capacity-building efforts directed at Governments, business enterprises, civil society and other stakeholders,

1. *Welcomes* the report of the Secretary-General on the contribution of the United Nations system as a whole to the advancement of the business and human rights agenda and the dissemination and implementation of the Guiding Principles on Business and Human Rights;⁸

2. *Underscores* the need to adopt a coordinated strategic approach to ensure the integration of the business and human rights agenda, particularly the Guiding Principles, into all relevant aspects of the work of the United Nations system, and recognizes the role of the United Nations High Commissioner for Human Rights, her Office and existing system-wide policy and coordination mechanisms, in that effort;

⁸ A/HRC/21/21.

3. *Encourages* all stakeholders to take into account in their submissions in connection with the universal periodic review the implementation of the State duty to protect against human rights abuses by third parties, including business enterprises, set out in the Guiding Principles;

4. *Recognizes* the particular role and mandate of the Working Group on the issue of human rights and transnational corporations and other business enterprises, and encourages all special procedures mandate holders of the Human Rights Council to take into account the Guiding Principles as appropriate in their analyses of specific situations or thematic areas;

5. *Also recognizes* that States parties' obligations relating to business and human rights may be relevant for United Nations treaty bodies, in consistency with their mandates;

6. *Encourages* United Nations resident coordinators and country teams to take a lead, where possible, in collaboration with the Office of the High Commissioner, to ensure the integration of the Guiding Principles into planning, advocacy and capacity-building and development efforts at the national level, based on consultation with the relevant State;

7. *Encourages* all relevant entities of the United Nations system:

(a) To develop guidance and training relating to the dissemination and implementation of the Guiding Principles for Governments, business enterprises and civil society, as applicable, in the context of their respective mandates, in close collaboration with the Office of the High Commissioner and the Working Group on the issue of human rights and transnational corporations and other business enterprises;

(b) To strengthen efforts relating to the development and promotion of more specific and coherent guidance, advocacy, capacity-building and engagement with relevant stakeholders, and to further integrate the business and human rights agenda into their activities consistent with their respective mandates; this should include capacity-building directed at Government agencies, business enterprises, national human rights institutions, non-governmental organizations, trade unions, human rights defenders active in the context of business operations and other stakeholders, with a particular focus on the needs of individuals and groups that are especially vulnerable to adverse impact;

8. *Recommends* that relevant United Nations entities apply the Guiding Principles when formulating and implementing internal policies and procedures, including in investment management, procurement and partnerships with the business sector, taking into account the recommendations made in the report of the Secretary-General;

9. *Recognizes* the work done by the Global Compact in developing tools and guidance materials for the business sector and facilitating the sharing of knowledge and good practices, as well as the important role that the Global Compact could play in supporting dissemination and implementation of the Guiding Principles, particularly aimed at its local networks;

10. *Requests* the Secretary-General to report, from within existing resources, to the Human Rights Council at its twenty-sixth session on the challenges, strategies and developments with regard to the implementation of the present resolution by the United Nations system, including programmes, funds and agencies, and to make concrete recommendations for action;

11. *Also requests* the Secretary-General to undertake a feasibility study to explore the establishment of a global fund to enhance the capacity of stakeholders to advance the implementation of the Guiding Principles; the study should explore relevant issues, including how to secure multi-stakeholder engagement, governance models and

funding options; stakeholders should be involved in a consultative process using existing channels such as the Forum on Business and Human Rights, consultations with the Working Group on the issue of human rights and transnational corporations and other business enterprises, written and other informal consultations; the conclusions should be presented to the Human Rights Council and included in the report of the Secretary-General in June 2014;

12. *Decides* to organize a panel discussion at the twenty-second or twenty-third session of the Human Rights Council, with high-level representatives from relevant United Nations programmes, funds and agencies to discuss strategies for advancing the business and human rights agenda by the United Nations system; ideally as a topic for the annual half-day discussion on human rights mainstreaming at the twenty-second session;

13. *Also decides* to continue consideration of this question in conformity with its annual programme of work.

36th meeting
27 September 2012

[Adopted without a vote.]

21/6

Preventable maternal mortality and morbidity and human rights

The Human Rights Council,

Recalling its resolutions 11/8 of 17 June 2009, 15/17 of 30 September 2010 and 18/2 of 28 September 2011 on preventable maternal mortality and morbidity and human rights,

Reaffirming the Beijing Declaration and Platform for Action, the Programme of Action of the International Conference on Population and Development and its review conferences, including the outcome document of the 15-year review of the Programme of Action contained in Commission on Population and Development resolution 2009/1 of 3 April 2009, Commission on the Status of Women resolutions 54/5 of 12 March 2010 and 56/3 of 9 March 2012, the targets and commitments regarding the reduction of maternal mortality and universal access to reproductive health, including those contained in the 2000 Millennium Declaration, the 2005 World Summit Outcome and the outcome document of the High-level Plenary Meeting of the sixty-fifth session of the General Assembly on the Millennium Development Goals, and Commission on Population and Development resolution 2012/1 of 27 April 2012,

Taking note of the various processes within the United Nations system to review the implementation of the Programme of Action of the International Conference on Population and Development, to review the realization of the Millennium Development Goals and to prepare for a post-2015 development framework,

Welcomes the organization by the United Nations High Commissioner for Human Rights, in cooperation with other relevant entities of the United Nations system, of an expert workshop and a public consultation in April 2012, with the participation of Governments, regional organizations, relevant United Nations bodies and civil society organizations, and the preparation of concise technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce preventable maternal mortality and morbidity,⁹

⁹ A/HRC/21/22 and Corr.1 and 2.

Convinced that increased political will and commitment, cooperation and technical assistance at all levels are urgently required to reduce the unacceptably high global rate of preventable maternal mortality and morbidity, and that the integration of a human rights-based approach can contribute positively to the common goal of reducing this rate,

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

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

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

4. *Welcomes* the technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce preventable maternal mortality and morbidity, and calls upon all relevant actors, including Governments, regional organizations, relevant United Nations agencies, national human rights institutions, and civil society organizations to disseminate the technical guidance and apply it, as appropriate, when designing, implementing and reviewing policies and evaluating programmes to reduce preventable maternal mortality and morbidity;

5. *Calls upon* all relevant United Nations agencies to provide technical cooperation and assistance to States, as requested, to support the implementation of the technical guidance;

6. *Encourages* the Office of the United Nations High Commissioner for Human Rights to bring the technical guidance to the attention of the Secretary-General and all United Nations entities with mandates relevant to maternal mortality and morbidity and human rights, and to continue dialogue on the issue of preventable maternal mortality and morbidity with all relevant actors in order to accelerate the realization of the rights of women and girls and the achievement of Millennium Development Goal 5 by 2015;

7. *Requests* the Office of the High Commissioner to prepare, from within existing resources, in consultation with States, United Nations agencies, in particular the World Health Organization, the United Nations Population Fund, the United Nations Children's Fund and the United Nations Entity for Gender Equality and the Empowerment of Women, and all other relevant stakeholders a report on how the technical guidance has

been applied by States and other relevant actors, to be presented to the Human Rights Council at its twenty-seventh session;

8. *Requests* the Secretary-General to transmit the technical guidance to the General Assembly as a contribution to the review of the realization of the Millennium Development Goals and the implementation of the Programme of Action of the International Conference on Population and Development, including at its special event in 2013 to follow up on efforts made towards achieving the Millennium Development Goals and its special session on the theme “The ICPD beyond 2014”;

9. *Decides* to continue to consider the issue under the same agenda item.

*36th meeting
27 September 2012*

[Adopted without a vote.]

21/7

Right to the truth

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Geneva Conventions of 12 August 1949 and Additional Protocols I and II thereto of 1977, and other relevant instruments of international human rights law and international humanitarian law, as well as the Vienna Declaration and Programme of Action,

Recognizing the universality, indivisibility, interdependence and interrelatedness of civil political, economic, social and cultural rights,

Recalling article 32 of Additional Protocol I to the Geneva Conventions of 12 August 1949 relating to the protection of victims of international armed conflicts, which recognizes the right of families to know the fate of their relatives,

Recalling also that article 33 of Additional Protocol I provides that the parties to an armed conflict shall search for the persons who have been reported missing by an adverse party as soon as circumstances permit,

Recalling further the International Convention for the Protection of All Persons from Enforced Disappearance, adopted by the General Assembly in its resolution 61/177 of 20 December 2006, article 24 (2) of which sets out the right of victims to know the truth regarding the circumstances of the enforced disappearance, the progress and results of the investigation and the fate of the disappeared person, and sets forth State party obligations to take appropriate measures in this regard, and the preamble to the Convention, which reaffirms the right to freedom to seek, receive and impart information to that end, and welcoming the entry into force of the Convention on 23 December 2010,

Taking into account Commission on Human Rights resolution 2005/66 of 20 April 2005, Human Rights Council decision 2/105 of 27 November 2006, and Council resolutions 9/11 of 18 September 2008 and 12/12 of 1 October 2009 on the right to the truth,

Taking also into account Human Rights Council resolutions 10/26 of 27 March 2009 and 15/5 of 29 September 2010 on forensic genetics and human rights, in which the Council recognized the importance of the utilization of forensic genetics to deal with the issue of impunity within the framework of investigations relating to gross human rights violations and serious violations of international humanitarian law,

Welcoming the creation of the mandate of Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence by the Human Rights Council in its resolution 18/7 of 29 September 2011, and the appointment of a mandate holder by the Council at its nineteenth session,

Noting with interest the general comment of the Working Group on Enforced or Involuntary Disappearances on the right to the truth in relation to enforced disappearance,

Acknowledging the reports of the Office of the United Nations High Commissioner for Human Rights on the right to the truth¹⁰ and their significant conclusions relating to the right to know the truth about gross violations of human rights and serious violations of international humanitarian law,

Acknowledging also the report of the Office of the High Commissioner on the right to the truth¹¹ and its conclusions regarding the importance of the protection of witnesses within the framework of criminal procedures relating to gross human rights violations and serious violations of international humanitarian law, as well as on issues relating to the elaboration and management of archive systems to guarantee the effective implementation of the right to the truth,

Stressing that adequate steps to identify victims should also be taken in situations not amounting to armed conflict, especially in cases of massive or systematic violations of human rights,

Recalling the set of principles for the protection and promotion of human rights through action to combat impunity,¹² and taking note with appreciation of the updated version of those principles,¹³

Noting that the Special Rapporteur on the independence of judges and lawyers has recognized the right to the truth, its scope and implementation,¹⁴ and also that the Human Rights Committee and the Working Group on Enforced or Involuntary Disappearances have recognized the right of the victims of gross violations of human rights and the right of their relatives to the truth about the events that have taken place, including the identification of the perpetrators of the facts that gave rise to such violations,¹⁵

Acknowledging in cases of gross violations of human rights and serious violations of international humanitarian law the need to study the interrelationship between the right to the truth and the right to access to justice, the right to obtain effective remedy and reparation and other relevant human rights,

Stressing the importance for the international community to endeavour to recognize the right of victims of gross violations of human rights and serious violations of international humanitarian law, and their families and society as a whole, to know the truth regarding such violations, to the fullest extent practicable, in particular the identity of the perpetrators, the causes and facts of such violations and the circumstances under which they occurred,

Stressing also that it is important for States to provide appropriate and effective mechanisms for society as a whole and, in particular, for relatives of the victims to know

¹⁰ E/CN.4/2006/91, A/HRC/5/7, A/HRC/15/33.

¹¹ A/HRC/12/19.

¹² E/CN.4/Sub.2/1997/20/Rev.1, annex II.

¹³ E/CN.4/2005/102/Add.1.

¹⁴ E/CN.4/2006/52.

¹⁵ E/CN.4/1999/62.

the truth regarding gross violations of human rights and serious violations of international humanitarian law,

Recalling that a specific right to the truth may be characterized differently in some legal systems as the right to know, the right to be informed, or freedom of information,

Emphasizing that the general public and individuals are entitled to have access, to the fullest extent practicable, to information regarding the actions and decision-making processes of their Government, within the framework of each State's domestic legal system,

Recognizing the importance of preserving historic memory relating to gross human rights violations and serious violations of international humanitarian law through the conservation of archives and other documents relating to those violations,

Convinced that States should preserve archives and other evidence concerning gross violations of human rights and serious violations of international humanitarian law to facilitate knowledge of such violations, to investigate allegations and to provide victims with access to an effective remedy in accordance with international law,

1. *Recognizes* the importance of respecting and ensuring the right to the truth so as to contribute to ending impunity and to promote and protect human rights;

2. *Welcomes* the establishment in several States of specific judicial mechanisms and other non-judicial mechanisms, such as truth and reconciliation commissions, that complement the justice system, to investigate violations of human rights and of international humanitarian law, and appreciates the elaboration and publication of the reports and decisions of these bodies;

3. *Encourages* the States concerned to disseminate, implement and monitor implementation of the recommendations of such non-judicial mechanisms as truth and reconciliation commissions, and to provide information regarding compliance with the decisions of judicial mechanisms;

4. *Encourages* other States to consider establishing specific judicial mechanisms and, where appropriate, truth and reconciliation commissions to complement the justice system, in order to investigate and address gross violations of human rights and serious violations of international humanitarian law;

5. *Encourages* States and international organizations to provide requesting States with necessary and appropriate assistance regarding the right to the truth by means of, among other actions, technical cooperation and the exchange of information concerning administrative, legislative and judicial and non-judicial measures, as well as experiences and best practices that have as a purpose the protection, promotion and implementation of this right, including practices regarding the protection of witnesses and the preservation and management of archives;

6. *Encourages* States to design programmes and other measures to protect witnesses and individuals who cooperate with judicial bodies and mechanisms of a quasi-judicial or non-judicial nature, such as human rights commissions and truth commissions;

7. *Calls upon* States to work in cooperation with the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence in accordance with his mandate, including by extending invitations to the Special Rapporteur;

8. *Welcomes* the entry into force of the International Convention for the Protection of All Persons from Enforced Disappearance, and encourages all States that have not yet signed, ratified or acceded to the Convention to consider doing so;

9. *Takes note with appreciation* of the report of the Office of the United Nations High Commissioner for Human Rights on the right to the truth¹⁶ and, in accordance with its conclusions, calls upon all States to consider developing comprehensive witness protection programmes covering all types of crimes, including gross human rights violations and serious violations of international humanitarian law;

10. *Also takes note with appreciation* of the report of the Office of the High Commissioner on the seminar on experience of archives as a means to guarantee the right to the truth,¹⁷ which outlined the importance of archives to the ability of victims to realize their right to the truth, to judicial accountability and non-judicial truth-seeking processes, and for reparations, and, in accordance with its concluding observations, encourages States that have not yet done so to establish a national archival policy that ensures that all archives pertaining to human rights are preserved and protected, and to enact legislation that declares that the nation's documentary heritage is to be retained and preserved, and creates the framework for managing State records from their creation to destruction or preservation;

11. *Requests* the Office of the High Commissioner to invite, from within existing resources, Member States, United Nations organs, intergovernmental organizations, national human rights institutions and non-governmental organizations to provide information on good practices in the establishment, preservation and provision of access to national archives on human rights, and to make the information received publically available in an online database;

12. *Invites* special procedures and other mechanisms of the Human Rights Council, in the framework of their mandates, to take into account, as appropriate, the issue of the right to the truth;

13. *Decides* to consider this matter at its twenty-seventh session under the same agenda item or at the corresponding session in conformity with its annual programme of work.

*36th meeting
27 September 2012*

[Adopted without a vote.]

21/8

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

The Human Rights Council,

Recalling all previous resolutions adopted by the General Assembly, the Human Rights Council and the Commission on Human Rights on the subject, including Assembly resolution 64/151 of 18 December 2009 and Council resolutions 10/11 of 26 March 2009, 15/12 of 30 September 2010, 15/26 of 1 October 2010 and 18/4 of 29 September 2011,

Recalling also all relevant resolutions that, inter alia, condemn any State that permits or tolerates the recruitment, financing, training, assembly, transit or use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, or of fighting against national liberation

¹⁶ A/HRC/15/33.

¹⁷ A/HRC/17/21.

movements, and recalling further the relevant resolutions and international instruments adopted by the General Assembly, the Security Council, the Economic and Social Council, the African Union and the Organization of African Unity, inter alia, the Organization of African Unity Convention for the Elimination of Mercenarism in Africa,

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

Reaffirming also that, by virtue of the principle of self-determination, all peoples have the right to determine freely their political status and to pursue freely their economic, social and cultural development, and that every State has the duty to respect this right in accordance with the provisions of the Charter,

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

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

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

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

Recalling the holding of regional consultations in all five regions from 2007 to 2011, in which participants noted that the enjoyment and exercise of human rights were increasingly impeded by the emergence of several new challenges and trends relating to mercenaries or their activities and by the role played by private military and security companies registered, operating or recruiting personnel in each region, and expressing its appreciation to the Office of the United Nations High Commissioner for Human Rights for its support for the holding of those consultations,

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

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

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

3. *Urges* once again all States to take the necessary steps and to exercise the utmost vigilance against the threat posed by the activities of mercenaries, and to take legislative measures to ensure that their territories and other territories under their control, as well as their nationals, are not used for the recruitment, assembly, financing, training, protection and transit of mercenaries for the planning of activities designed to impede the right to self-determination, to overthrow the Government of any State or to dismember or

impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the right of peoples to self-determination;

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

5. *Encourages* States that import the military assistance, consultancy and security services provided by private companies to establish regulatory national mechanisms for the registering and licensing of those companies in order to ensure that imported services provided by those private companies neither impede the enjoyment of human rights nor violate human rights in the recipient country;

6. *Emphasizes* its utmost concern about the impact of the activities of private military and security companies on the enjoyment of human rights, in particular when operating in armed conflicts, and notes that private military and security companies and their personnel are rarely held accountable for violations of human rights;

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

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

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

10. *Condemns* mercenary activities in developing countries in various parts of the world, in particular in areas of conflict, and the threat they pose to the integrity of and respect for the constitutional order of these countries and the exercise of the right to self-determination of their peoples, and stresses the importance for the Working Group of looking into sources and root causes, as well as the political motivations of mercenaries and for mercenary-related activities;

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

12. *Acknowledges* with appreciation the work and contributions made by the Working Group, including its research activities, and takes note of its latest report;¹⁸

13. *Welcomes* the holding of the second session of the open-ended intergovernmental working group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies, and expresses satisfaction at the participation of experts, including of the members of the Working Group on the use of mercenaries, as resource persons at the above-mentioned session, and requests the Working Group and other experts to continue to do so;

¹⁸ A/HRC/21/43.

14. *Takes note* of the note by the Secretariat on the report of the second session of the open-ended intergovernmental working group;¹⁹

15. *Recommends* that all Member States, including those confronted with the phenomenon of private military and security companies, as contracting States, States of operations, home States or States whose nationals are employed to work for a private military or security company contribute to the work of the open-ended intergovernmental working group, taking into account the work done by the Working Group on the use of mercenaries;

16. *Requests* the Working Group on the use of mercenaries to continue the work already done by previous mandate holders on the strengthening of the international legal framework for the prevention and sanction of the recruitment, use, financing and training of mercenaries, taking into account the proposal for a new legal definition of a mercenary drafted by the Special Rapporteur on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination in his report submitted to the Commission on Human Rights at its sixtieth session;²⁰

17. *Reiterates* its requests to the Office of the United Nations High Commissioner for Human Rights, as a matter of priority, to publicize the adverse effects of the activities of mercenaries and private companies offering military assistance, consultancy and other military and security-related services on the international market on the right of peoples to self-determination and, when requested and where necessary, to render advisory services to States that are affected by those activities;

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

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

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

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

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

¹⁹ A/HRC/21/40.

²⁰ E/CN.4/2004/15.

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

*36th meeting
27 September 2012*

[Adopted by a recorded vote of 34 to 12, with 1 abstention. 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, 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:

Mexico]

21/9

Promotion of a democratic and equitable international order

The Human Rights Council,

Recalling all previous resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council on this issue, in particular Assembly resolution 65/223 of 21 December 2010 and Council resolutions 8/5 of 18 June 2008 and 18/6 of 29 September 2011,

Reaffirming the commitment of all States to fulfil their obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all, in accordance with the Charter of the United Nations, other instruments relating to human rights and international law,

Affirming that the enhancement of international cooperation for the promotion and protection of all human rights should continue to be carried out in full conformity with the purposes and principles of the Charter and of international law as set forth in Articles 1 and 2 of the Charter and, inter alia, with full respect for sovereignty, territorial integrity, political independence, the non-use of force or the threat of force in international relations and non-intervention in matters that are essentially within the domestic jurisdiction of any State,

Recalling the Preamble to the Charter, in particular the determination to reaffirm faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and of nations large and small,

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

Reaffirming also the determination expressed in the Preamble to the Charter to save succeeding generations from the scourge of war, to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, to promote social progress and better standards of life in larger freedom,

to practice tolerance and good neighbourliness, and to employ international machinery for the promotion of the economic and social advancement of all peoples,

Stressing that the responsibility for managing worldwide economic and social issues, as well as threats to international peace and security, must be shared among the nations of the world and should be exercised multilaterally and that, in this regard, the central role must be played by the United Nations as the most universal and representative organization in the world,

Considering the major changes taking place on the international scene and the aspirations of all peoples for an international order based on the principles enshrined in the Charter, including promoting and encouraging respect for human rights and fundamental freedoms for all and respect for the principle of equal rights and self-determination of peoples, peace, democracy, justice, equality, the rule of law, pluralism, development, better standards of living and solidarity,

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,

Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Reaffirming that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing, and that democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives,

Recognizing that the promotion and protection of human rights should be based on the principle of cooperation and genuine dialogue and aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings,

Emphasizing that democracy is not only a political concept, but that it also has economic and social dimensions,

Recognizing that democracy, respect for all human rights, including the right to development, transparent and accountable governance and administration in all sectors of society, and effective participation by civil society are an essential part of the necessary foundations for the realization of social and people-centred sustainable development,

Noting with concern that racism, racial discrimination, xenophobia and related intolerance may be aggravated by, inter alia, the inequitable distribution of wealth, marginalization and social exclusion,

Reaffirming that dialogue among religions, cultures and civilizations could contribute greatly to the enhancement of international cooperation at all levels,

Underlining the fact that it is imperative for the international community to ensure that globalization becomes a positive force for all the world's people and that only through broad and sustained efforts, based on our common humanity in all its diversity, can globalization be made fully inclusive and equitable,

Deeply concerned that the current global economic, financial, energy and food crises, resulting from a combination of several major factors, including macroeconomic and other factors, such as environmental degradation, desertification and global climate change,

natural disasters and the lack of financial resources and the technology necessary to confront their negative impact in developing countries, particularly in the least developed countries and small island developing States, represent a global scenario that is threatening the adequate enjoyment of all human rights and widening the gap between developed and developing countries,

Stressing that efforts to make globalization fully inclusive and equitable must include policies and measures, at the global level, that correspond to the needs of developing countries and countries with economies in transition and are formulated and implemented with their effective participation,

Stressing also the need for adequate financing of, and technology transfer to, developing countries, in particular landlocked developing countries and small island developing States, including to support their efforts to adapt to climate change,

Having listened to the peoples of the world, and recognizing their aspirations to justice, to equality of opportunity for all, to the enjoyment of their human rights, including the right to development, to live in peace and freedom and to equal participation without discrimination in economic, social, cultural, civil and political life,

Resolved to take all measures within its power to secure a democratic and equitable international order,

1. *Affirms* that everyone is entitled to a democratic and equitable international order;

2. *Also affirms* that a democratic and equitable international order fosters the full realization of all human rights for all;

3. *Declares* that democracy includes respect for all human rights and fundamental freedoms and is a universal value 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, and reaffirms the need for universal adherence to and implementation of the rule of law at both the national and international levels;

4. *Reaffirms* the Universal Declaration of Human Rights, in particular the principle that the will of the people, as expressed through periodic and genuine elections, shall be the basis of government authority, as well as the right to choose representatives freely through periodic and genuine elections, which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures;

5. *Calls upon* all Member States to fulfil their commitment expressed during the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, to maximize the benefits of globalization through, inter alia, the strengthening and enhancement of international cooperation to increase equality of opportunities for trade, economic growth and sustainable development, global communications through the use of new technologies and increased intercultural exchange through the preservation and promotion of cultural diversity, and reiterates that only through broad and sustained efforts to create a shared future based upon our common humanity and all its diversity can globalization be made fully inclusive and equitable;

6. *Affirms* that a democratic and equitable international order requires, inter alia, the realization of the following:

(a) The right of all peoples to self-determination, by virtue of which they can freely determine their political status and freely pursue their economic, social and cultural development;

- (b) The right of peoples and nations to permanent sovereignty over their natural wealth and resources;
- (c) The right of every human person and all peoples to development;
- (d) The right of all peoples to peace;
- (e) The right to an international economic order based on equal participation in the decision-making process, interdependence, mutual interest, solidarity and cooperation among all States;
- (f) International solidarity, as a right of peoples and individuals;
- (g) The promotion and consolidation of transparent, democratic, just and accountable international institutions in all areas of cooperation, in particular through the implementation of the principle of full and equal participation in their respective decision-making mechanisms;
- (h) The right to equitable participation of all, without any discrimination, in domestic and global decision-making;
- (i) The principle of equitable regional and gender-balanced representation in the composition of the staff of the United Nations system;
- (j) The promotion of a free, just, effective and balanced international information and communications order, based on international cooperation for the establishment of a new equilibrium and greater reciprocity in the international flow of information, in particular correcting the inequalities in the flow of information to and from developing countries;
- (k) Respect for cultural diversity and the cultural rights of all, since this enhances cultural pluralism, contributes to a wider exchange of knowledge and understanding of cultural backgrounds, advances the application and enjoyment of universally accepted human rights across the world and fosters stable, friendly relations among peoples and nations worldwide;
- (l) The right of every person and all peoples to a healthy environment and to enhanced international cooperation that responds effectively to the needs for assistance of national efforts to adapt to climate change, particularly in developing countries, and that promotes the fulfilment of international agreements in the field of mitigation;
- (m) The promotion of equitable access to benefits from the international distribution of wealth through enhanced international cooperation, in particular in economic, commercial and financial international relations;
- (n) The enjoyment by everyone of ownership of the common heritage of mankind in connection to the public right of access to culture;
- (o) The shared responsibility of the nations of the world for managing worldwide economic and social development, as well as threats to international peace and security, that should be exercised multilaterally;

7. *Stresses* the importance of preserving the rich and diverse nature of the international community of nations and peoples, as well as respect for national and regional particularities and various historical, cultural and religious backgrounds, in the enhancement of international cooperation in the field of human rights;

8. *Also stresses* that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis, and 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;

9. *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;

10. *Reaffirms* that all States should promote the establishment, maintenance and strengthening of international peace and security and, to that end, should do their utmost to achieve general and complete disarmament under effective international control, as well as to ensure that the resources released by effective disarmament measures are used for comprehensive development, in particular that of the developing countries;

11. *Also reaffirms* the need to continue working urgently for the establishment of an international economic order based on equity, sovereign equality, interdependence, common interest and cooperation among all States, irrespective of their economic and social systems, in order to correct inequalities and redress existing injustices, make it possible to eliminate the widening gap between the developed and the developing countries and ensure steadily accelerating economic and social development and peace and justice for present and future generations;

12. *Further reaffirms* that the international community should devise ways and means to remove the current obstacles and meet the challenges to the full realization of all human rights and to prevent the continuation of human rights violations resulting therefrom throughout the world;

13. *Urges* States to continue their efforts, through enhanced international cooperation, towards the promotion of a democratic and equitable international order;

14. *Takes note* of the report submitted by the Independent Expert on the promotion of a democratic and equitable international order;²¹

15. *Calls upon* all Governments to cooperate with and assist the Independent Expert in the discharge of his mandate, and to provide him with all the necessary information requested by him in order to enable him to fulfil his duties effectively;

16. *Requests* the United Nations High Commissioner for Human Rights to continue to provide all the necessary human and financial resources for the effective fulfilment of the mandate by the Independent Expert;

17. *Requests* the Independent Expert to submit to the Human Rights Council, at its twenty-fourth session, a report on the implementation of the present resolution, with particular emphasis on the fostering of full, equitable and effective participation, including the obstacles to that aim and possible measures to overcome them;

18. *Invites* the Independent Expert to develop close cooperation with academia, think tanks and research institutes, such as South Centre, and other stakeholders from all regions;

19. *Requests* the human rights treaty bodies, the Office of the High Commissioner, the special mechanisms extended by the Human Rights Council and the

²¹ A/HRC/21/45 and Corr.1.

Human Rights Council Advisory Committee to pay due attention, within their respective mandates, to the present resolution and to make contributions to its implementation;

20. *Calls upon* the Office of the High Commissioner to build upon the issue of the promotion of a democratic and equitable international order;

21. *Requests* the Office of the High Commissioner to bring the present resolution to the attention of Member States, United Nations organs, bodies and components, intergovernmental organizations, in particular the Bretton Woods institutions, and non-governmental organizations, and to disseminate it on the widest possible basis;

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

*36th meeting
27 September 2012*

[Adopted by a recorded vote of 31 to 12, with 4 abstentions. The voting was as follows:

In favour:

Angola, Bangladesh, Benin, Botswana, Burkina Faso, Cameroon, China, Congo, Cuba, Djibouti, Ecuador, Guatemala, India, Indonesia, Jordan, Kuwait, Kyrgyzstan, Libya, Malaysia, Maldives, Mauritania, Mauritius, Nigeria, 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, Costa Rica, Mexico, Peru]

21/10 Human rights and international solidarity

The Human Rights Council,

Reaffirming all previous resolutions adopted by the Commission on Human Rights and the Human Rights Council on the issue of human rights and international solidarity, including Commission resolution 2005/55 of 20 April 2005, Council resolutions 6/3 of 27 September 2007, 7/5 of 27 March 2008, 9/2 of 24 September 2008, 12/9 of 1 October 2009, 15/13 of 30 September 2010, 17/6 of 16 June 2011 and 18/5 of 29 September 2011, and taking note of the reports submitted by the Independent Expert on human rights and international solidarity,²²

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

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

²² A/HRC/21/44 and Add.1.

international cooperation for the realization of the right to development and the elimination of obstacles to development,

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

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

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

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

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

Expressing its deep concern at the number and scale of natural disasters, diseases and agricultural pests and their increasing impact in recent years, which have resulted in a massive loss of life and long-term negative social, economic and environmental consequences for developing countries, in particular the most vulnerable countries throughout the world,

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

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

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

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

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

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

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

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

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

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

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

6. *Reaffirms* the fact that the promotion of international cooperation is a duty for States, that it should be implemented without any conditionality and on the basis of mutual respect, in full compliance with the principles and purposes of the Charter of the United Nations, in particular respect for the sovereignty of States, and taking into account national priorities;

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

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

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

10. *Requests* all States, United Nations agencies, other relevant international organizations and non-governmental organizations to mainstream the right of peoples and individuals to international solidarity into their activities, and to cooperate with the Independent Expert on human rights and international solidarity in her mandate, to supply all necessary information requested by her and to give serious consideration to responding

favourably to her requests to visit their country to enable her to fulfil her mandate effectively;

11. *Takes note with appreciation* of the report of the Independent Expert on human rights and international solidarity,²³ and welcomes her participation in the United Nations Conference on Sustainable Development (Rio+20) and in the People's Summit,²⁴ and encourages her active engagement in the post-2015 process, stressing the role of international solidarity as a key element to achieve a sustainable and more inclusive development;

12. *Welcomes* the holding of the expert workshop on human rights and international solidarity in Geneva on 7 and 8 June 2012, and takes note of the summary of the discussion contained in the addendum to the report of the Independent Expert;²⁵

13. *Requests* the Independent Expert:

(a) To continue to identify areas to be addressed, the main concepts and norms that can form the basis of a framework, and good practices to inform the future development of law and policy with regard to human rights and international solidarity;

(b) To hold consultations with States, relevant United Nations and other international organizations, agencies and programmes, as well as other stakeholders at the national, regional and international levels, in the discharge of her mandate;

(c) To undertake country visits with the aim of seeking and exchanging views with Governments and identifying their best practices for the promotion of international solidarity;

(d) To conduct in-depth research and intensive consultations with a view to preparing and sharing with Member States and all other relevant stakeholders a preliminary text of the draft declaration on the right of peoples and individuals to international solidarity;

(e) To participate in relevant international forums and major events with a view to promoting the importance of international solidarity in the implementation of the Millennium Development Goals and in the post-2015 sustainable development agenda;

(f) To report regularly to the General Assembly in accordance with its programme of work;

14. *Reiterates* its request to the Independent Expert to continue her work in the preparation of a draft declaration on the right of peoples and individuals to international solidarity and in further developing guidelines, standards, norms and principles with a view to promoting and protecting this right by addressing, inter alia, existing and emerging obstacles to its realization;

15. *Also reiterates* its request to the Independent Expert to take into account the outcomes of all major United Nations and other global summits and ministerial meetings in the economic, social and climate fields and to seek views and contributions from Governments, United Nations agencies, other relevant international organizations and non-governmental organizations in the discharge of her mandate;

16. *Takes note* of the final paper on human rights and international solidarity submitted by the drafting group on human rights and international solidarity of the Human

²³ A/HRC/21/44.

²⁴ Ibid., paras. 65–67.

²⁵ A/HRC/21/44/Add.1.

Rights Council Advisory Committee,²⁶ as an input to the process of elaborating a draft declaration on the right of peoples and individuals to international solidarity, and to the further development of guidelines, standards, norms and principles with a view to promoting and protecting this right;

17. *Requests* the Independent Expert to submit a report on the implementation of the present resolution to the Human Rights Council at its twenty-third session;

18. *Decides* to continue its examination of this issue at its twenty-third session under the same agenda item.

*36th meeting
27 September 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]

21/11

Guiding principles on extreme poverty and human rights

The Human Rights Council,

Recalling all relevant resolutions on extreme poverty and human rights adopted by the General Assembly, including resolution 65/214 of 21 December 2010,

Recalling also all previous resolutions adopted by the Subcommission on the Promotion and Protection of Human Rights, including its resolution 2006/9 of 24 August 2006, in which the Subcommission welcomed and approved the draft guiding principles prepared by the ad hoc group of experts, and requested the Human Rights Council to study them with the view to adopting them and forwarding them to the General Assembly,

Recalling further all relevant Human Rights Council resolutions, including resolution 15/19 of 30 September 2010, in which the Council invited the independent expert on the question of human rights and extreme poverty to pursue further work on the draft guiding principles on extreme poverty and human rights with a view to submitting a final draft of the revised guiding principles to the Council at its twenty-first session, in order to allow the Council to take a decision on the way forward with a view to the adoption, by 2012, of guiding principles on the rights of persons living in extreme poverty, and resolution 17/13 of 17 June 2011, in which the Council decided to extend the mandate of the mandate holder as a special rapporteur,

Welcoming the submission of views and contributions of Member States and other relevant stakeholders on the draft guiding principles, including in accordance with Human

²⁶ A/HRC/21/66.

Rights Council resolution 12/19 of 2 October 2009 and 15/19, as well as the holding of different rounds of consultations on this matter between 2001 and 2012, the latest being the two-day consultation organized by the Office of the United Nations High Commissioner for Human Rights on 22 and 23 June 2011,

Expressing its appreciation to the Special Rapporteur on extreme poverty and human rights for finalizing the draft guiding principles by integrating the views and contributions of Member States and other relevant stakeholders,

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

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

Acknowledging the need to continue national and international efforts, including through international cooperation to eradicate extreme poverty, in particular in the framework of the post-2015 development agenda, and taking note in this regard of the contribution of the United Nations Conference on Sustainable Development (Rio+20) and of its outcome document "The future we want",²⁷

Stressing that respect for all human rights, including the right to development, is important for all policies and programmes that specifically address the situation of people living in extreme poverty,

1. *Takes note with appreciation* of the report of the Special Rapporteur on extreme poverty and human rights on the guiding principles on extreme poverty and human rights,²⁸ and welcomes the work of the Special Rapporteur;

2. *Adopts* the guiding principles on extreme poverty and human rights as a useful tool for States in the formulation and implementation of poverty reduction and eradication policies, as appropriate;

3. *Encourages* Governments, relevant United Nations bodies, specialized agencies, funds and programmes, other intergovernmental organizations and national human rights institutions, as well as non-governmental organizations and non-State actors, including the private sector, to consider the guiding principles in the formulation and implementation of their policies and measures concerning persons affected by extreme poverty;

4. *Requests* the Office of the United Nations High Commissioner for Human Rights to disseminate the guiding principles, as appropriate;

5. *Decides* to transmit the guiding principles on extreme poverty and human rights to the General Assembly for its consideration.

*36th meeting
27 September 2012*

²⁷ General Assembly resolution 66/288.

²⁸ A/HRC/21/39.

[Adopted without a vote.]

21/12 Safety of journalists

The Human Rights Council,

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

Reaffirming the Universal Declaration of Human Rights, and recalling relevant international human rights treaties, including the International Covenant on Civil and Political Rights and the International Convention for the Protection of All Persons from Enforced Disappearance, as well as the Geneva Conventions of 1949 and the Additional Protocols thereto of 8 June 1977,

Recalling all relevant resolutions of the Commission on Human Rights and the Human Rights Council on the right to freedom of opinion and expression, in particular Council resolution 12/16 of 2 October 2009, as well as Council resolutions 13/24 of 26 March 2010 and 20/8 of 5 July 2012,

Mindful that the right to freedom of opinion and expression is a human right guaranteed to all in accordance with articles 19 of the Universal Declaration of Human Rights and of the International Covenant on Civil and Political Rights, and that it constitutes one of the essential foundations of a democratic society and one of the basic conditions for its progress and development,

Reaffirming that everyone has the right to life, liberty and security of person,

Recognizing the importance of all forms of the media, including the printed media, radio, television and the Internet, in the exercise, promotion and protection of the right to freedom of opinion and expression,

Acknowledging the particular role played by journalists in matters of public interest, including by raising awareness of human rights,

Underlining the importance of voluntary professional principles and ethics developed and observed by the media,

Recognizing that the work of journalists often puts them at specific risk of intimidation, harassment and violence,

Acknowledging the specific risks faced by women journalists in the exercise of their work, and underlining, in this context, the importance of taking a gender-sensitive approach when considering measures to address the safety of journalists,

Taking note of the good practices of different countries aiming at the protection of journalists, as well as, inter alia, those designed for the protection of human rights defenders that can, where applicable, be relevant to the protection of journalists,

Underlining the important role of regional and subregional organizations in the safety of journalists,

Welcoming the important work of the United Nations Educational, Scientific and Cultural Organization for the safety of journalists,

Taking note of the International Conference on Protection of Journalists in Dangerous Situations, held on 22 and 23 January 2012 in Doha,

1. *Recalls*, in the context of this resolution, the rights contained in the International Covenant on Civil and Political Rights, in particular article 19, which states that:

1. Everyone shall have the right to hold opinions without interference;

2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice;

3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputations of others;

(b) For the protection of national security or of public order (ordre public), or of public health or morals;

2. *Takes note* of the reports of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression²⁹ and the Special Rapporteur on extrajudicial, summary or arbitrary executions,³⁰ presented to the Human Rights Council at its twentieth session, and the interactive dialogue thereon;

3. *Expresses its concern* that violations of the right to freedom of opinion and expression continue to occur, including increased attacks against and killings of journalists and media workers, and stressing the need to ensure greater protection for all media professionals and for journalistic sources;

4. *Condemns in the strongest terms* all attacks and violence against journalists, such as torture, extrajudicial killings, enforced disappearances and arbitrary detention, as well as intimidation and harassment;

5. *Expresses its concern* that there is a growing threat to the safety of journalists posed by non-State actors, including terrorist groups and criminal organizations;

6. *Calls on* all parties to armed conflict to respect their obligations under international human rights law and international humanitarian law, including their obligations under the Geneva Conventions of 12 August 1949 and, where applicable, the Additional Protocols thereto of 8 June 1977, the provisions of which extend protection to journalists in situations of armed conflict, and to allow, within the framework of applicable rules and procedures, media access and coverage, as appropriate, in situations of international and non-international armed conflict;

7. *Expresses its concern* that attacks against journalists often occur with impunity, and calls upon States to ensure accountability through the conduct of impartial, speedy and effective investigations into such acts falling within their jurisdiction, and to bring to justice those responsible and to ensure that victims have access to appropriate remedies;

8. *Calls upon* States to promote a safe and enabling environment for journalists to perform their work independently and without undue interference, including by means of (a) legislative measures; (b) awareness-raising in the judiciary, law enforcement officers

²⁹ A/HRC/20/17 and Add.1–3.

³⁰ A/HRC/20/22, Corr.1 and Add.1–4.

and military personnel, as well as journalists and civil society, regarding international human rights and humanitarian law obligations and commitments relating to the safety of journalists; (c) the monitoring and reporting of attacks against journalists; (d) publicly condemning attacks; and (e) dedicating necessary resources to investigate and prosecute such attacks;

9. *Encourages* States to put in place voluntary protection programmes for journalists, based on local needs and challenges, including protection measures that take into account the individual circumstances of the persons at risk, as well as, where applicable, the good practices in different countries;

10. *Invites* relevant special procedures of the Human Rights Council, as appropriate, in the framework of their mandates, to continue to address the relevant aspects of the safety of journalists in their work;

11. *Stresses* the need to ensure better cooperation and coordination at the international level with regard to ensuring the safety of journalists, including with regional organizations, and invites United Nations agencies, funds and programmes, other international and regional organizations, Member States and all relevant stakeholders, when applicable and in the scope of their mandates, to cooperate further in the implementation of the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity, elaborated by the United Nations Educational, Scientific and Cultural Organization and endorsed by the United Nations System Chief Executives Board for Coordination;

12. *Requests* the Office of the United Nations High Commissioner for Human Rights, in collaboration with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, to prepare, working in consultation with States and other relevant stakeholders, a compilation of good practices in the protection of journalists, the prevention of attacks and the fight against impunity for attacks committed against journalists, and to present the compilation in a report to the Human Rights Council at its twenty-fourth session.

*37th meeting
27 September 2012*

[Adopted without a vote.]

21/13

Panel discussion on the negative impact of corruption on the enjoyment of human rights

The Human Rights Council,

Guided by the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments,

Recalling all relevant resolutions of the Commission on Human Rights and the Human Rights Council, including Council resolution 19/20 of 23 March 2012 on the role of good governance in the promotion and protection of human right, as well as the United Nations Millennium Declaration,

Deeply concerned about the increasing negative impact of widespread corruption on the enjoyment of human rights,

Recognizing that corruption constitutes one of the obstacles to the effective promotion and protection of human rights, as well as to the achievement of the Millennium Development Goals and other internationally agreed development goals,

Welcoming the resolve of States parties to the United Nations Convention against Corruption, 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, and welcoming also the commitment made by all States in the 2005 World Summit Outcome to make the fight against corruption a priority at all levels,

Welcoming also the joint statement on the negative impact of corruption on the enjoyment of human rights made on behalf of one hundred and thirty four States Members of the United Nations at the twentieth session of the Human Rights Council,

1. *Decides* to convene, at its twenty-second session, from within existing resources, a panel discussion on the issue of the negative impact of corruption on the enjoyment of human rights;

2. *Requests* the Office of the United Nations High Commissioner for Human Rights to organize the above-mentioned panel discussion and to liaise with States, relevant United Nations bodies, agencies, treaty bodies and special procedures, in particular the United Nations Office on Drugs and Crime and the United Nations Development Programme, international organizations, in particular the International Anti-Corruption Academy, relevant regional human rights mechanisms, as well as with civil society, non-governmental organizations and national human rights institutions, with a view to ensuring their participation in the panel discussion;

3. *Also requests* the Office of the High Commissioner to prepare and submit a summary report on the panel discussion to the Human Rights Council at its twenty-third session.

*37th meeting
27 September 2012*

[Adopted without a vote.]

21/14 World Programme for Human Rights Education

The Human Rights Council,

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

Recalling General Assembly resolution 43/128 of 8 December 1988, by which the Assembly launched the World Public Information Campaign on Human Rights, resolutions 59/113 A of 10 December 2004 and 59/113 B of 14 July 2005, in which the Assembly proclaimed the World Programme for Human Rights Education and adopted the Plan of Action for its first phase, and 60/251 of 15 March 2006, in which the Assembly decided, inter alia, that the Human Rights Council should promote human rights education and learning, as well as Commission on Human Rights resolution 2005/61 of 20 April 2005 and Subcommission for the Promotion and Protection of Human Rights resolution 2006/19 of 24 August 2006 on the World Programme for Human Rights Education,

Recalling also Human Rights Council resolutions 6/9 and 6/24 of 28 September 2007, 9/12 of 24 September 2008, 10/3 of 25 March 2009, 12/4 of 1 October 2009 and 15/11 of 30 September 2010,

Recalling further that the World Programme is an ongoing initiative structured in consecutive phases to advance the implementation of human rights education programmes in all sectors, and that Member States should continue the implementation of human rights education in primary and secondary school systems, which was the focus of the first phase (2005–2009), while taking the necessary measures to implement the second phase (2010–2014), which focuses on human rights education for higher education and on human rights training programmes for teachers and educators, civil servants, law enforcement officials and military personnel at all levels,

Welcoming the adoption by the General Assembly of the United Nations Declaration on Human Rights Education and Training in its resolution 66/137 of 19 December 2011,

1. *Takes note* of the progress report on the implementation of the World Programme for Human Rights Education prepared by the Office of the United Nations High Commissioner for Human Rights;

2. *Welcomes* initiatives by all relevant stakeholders on the implementation of the second phase of the World Programme;

3. *Encourages* all States, and, where appropriate, relevant stakeholders that have not yet taken steps to implement, within their capabilities, the World Programme and the Plan of Action to do so;

4. *Encourages* all States and other relevant stakeholders to apply in their human rights education initiatives sound educational methodologies based on good practices and assessed through continued evaluation, and recommends cooperation, networking and information sharing among all actors;

5. *Recognizes* that the World Programme for Human Rights Education is among useful tools that may assist and enhance the national implementation of the United Nations Declaration on Human Rights Education and Training;

6. *Requests* the Office of the High Commissioner to seek the views of States, national human rights institutions and other relevant stakeholders on the target sectors, focus areas or thematic human rights issues for the third phase of the World Programme, and to submit a report thereon to the Council at its twenty-fourth session.

*37th meeting
27 September 2012*

[Adopted without a vote.]

21/15 Human rights and transitional justice

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, the Geneva Conventions of 12 August 1949 and the Protocols Additional thereto of 8 June 1977, other relevant international human rights law and international humanitarian law instruments and the Vienna Declaration and Programme of Action,

Recalling General Assembly resolution 60/147 of 16 December 2005, in which the Assembly adopted the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law,

Recalling also Commission on Human Rights resolutions 2005/70 of 20 April 2005, on human rights and transitional justice, 2005/81 of 21 April 2005, on impunity, and 2005/66 of 20 April 2005, on the right to the truth, and Human Rights Council resolutions 12/11 of 12 October 2009, on human rights and transitional justice, 9/11 of 18 September 2008 and 12/12 of 1 October 2009, on the right to the truth, 10/26 of 27 March 2009 and 15/5 of 29 September 2010, on forensic genetics and human rights, as well as Council decisions 2/105 of 27 November 2006, on the right to the truth, and 4/102 of 23 March 2007, on transitional justice,

Welcoming Human Rights Council resolution 18/7 of 29 September 2011, in which the Council created the mandate of special rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, and the appointment of a mandate holder by the Council at its nineteenth session,

Welcoming also the decision of the General Assembly to convene a high-level meeting on the theme “The rule of law at the national and international levels” during the high-level segment of its sixty-seventh session,³¹

Recalling the reports of the Secretary-General on the rule of law and transitional justice in conflict and post-conflict societies,³² including the relevant recommendations contained therein, the report of the Secretary-General entitled “Uniting our strengths: Enhancing United Nations support for the rule of law”,³³ which designated the Office of the United Nations High Commissioner for Human Rights as the lead entity within the United Nations system on, inter alia, transitional justice, subsequent reports of the Secretary-General on the rule of law³⁴ and the report of the Secretary-General on enhancing mediation and its support activities,³⁵ and taking note of the guidance note of the Secretary-General on the United Nations Approach to Transitional Justice of March 2010,

Recalling also the set of principles for the protection and promotion of human rights through action to combat impunity,³⁶ and taking note with appreciation of the updated version of those principles,³⁷ as well as the report of the Special Rapporteur on the independence of judges and lawyers submitted to the Commission on Human Rights,³⁸

Recalling further Security Council resolution 1325 (2000) of 31 October 2000 and its subsequent resolutions 1820 (2008) of 19 June 2008, 1888 (2009) of 30 September 2009, 1889 (2009) of 5 October 2009 and 1960 (2010) of 16 December 2010 on women, peace and security, and reaffirming the important role of women in the prevention and resolution of conflicts and in peacebuilding, and the need to increase their role in decision-making with regard to conflict prevention and resolution,

Welcoming the role of the Peacebuilding Commission in this regard, and recalling the necessity for the Commission to intensify its efforts, within its mandate, in cooperation

³¹ General Assembly resolution 65/32, para. 13.

³² S/2004/616 and S/2011/634.

³³ A/61/636-S/2006/980.

³⁴ A/63/226, A/63/64, A/64/298, A/65/318 and A/66/133.

³⁵ S/2009/189.

³⁶ E/CN.4/Sub.2/1997/20/Rev.1, annex II.

³⁷ E/CN.4/2005/102/Add.1.

³⁸ E/CN.4/2006/52.

with national and transitional Governments and in consultation with the relevant United Nations entities, to incorporate human rights, when advising on or proposing country-specific peacebuilding strategies for post-conflict situations in cases under consideration, where applicable,

Recognizing the role of the International Criminal Court in a multilateral system that aims to end impunity, establish the rule of law, promote and encourage respect for human rights and international humanitarian law and achieve sustainable peace, in accordance with international law and the purposes and principles of the Charter,

Noting the inclusion of a range of sexual violence offences in the Rome Statute of the International Criminal Court and the statutes of the ad hoc international criminal tribunals, and also that rape and other forms of sexual violence can constitute a war crime, a crime against humanity, or a constitutive act with respect to genocide,

Welcoming the activities of the United Nations, including through its field presences, in assisting States to design, establish and implement transitional justice mechanisms and promote the rule of law, as well as its conceptual and analytical work on transitional justice and human rights, and encouraging greater efforts to ensure that a gender perspective and a victim-centred approach are fully integrated into all of these activities,

Welcoming also the increased integration of a human rights perspective, including through activities of the Office of the High Commissioner in cooperation with other relevant actors of the United Nations system, in the United Nations activities related to transitional justice, as well as the importance given to the rule of law and transitional justice by the High Commissioner and her Office, including its Rule of Law and Democracy Unit,

Stressing that the full range of civil, cultural, economic, political and social rights should be taken into account in any transitional justice context in order to promote, inter alia, the rule of law and accountability,

1. *Emphasizes* the importance of a comprehensive approach to transitional justice incorporating the full range of judicial and non-judicial measures, including, among others, individual prosecutions, reparations, truth-seeking, institutional reform, vetting of public employees and officials, or an appropriately conceived combination thereof, in order to, inter alia, ensure accountability, serve justice, provide remedies to victims, promote healing and reconciliation, establish independent oversight of the security system and restore confidence in the institutions of the State and promote the rule of law in accordance with international human rights law;

2. *Underlines* that, when designing a transitional justice strategy, the specific context of each situation has to be taken into account with a view to preventing the recurrence of crises and future violations of human rights, and to ensure social cohesion, institution-building, ownership and inclusiveness at the national and local levels;

3. *Also underlines* that truth-seeking processes, such as truth and reconciliation commissions, that investigate patterns of past human rights violations and their causes and consequences are important tools that can complement judicial processes and that, when established, such mechanisms have to be designed within a specific societal context and to be founded on broad national consultations with the inclusion of victims and civil society, including non-governmental organizations;

4. *Stresses* the need within a sustainable transitional justice strategy to develop national prosecutorial capacities that are based on a clear commitment to combat impunity, to take into account the victim's perspective and to ensure compliance with human rights obligations concerning fair trials;

5. *Reaffirms* the responsibility of States to comply with their relevant obligations to prosecute those responsible for gross violations of human rights and serious violations of international humanitarian law constituting crimes under international law, with a view to end impunity;

6. *Calls upon* States, in particular, to comply with their obligations under applicable international law when prosecuting persons for gender-based and sexual violence, to ensure that all victims of such violence have equal access to justice, and stresses the importance of ending impunity for such acts as part of a comprehensive approach to seeking truth, justice, reparation and guarantees of non-recurrence;

7. *Notes with interest* the position of the Secretary-General that peace agreements endorsed by the United Nations can never permit amnesties for genocide, crimes against humanity, war crimes and gross violations of human rights;

8. *Reaffirms* that remedies for gross violations of international human rights law and serious violations of international humanitarian law include, as provided for under international law, the victim's right to:

- (a) Equal and effective access to justice;
- (b) Adequate, effective and prompt reparation for harm suffered;
- (c) Access to relevant information concerning violations and reparation mechanisms;

9. *Emphasizes* that a human rights-based approach should be incorporated into vetting processes as part of institutional reform aiming at preventing the recurrence of human rights violations and at building confidence in State institutions;

10. *Welcomes* the report of the United Nations High Commissioner for Human Rights on human rights and transitional justice,³⁹ taking note of the analysis of the relationship between disarmament, demobilization and reintegration and transitional justice, and stressing that disarmament, demobilization and reintegration and transitional justice processes are interrelated and that coordination between the two efforts is essential to facilitate their coherence and mutual reinforcement;

11. *Emphasizes* that justice, peace, democracy and development are mutually reinforcing imperatives;

12. *Welcomes* the fact that a growing number of peace agreements contain provisions for transitional justice processes, such as truth-seeking, prosecution initiatives, reparations programmes and institutional reform, and do not provide for blanket amnesties;

13. *Underlines* the importance and urgency of national and international efforts to end human rights violations, restore justice and the rule of law in conflict and post-conflict situations and, where relevant, in the context of transitional processes;

14. *Stresses* the importance of a comprehensive process of national consultation, particularly with those affected by human rights violations, in contributing to a holistic transitional justice strategy that takes into account the particular circumstances of every situation and is in conformity with human rights;

15. *Underlines* the importance of giving vulnerable groups, including those marginalized for political, socioeconomic or other reasons, a voice in these processes and to

³⁹ A/HRC/18/23.

ensure that discrimination, the root causes of conflict, and violations of all human rights, including economic, social and cultural rights, are addressed;

16. *Recognizes* the important role played in the realization of transitional justice goals and in the reconstruction of society, as well as in the promotion of the rule of law and accountability, by:

(a) Victims' associations, human rights defenders and other actors of civil society, as well as national human rights institutions created in conformity with the Paris Principles;

(b) Women's organizations in the design, establishment and implementation of transitional justice mechanisms, so as to ensure that women are represented in their structures and that a gender perspective is reflected in their mandates and work;

(c) Free and independent media in informing the public about the human rights dimension in the area of transitional justice mechanisms locally, nationally and internationally;

17. *Strongly condemns* violence against women and girls committed in conflict and post-conflict situations, such as murder, rape, including systematic rape, sexual slavery, forced pregnancy and enforced sterilization, recognizing that the term "violence against women" is not limited to sexual violence but includes any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, and calls for effective measures of accountability and redress where those acts amount to violations of international human rights and humanitarian law;

18. *Recognizes* that sexual and gender-based violence is also committed against men and boys in conflict and post-conflict situations and, as such, can also constitute a gross violation of international human rights law and a serious violation of international humanitarian law and that such violations must be investigated, prosecuted and punished, and redress be provided to victims in accordance with applicable domestic law obligations under international law;

19. *Also recognizes* that sexual and gender-based violence, particularly in conflict and post-conflict situations, affects victims, families, communities and societies, and stresses that effective remedies in those situations should include access to health care, psychosocial support, legal assistance and socioeconomic reintegration services for victims of such violence;

20. *Underlines* the needs of women and the particular needs of children in transitional justice processes and the obligation and importance of enabling the full and equal participation of women, and the importance of engaging children, consistent with their age and maturity, in all aspects of post-conflict recovery, recognizing their crucial role in facilitating the reconstruction of society, the promotion of the rule of law and ensuring accountability;

21. *Also underlines* the need for the rights of both victims and accused persons to be respected, in accordance with international human rights law, with particular attention to be paid to those most affected by conflicts and the lack of effective rule of law mechanisms, among them women, children, migrants, refugees, internally displaced persons, persons with disabilities and persons belonging to national or ethnic, religious or linguistic minorities and indigenous peoples, and to ensure that specific measures are taken for their free participation and protection and for the sustainable return of refugees and internally displaced persons in safety and dignity;

22. *Emphasizes* the need to provide gender-sensitive human rights training in the context of transitional justice to all relevant national actors, including police, military, intelligence and security services, prosecution staff and members of the judiciary, in dealing with victims of human rights violations, particularly women and girls, in order to ensure gender sensitivity and gender mainstreaming in the restoration of the rule of law and transitional justice processes;

23. *Calls upon* States to assist the United Nations in its ongoing work on the relevant recommendations of the reports of the Secretary-General on the rule of law and transitional justice in conflict and post-conflict societies,³² the report of the Secretary-General entitled “Uniting our strengths: Enhancing United Nations support for the rule of law”³³ as well as subsequent reports of the Secretary-General on the rule of law,³⁴ including by incorporating international human rights law, principles and best practices into the development and implementation of transitional justice mechanisms and by cooperating fully with United Nations field presences in the area of human rights and transitional justice and by facilitating the work of relevant special procedures;

24. *Calls upon* the international community and regional organizations to assist countries who so consent, in the context of transitional justice, to ensure the promotion and protection of human rights and to incorporate best practices into the development and implementation of transitional justice mechanisms;

25. *Recommends* that a human rights and transitional justice perspective be taken into account in peace negotiations, and that those conducting peace negotiations draw upon the relevant human rights and transitional justice expertise available within the United Nations system;

26. *Welcomes* the report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence,⁴⁰ in which the Special Rapporteur concluded that, as a set of measures, the four components of his mandate are interrelated and mutually reinforcing when implemented to redress gross violations of human rights and serious violations of international humanitarian law and that, with respect to the meaningful participation of victims, the participatory procedures necessary to address the different needs and opportunities of women, men and children have yet to be established;

27. *Acknowledges* the fundamental importance of human rights education and training in contributing to the promotion, protection and effective realization of all human rights, including the area of human rights and transitional justice;

28. *Invites* States to avail themselves of the expertise and advisory services of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence in the area of human rights and transitional justice, and encourages the Special Rapporteur, within his mandate, to share experience and information relating to good practices, technical assistance and capacity-building in his interaction with States in this regard;

29. *Encourages* the Special Rapporteur on the promotion of truth, justice, reparations and guarantees of non-recurrence to work, within his mandate, in close cooperation with relevant special procedures of the Human Rights Council and relevant actors within the United Nations system, including the United Nations Entity for Gender Equality and the Empowerment of Women, the Department of Peacekeeping Operations, the Special Representative of the Secretary-General on Sexual Violence in Conflict, the Special Representative of the Secretary-General for Children and Armed Conflict and the

⁴⁰ A/HRC/21/46.

Committee on the Elimination of Discrimination against Women, as appropriate, in the fulfilment of the gender-specific dimension of his mandate;

30. *Requests* the Office of the High Commissioner to continue to enhance its leading role within the United Nations, including with regard to conceptual and analytical work regarding transitional justice, and to assist States, with their consent, to design, establish and implement transitional justice mechanisms from a human rights perspective, while stressing the importance of close cooperation between the Office of the High Commissioner and the Special Rapporteur on the promotion of truth, justice, reparations and guarantees of non-recurrence, as well as with other relevant actors of the United Nations and other international and non-governmental organizations, with regard to incorporating human rights and best practices into the development and implementation of transitional justice mechanisms and to the ongoing process of strengthening the United Nations system in the area of the rule of law and transitional justice;

31. *Invites* other relevant actors of the United Nations system to cooperate fully with the Office of the High Commissioner and the Special Rapporteur on the promotion of truth, justice, reparations and guarantees of non-recurrence in the area of human rights and transitional justice;

32. *Requests* the Office of the High Commissioner to submit an analytical study to the Human Rights Council, prior to its twenty-seventh session, focusing on gender-based and sexual violence in relation to transitional justice in conflict and post-conflict situations, the effective participation of victims and the participatory procedures necessary to address the different needs and opportunities of women, men and children, including good practices of States in the field of truth-seeking, justice, reparation and institutional reform and undertaken in consultation with the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, the Special Rapporteur on violence against women, its causes and consequences, other relevant mandate holders, the United Nations Entity for Gender Equality and the Empowerment of Women, the Special Representative of the Secretary-General on Sexual Violence in Conflict, the Special Representative of the Secretary-General for Children and Armed Conflict, other relevant actors of the United Nations system, civil society and other stakeholders;

33. *Decides* to continue its consideration of this matter at its twenty-seventh session or at the corresponding session in conformity with its annual programme of work.

37th meeting
27 September 2012

[Adopted without a vote.]

21/16

The rights to freedom of peaceful assembly and of association

The Human Rights Council,

Reaffirming Human Rights Council resolution 15/21 of 30 September 2010, and recalling Council resolutions 19/35 of 23 March 2012 and 20/8 of 5 July 2012 and relevant resolutions of the Commission on Human Rights,

Recognizing the importance of the rights of everyone to freedom of peaceful assembly and of association to the full enjoyment of all human rights,

Recalling that, in accordance with the International Covenant on Civil and Political Rights and as similarly prescribed in the International Covenant on Economic, Social and Cultural Rights, no restriction may be placed on the exercise of the rights to freedom of

peaceful assembly and of association other than those that are prescribed by law and that are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others,

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

Taking note of the report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association,⁴¹

Reiterating the important role of new information and communications technologies in enabling and facilitating the enjoyment of the rights to freedom of peaceful assembly and of association, and the importance for all States to promote and facilitate access to the Internet and international cooperation aimed at the development of media and information and communications facilities in all countries,

Recognizing the importance of the freedoms of peaceful assembly and of association, as well as the importance of civil society, to good governance, including through transparency and accountability, which is indispensable for building peaceful, prosperous and democratic societies,

Aware of the crucial importance of active involvement of civil society in processes of governance that affect the life of people,

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

2. *Expresses concern* at violations of the rights to freedom of peaceful assembly and of association;

3. *Emphasizes* the critical role of the rights to freedom of peaceful assembly and of association for civil society, and recognizes that civil society facilitates the achievement of the purposes and principles of the United Nations;

4. *Stresses* that respect for the rights to freedom of peaceful assembly and of association, in relation to civil society, contributes to addressing and resolving challenges and issues that are important to society, such as the environment, sustainable development, crime prevention, human trafficking, empowering women, social justice, consumer protection and the realization of all human rights;

5. *Reiterates its call upon* States to cooperate fully with and assist the Special Rapporteur on the rights to freedom of peaceful assembly and of association in the performance of his mandate;

6. *Reiterates its call upon* the Office of the United Nations High Commissioner for Human Rights to assist States to promote and protect the rights to freedom of peaceful assembly and of association, including through the technical assistance programmes of the Office, at the request of States, and to cooperate with relevant bodies of the United Nations

⁴¹ A/HRC/20/27.

system and other intergovernmental organizations to assist States to promote and protect the rights to freedom of peaceful assembly and of association;

7. *Invites* the Special Rapporteur on the rights to freedom of peaceful assembly and of association to include, in his next annual report, the importance of the freedom of peaceful assembly and of association to the work of civil society actors, including with respect to the progressive realization of economic, social and cultural rights;

8. *Requests* the Special Rapporteur to present an annual report to the General Assembly;

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

37th meeting
27 September 2012

[Adopted without a vote.]

21/17

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

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Vienna Declaration and Programme of Action,

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

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

Recalling also its resolutions 9/1 of 24 September 2008 and 18/11 of 27 September 2011, and all the resolutions of the Commission on Human Rights on this matter,

1. *Takes note* of the report of the previous Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes;⁴²

2. *Requests* the new Special Rapporteur, in accordance with his mandate, to provide comprehensive and up-to-date information on the adverse effects that the improper management and disposal of hazardous substances and wastes may have on the full enjoyment of human rights, for example, information on:

(a) The human rights issues raised by transnational corporations and other business enterprises in connection with the environmentally sound management and disposal of hazardous substances and wastes;

⁴² A/HRC/21/48 and Corr.1.

(b) The scope of national legislation relating to the human rights implications of the management and disposal of hazardous substances and wastes;

(c) The human rights implications of waste-recycling programmes and the transfer of polluting industries, industrial activities and technologies from one country to another and new trends therein, including e-waste and the dismantling of ships;

(d) Support and assistance to victims of human rights violations relating to the environmentally sound management and disposal of hazardous substances and wastes;

(e) The ambiguities in international instruments that allow the movement and dumping of hazardous substances and wastes, and any gaps in the effectiveness of international regulatory mechanisms;

(f) Human rights abuses and violations committed against human rights defenders owing to their activities relating to the environmentally sound management and disposal of hazardous substances and wastes;

3. *Encourages* the Special Rapporteur to fulfil his mandate in close cooperation with the United Nations Environment Programme, relevant United Nations agencies, such as the World Health Organization and the International Labour Organization, and the secretariats of international environmental conventions, with a view to mainstreaming human rights into their work and to avoiding duplication;

4. *Urges* the Special Rapporteur to continue his consultations with the competent United Nations agencies and organizations and the secretariats of relevant international environmental conventions concerning a multidisciplinary, in-depth approach to existing problems, and to take due account of progress made in other bodies, as well as to identify gaps, with a view to finding lasting solutions for the management of such substances and wastes and to preparing a progress report thereon, with specific recommendations and proposals on the steps to be taken immediately to address adverse effects on human rights of hazardous substances and wastes, and to submit that report to the Human Rights Council at its twenty-fourth session;

5. *Also urges* the Special Rapporteur to develop, in consultation with relevant stakeholders and with the support of the United Nations High Commissioner for Human Rights, a guide to best practices regarding the human rights obligations related to the environmentally sound management and disposal of hazardous substances and wastes, and to submit the guide together with his report to the Human Rights Council at its twenty-seventh session;

6. *Encourages* the Special Rapporteur, in accordance with his mandate and with the support and assistance of the Office of the High Commissioner, to continue to provide Governments with an appropriate opportunity to respond to allegations transmitted to him and reflected in his report, and to reflect their observations in his report to the Human Rights Council;

7. *Reiterates its call* to States and other stakeholders to facilitate the work of the Special Rapporteur by providing information and inviting him to undertake country visits;

8. *Reiterates its call* to the Secretary-General and the High Commissioner to provide the Special Rapporteur with all the assistance necessary for the successful fulfilment of his mandate;

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

*37th meeting
27 September 2012*

[Adopted without a vote.]

21/18

Human rights and issues related to terrorist hostage-taking

The Human Rights Council,

Guided by the Charter of the United Nations,

Recalling Human Rights Council resolution 18/10 of 29 September 2011, in which the Council requested the Advisory Committee to prepare a study on human rights and issues related to terrorist hostage-taking and to present an interim report on the study at its twenty-first session, and the final study at its twenty-third session,

1. *Takes note* of the preliminary report submitted by the drafting group of the Advisory Committee to the Committee at its ninth session;⁴³
2. *Decides* to grant the Advisory Committee further time to allow it to submit an interim report on the subject to the Human Rights Council at its twenty-second session and the final study at its twenty-fourth session.

*37th meeting
27 September 2012*

[Adopted without a vote.]

21/19

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

The Human Rights Council,

Recalling Human Rights Council resolutions 13/4 of 24 March 2010, 16/27 of 25 March 2011 and 19/7 of 22 March 2012,

Determined to foster strict respect for the purposes and principles enshrined in the Charter of the United Nations,

Underlining the imperative need to achieve the Millennium Development Goals by 2015 in order to contribute to making the right to development a reality for everyone,

Gravely concerned that hunger, like poverty, is still predominantly a rural problem, and that in the rural population it is those who produce food who suffer disproportionately, and alarmed that 80 per cent of people suffering from hunger live in rural areas, particularly in developing countries, and 50 per cent are small-scale and traditional farm holders, and that these people are especially vulnerable to food insecurity, discrimination and exploitation,

Recognizing that livelihoods in rural areas are disproportionately affected by poverty, climate change, lack of development and lack of access to scientific progress,

Taking note of the draft declaration on the rights of peasants and other people working in rural areas prepared by the Advisory Committee and submitted to the Human Rights Council,⁴⁴

⁴³ A/HRC/AC/9/CRP.1.

Convinced of the need to strengthen the protection and realization of the human rights of peasants and other people working in rural areas,

1. *Decides* to establish an open-ended intergovernmental working group with the mandate of negotiating, finalizing and submitting to the Human Rights Council a draft United Nations declaration on the rights of peasants and other people working in rural areas, on the basis of the draft submitted by the Advisory Committee, and without prejudging relevant past, present and future views and proposals;

2. *Also decides* that the working group shall hold its first session for five working days in 2013, before the twenty-third session of the Human Rights Council;

3. *Requests* the Office of the United Nations High Commissioner for Human Rights to provide the working group with the human, technical and financial assistance necessary for it to fulfil its mandate;

4. *Requests* the President of the Human Rights Council to invite the Rapporteur of the Advisory Committee drafting group on the draft declaration to participate in the first session of the working group;

5. *Invites* States, civil society, representatives of peasants and other people working in rural areas and all relevant stakeholders to contribute actively and constructively to the work of the working group;

6. *Requests* the working group to submit a report on progress made to the Human Rights Council for its consideration at its twenty-sixth session.

*37th meeting
27 September 2012*

[Adopted by a recorded vote of 23 to 9, with 15 abstentions. The voting was as follows:

In favour:

Angola, Bangladesh, Benin, Burkina Faso, Cameroon, Chile, China, Congo, Costa Rica, Cuba, Djibouti, Ecuador, Guatemala, India, Indonesia, Kyrgyzstan, Malaysia, Peru, Philippines, Russian Federation, Thailand, Uganda, Uruguay

Against:

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

Abstaining:

Botswana, Jordan, Kuwait, Libya, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Norway, Qatar, Republic of Moldova, Saudi Arabia, Senegal, Switzerland]

21/20

High-level panel discussion to commemorate the twentieth anniversary of the adoption of the Vienna Declaration and Programme of Action

The Human Rights Council,

⁴⁴ A/HRC/19/75, annex.

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,

Noting that 2013 will mark the twentieth anniversary of the adoption of the Vienna Declaration and Programme of Action by the World Conference on Human Rights on 25 June 1993,

Emphasizing that the anniversary offers an important opportunity to reiterate the commitment to the universal promotion and protection of the human rights of all, as well as to reflect on achievements, best practices and challenges with regard to the implementation of the Declaration and Programme of Action,

Emphasizing also the need for continued and reinforced efforts for the full realization of the human rights of all,

1. *Decides* to convene, at the first day of the high-level segment of its twenty-second session, a high-level panel discussion to commemorate the twentieth anniversary of the Vienna Declaration and Programme of Action, with a particular focus on its implementation, as well as on achievements, best practices and challenges in this regard;

2. *Requests* the Office of the United Nations High Commissioner for Human Rights to organize the panel discussion and to liaise with States, relevant United Nations bodies, agencies, treaty bodies, special procedures and regional human rights mechanisms, as well as with civil society, including non-governmental organizations, and national human rights institutions, with a view to ensuring their participation in the panel discussion;

3. *Also requests* the Office of the High Commissioner to prepare a report on the panel discussion in the form of a summary.

*37th meeting
27 September 2012*

[Adopted without a vote.]

21/21

Enhancement of technical cooperation and capacity-building in the field of human rights

The Human Rights Council,

Guided by the purposes and principles of the United Nations, particularly with regard to achieving international cooperation in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Reaffirming the obligation of States under the Charter of the United Nations to promote universal respect for and observance of human rights and fundamental freedoms,

Recognizing that the enhancement of international cooperation is essential for the effective promotion and protection of human rights,

Emphasizing that the promotion and protection of human rights should be based on the principles of cooperation and genuine dialogue and aimed at strengthening the capacity of States to prevent human rights violation and comply with their human rights obligations for the benefit of all human beings,

Recalling the mandate of the Human Rights Council to promote advisory services, technical assistance and capacity-building, to be provided in consultation with and with the consent of States concerned, and the provisions in Council resolutions 5/1 and 5/2 of 18 June 2007 and 16/21 of 25 March 2011 that aim to enable the Council to fulfil such a mandate,

Reaffirming the resolutions of the Commission on Human Rights that provided the foundation for advisory services and technical cooperation in the field of human rights, in particular resolutions 1993/87 of 10 March 1993 and 2004/81 of 21 April 2004,

Reaffirming also Human Rights Council resolution 18/18 of 29 September 2011,

Acknowledging that one of the responsibilities of the United Nations High Commissioner for Human Rights and her Office is providing advisory services and technical and financial assistance, at the request of the State concerned, with a view to supporting actions and programmes in the field of human rights,

Acknowledging also the role and potential impact of the activities of the relevant agencies of the United Nations and international and regional organizations, as well as the contribution of civil society organizations in providing States with technical support and assistance on the basis of needs and requests of the States concerned in the implementation of their human rights obligations and their voluntary pledges and commitments, including accepted universal periodic review recommendations,

Reaffirming the important and constructive role played by existing national and regional human rights institutions in the promotion and protection of human rights, in particular in their advisory capacity to the competent authorities,

1. *Reaffirms* that States have the primary responsibility for the promotion and protection of all human rights;

2. *Emphasizes* the need to promote a cooperative and constructive approach and international cooperation for the promotion and protection of human rights, and to enhance the role of the Human Rights Council in promoting advisory services, technical assistance and capacity-building, particularly through discussions held under agenda item 10;

3. *Decides*, in accordance with paragraphs 3 and 4 of Human Rights Council resolution 18/18, that the theme for an annual thematic panel discussion under agenda item 10, to be held during the twenty-second session of the Council, shall be “Promoting technical cooperation for the strengthening of the judiciary system and administration of justice in order to ensure human rights and rule of law”;

4. *Requests* the Office of the United Nations High Commissioner for Human Rights to prepare a report on activities undertaken by the Office, other relevant United Nations agencies, in particular the United Nations Office on Drugs and Crime, and, where applicable, regional organizations to support efforts by States to strengthen their judiciary system and administration of justice, for submission to the Human Rights Council at its twenty-second session, to serve as a basis for the thematic panel discussion, and to liaise with States, relevant United Nations bodies and agencies, relevant special procedures and other stakeholders, including, where applicable, those involved in technical cooperation projects that demonstrate best practices, constructive engagement and a positive impact on the ground, with a view to ensuring their participation in the thematic panel discussion;

5. *Encourages* States Members and observers of the Human Rights Council to use, where relevant, the general debate under agenda item 10 as a platform to share experiences, challenges and information on assistance needed in the implementation of their human rights obligations and voluntary pledges and commitments, including accepted universal periodic review recommendations, as well as their achievements and good

practices in the area of technical cooperation in the field of human rights, particularly in response to the information on technical assistance and capacity-building provided by the High Commissioner and the Chairperson of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, in accordance with paragraphs 7 and 8 of Council resolution 18/18;

6. *Emphasizes* that the discussion to promote technical cooperation and capacity-building in the Human Rights Council should be based on consultations with and the consent of the States concerned, and should take into account their needs and aim to make a concrete impact on the ground, while technical assistance -shall be provided upon the request of States concerned;

7. *Also emphasizes* that technical cooperation projects should be designed and implemented taking into account the principle that civil, political, economic, social and cultural rights are interdependent;

8. *Affirms* that technical cooperation should be an inclusive exercise that engages and involves all national stakeholders, including Government agencies and civil societies, at all stages;

9. *Welcomes* the panel discussion, held under agenda item 10 at the nineteenth session of the Human Rights Council, on the theme “Sharing of best practices and promoting technical cooperation: paving the way towards the second cycle of the universal periodic review”, the presentations given under agenda item 10 at the twentieth session of the Council by the High Commissioner and the Chairperson of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, as well as the constructive dialogue among Members and observers of the Council generated therefrom;

Technical cooperation and the universal periodic review

10. *Recognizes* that technical cooperation, including the sharing of experiences, best practices, expertise and capacity-building, is a useful tool to promote the implementation of all international human rights obligations and accepted universal periodic review recommendations;

11. *Affirms* that the universal periodic review process as a channel to initiate constructive dialogue on human rights and explore avenues for technical cooperation with States under review and that the accepted universal periodic review recommendations, pledges and commitments could serve as a platform to develop and strengthen technical cooperation among States and between States and relevant United Nations agencies, as well as to develop partnerships among United Nations agencies, in order to support the implementation of international human rights obligations by States;

12. *Encourages* donor countries and relevant United Nations agencies to take technical assistance needs, as identified by States under review, for supporting States’ efforts to implement universal periodic review recommendations into consideration in the formulation of their bilateral technical cooperation programmes;

13. *Welcomes* the contributions made by States towards the process of follow-up and implementation of universal periodic review recommendations in States under review, and encourages all States to contribute to the follow-up to and implementation of such recommendations by States under review through, inter alia, the sharing of experiences, best practices and expertise and the offering of technical assistance, on the basis of requests and the consent of the States concerned;

14. *Also welcomes* the efforts made by the Office of the High Commissioner and other relevant United Nations agencies to promote and support the implementation of

universal periodic review recommendations by States, including the strengthening by the Office of its capacity to provide such support, and calls for the Office and other relevant United Nations agencies to continue to provide timely and quality support for States' requests in their efforts to implement accepted universal periodic review recommendations and the preparation of their national reports for the review, and encourages greater coordination in this regard;

15. *Stresses* the important role of the Voluntary Fund for Financial and Technical Assistance for the Implementation of the Universal Periodic Review in promoting the implementation of accepted universal periodic review recommendations, and encourages States and other donors to make a contribution to the Fund in order to meet the increased demand for assistance, and also encourages the Office of the High Commissioner to establish transparent criteria for its allocation;

16. *Recognizes* that existing national human rights institutions and civil society can play an important role in supporting the implementation of accepted universal periodic review recommendations and the preparation of national universal periodic review reports, and hence encourages States and relevant United Nations agencies to provide technical assistance and capacity-building for and to collaborate with these actors in those processes.

*37th meeting
27 September 2012*

[Adopted without a vote.]

21/22

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 the relevant human rights treaties,

Recalling Security Council resolutions 2014 (2011) of 21 October 2011 and 2051 (2012) of 12 June 2012 and Human Rights Council resolutions 18/19 of 29 September 2011 and 19/29 of 23 March 2012,

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,

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 Yemen⁴⁵ and of the debate held during the twenty-first session of the Human Rights Council, as well as the statement 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. *Notes with appreciation* the efforts made by the Government of Yemen to implement Human Rights Council resolutions 18/19 and 19/29;

⁴⁵ A/HRC/21/37.

3. *Welcomes and supports* the signing of the host country agreement between the Government of Yemen and the High Commissioner to establish a country office of the High Commissioner in Yemen, to take place in New York on 26 September 2012;

4. *Acknowledges with appreciation* the issuance of Republican Decree No. 140, which establishes a committee to investigate allegations of violations of human rights, and notes that the Decree states that investigations shall be transparent, independent and adhere to international standards, and looks forward to further steps of the Government of Yemen towards the implementation of the Decree, in accordance with Human Rights Council resolution 19/29;

5. *Calls upon* all parties to release persons arbitrarily detained by them and to end any practice of unlawful detention of persons;

6. *Calls upon* the Government of Yemen and armed opposition groups to take immediate measures to end the use and recruitment of children, to demobilize those who have already been recruited and to cooperate with the United Nations and other qualified groups for their reintegration into their communities, taking into consideration the relevant recommendations made by the Secretary-General in his report on children and armed conflict;⁴⁶

7. *Encourages* the Government of Yemen to continue its efforts to ensure that women are represented at all levels of the political process and that they are able to participate in public life, free of discrimination and intimidation;

8. *Also encourages* the Government of Yemen to continue to implement the accepted recommendations contained in the reports of the High Commissioner⁴⁷ with the support of her Office, and calls upon the Government to address the recommendations contained in the report of the High Commissioner submitted to the Human Rights Council at its twenty-first session;

9. *Reiterates* the commitments and obligations of the Government of Yemen to promote and protect human rights;

10. *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;

11. *Calls upon* the international community to provide financial support for the Yemen humanitarian response plan of 2012 and the urgent appeals for Abyan, as well as the joint United Nations stabilization plan;

12. *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;

13. *Requests* the Office of the High Commissioner to present to the Human Rights Council, at its twenty-fourth session, a progress report on the situation of human rights in Yemen and on the follow-up to the present resolution and Council resolutions 18/19 and 19/29.

⁴⁶ A/66/782-S/2012/261.

⁴⁷ A/HRC/18/21 and A/HRC/19/51.

[Adopted without a vote.]

21/23 The human rights of older persons

The Human Rights Council,

Recalling General Assembly resolution 65/182 of 21 December 2010 on the follow-up to the Second World Assembly on Ageing, in which the Assembly established an open-ended working group for the purpose of strengthening the protection of the human rights of older persons by considering the existing international framework of the human rights of older persons and identifying possible gaps and how best to address them, including by considering, as appropriate, the feasibility of further instruments and measures,

Recognizing that older persons face specific vulnerabilities and challenges in the enjoyment of all human rights, that current international initiatives on the matter have been insufficient and that enhanced measures are needed without delay,

Bearing in mind the Political Declaration and the Madrid International Plan of Action on Ageing of 2002 and relevant General Assembly resolutions,

Taking note with appreciation of the report of the Secretary-General on the follow-up to the Second World Assembly on Ageing⁴⁸ and of the report of the United Nations High Commissioner for Human Rights on the human rights of older persons,⁴⁹

Recalling general comment No. 6 of the Committee on Economic, Social and Cultural Rights on the economic, social and cultural rights of older persons, as well as other relevant documents by treaty bodies,

Conscious that older persons represent a large and growing segment of the population and that greater attention is needed to the specific human rights challenges affecting them,

Concerned at the multiple forms of discrimination that may affect older persons and at the high incidence of poverty among this particularly vulnerable group, especially older women, persons with disabilities, persons of African descent, individuals belonging to indigenous peoples, persons belonging to national or ethnic, religious and linguistic minorities, rural persons, persons living on the streets and refugees, among other groups,

1. *Recognizes* the challenges related to the enjoyment of all human rights that older persons face in areas such as prevention and protection against violence and abuse, social protection, food and housing, employment, legal capacity, access to justice, health support, long-term and palliative care, and that those challenges require in-depth analysis and action to address protection gaps;

2. *Notes with appreciation* multilateral, regional and subregional initiatives aimed at the promotion and protection of rights of older persons, including discussions on possible normative standards;

3. *Calls upon* all States to ensure the full and equal enjoyment of all human rights and fundamental freedoms for older persons, including by taking measures to combat

⁴⁸ A/67/188.

⁴⁹ E/2012/51.

age discrimination, neglect, abuse and violence, and to address issues related to social integration and adequate health care, bearing in mind the crucial importance of family intergenerational interdependence, solidarity and reciprocity for social development;

4. *Encourages* all States to conduct their age-related policies through inclusive and participatory consultations with relevant stakeholders and social development partners in the interest of developing effective policies creating national policy ownership and consensus-building;

5. *Calls upon* all States to enhance their existing mechanisms related to the protection and promotion of human rights for older persons, including by adopting, as appropriate, legal or other dedicated mechanisms;

6. *Encourages* all States to raise awareness of the challenges facing the enjoyment of all human rights by older persons, and to ensure that older persons receive information about those rights;

7. *Invites* existing special procedures and encourages treaty bodies, within their existing mandates, to pay attention to the human rights of older persons;

8. *Encourages* all States to consider including in their national reports, to be submitted for the universal periodic review, information on the human rights of older persons;

9. *Requests* the Office of the United Nations High Commissioner for Human Rights to organize, in Geneva, an intersessional public consultation on the promotion and protection of the human rights of older persons, with the participation of States Members of the United Nations, relevant international organizations, United Nations agencies and stakeholders, in order to receive information and share good practices on the matter;

10. *Also requests* the Office of the High Commissioner to present a summary report of the above-mentioned consultation to the Human Rights Council at its twenty-fourth session;

11. *Decides* to continue consideration of the question of human rights of older persons at its twenty-fourth session.

*38th meeting
28 September 2012*

[Adopted without a vote.]

21/24

Human rights and indigenous peoples

The Human Rights Council,

Recalling all Commission on Human Rights and Human Rights Council resolutions on human rights and indigenous peoples,

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

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

Welcoming General Assembly resolution 65/198 of 21 December 2010, in which the Assembly expanded the mandate of the United Nations Voluntary Fund for Indigenous

Populations so that it can assist representatives of indigenous peoples' organizations and communities to participate in sessions of the Human Rights Council, the Expert Mechanism on the Rights of Indigenous Peoples, the Permanent Forum and of human rights treaty bodies, based on diverse and renewed participation and in accordance with relevant rules and regulations, including Economic and Social Council resolution 1996/31 of 25 July 1996, and urging States to contribute to the Fund,

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

Taking note of the study by the Expert Mechanism on the Rights of Indigenous Peoples on the role of languages and culture in the promotion and protection of the rights and identity of indigenous peoples, according to which cultural and language rights are indivisible and central to all the other rights,⁵⁰

Recognizing the need to find ways and means of promoting the participation of recognized indigenous peoples' representatives within the United Nations system on issues affecting them, as they are not always organized as non-governmental organizations,

Welcoming the completion by the Expert Mechanism of its follow-up study on the right to participate in decision-making, with a focus on extractive industries,⁵¹ and encouraging all parties to consider the examples of good practices and recommendations included in the report as practical advice on how to attain the goals of the United Nations Declaration on the Rights of Indigenous Peoples,

1. *Welcomes* the report of the United Nations High Commissioner for Human Rights on the rights of indigenous peoples,⁵² and requests the High Commissioner to continue to submit to the Human Rights Council an annual report on the rights of indigenous peoples containing information on relevant developments in human rights bodies and mechanisms and activities undertaken by the Office of the High Commissioner at Headquarters and in the field that contribute to the promotion of, respect for and the full application of the provisions of the United Nations Declaration on the Rights of Indigenous Peoples, and follow-up on the effectiveness of the Declaration;

2. *Also welcomes* the work of the Special Rapporteur on the rights of indigenous peoples and the official visits he has made in the past year, takes note with appreciation of his report,⁵³ and encourages all Governments to respond favourably to his requests for visits;

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

4. *Welcomes* the work of the Expert Mechanism on the Rights of Indigenous Peoples, takes note with appreciation of the report on its fifth session,⁵⁴ and encourages States to continue to participate in and contribute to its discussions, including by their national specialized bodies and institutions;

5. *Calls upon* States to consider, in consultation and cooperation with indigenous peoples, initiating and strengthening, as appropriate, effective legislative and

⁵⁰ A/HRC/21/53, para. 8.

⁵¹ A/HRC/EMRIP/2012/2.

⁵² A/HRC/21/23.

⁵³ A/HRC/21/47 and Add.1–3.

⁵⁴ A/HRC/21/52.

policy measures to protect, promote, respect and, where necessary, revitalize indigenous peoples' languages and culture, taking into account, as appropriate, the study on the role of languages and culture in the promotion and protection of the rights and identity of indigenous peoples;⁵⁵

6. *Stresses* the need to pay particular attention to the rights and special needs of indigenous women and girls, as set out in the United Nations Declaration on the Rights of Indigenous Peoples, including in the process of protecting and promoting indigenous peoples languages and culture;

7. *Requests* the Expert Mechanism to prepare a study on access to justice in the promotion and protection of the rights of indigenous peoples, and to present it to the Human Rights Council at its twenty-fourth session;

8. *Also requests* the Expert Mechanism to continue to undertake, with the assistance of the Office of the High Commissioner, a questionnaire survey to seek the views of States and of indigenous peoples on best practices with regard to possible appropriate measures and implementation strategies to attain the goals of the United Nations Declaration on the Rights of Indigenous Peoples, with a view to completing a final summary of responses for presentation to the Human Rights Council at its twenty-fourth session, and encourages those States which have not yet provided their responses to do so;

9. *Welcomes* the adoption by the General Assembly of its resolution 65/198 and resolution 66/296 of 17 September 2012, on the organization of the High-level Plenary Meeting of the General Assembly, to be known as the World Conference on Indigenous Peoples, to be held 22 and 23 September 2014, and takes note of its inclusive preparatory process, including the preparatory meeting to be held in Guatemala on 21 December 2012 and, in this regard:

(a) Encourages States, in accordance with the provisions contained in General Assembly resolution 66/296, to continue to promote the participation of indigenous peoples during the preparatory process of the World Conference and to support it, in particular by means of technical and financial contributions;

(b) Recommends that the studies and advice of the Expert Mechanism be considered in the formulation of the agendas of the preparatory process;

10. *Notes with appreciation* the report of the Secretary-General on the ways and means of promoting participation at the United Nations of indigenous peoples' representatives on issues affecting them,⁵⁶ and invites the General Assembly to consider and include in its agenda the issue based on the possible steps elaborated in the report and taking into account practical ways to enable indigenous peoples' representatives to participate, existing procedural rules regulating such participation, and issues for consideration and conclusions contained in the report;

11. *Decides* to hold, from within existing resources, at its twenty-fourth session, a half-day panel discussion on the World Conference on Indigenous Peoples;

12. *Welcomes* the ongoing cooperation and coordination among the Special Rapporteur on the rights of indigenous peoples, the Permanent Forum on Indigenous Issues and the Expert Mechanism, and requests them to continue to carry out their tasks in a coordinated manner, and welcomes, in this regard, their permanent effort to promote the United Nations Declaration on the Rights of Indigenous Peoples;

⁵⁵ A/HRC/21/53.

⁵⁶ A/HRC/21/24.

13. *Reaffirms* that the universal periodic review, together with United Nations treaty bodies, are important mechanisms for the promotion and protection of human rights, and, in that regard, encourages effective follow-up on accepted universal periodic review recommendations concerning indigenous peoples, as well as serious consideration to follow up on treaty body recommendations on the matter;

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

15. *Welcomes* the fifth anniversary of the adoption of the United Nations Declaration on the Rights of Indigenous Peoples, and encourages States that have endorsed it to adopt measures to pursue the objectives of the Declaration in consultation and cooperation with indigenous peoples, where appropriate;

16. *Also welcomes* the role of national human rights institutions established in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) in advancing indigenous issues, and encourages such institutions to develop and strengthen their capacities to play that role effectively, including with the support of the Office of the High Commissioner;

17. *Encourages* relevant United Nations mechanisms, indigenous peoples and States to increase their attention to the human rights of indigenous persons with disabilities;

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

*38th meeting
28 September 2012*

[Adopted without a vote.]

21/25

Situation of human rights in the Republic of Mali

The Human Rights Council,

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

Recalling General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolution 5/1 of 18 June 2007,

Reaffirming that all States have an obligation to promote and protect the human rights and fundamental freedoms enshrined in the Charter, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant human rights instruments to which they are party,

Reaffirming also its commitment to the sovereignty, independence, unity and territorial integrity of the Republic of Mali,

Reaffirming further Human Rights Council resolution 20/17 of 6 July 2012 on the situation of human rights in Mali, in which the Council welcomed the communiqués on the situation in Mali dated 6 April 2012 from the African Union, dated 23 March, 3 April, 12 June and 4 September 2012 from the African Union Peace and Security Council, and dated 6 June 2012 from the Commission of the Economic Community of West African States, not

least with regard to their condemnation of the coup d'état of 22 March 2012 and the unilateral declaration of independence,

Welcoming the formation on 20 August 2012 of a Government of national unity,

Concerned at the impact of the activities of organized transnational crime networks on the situation of human rights in Mali and in the other countries of the region,

Deeply concerned at the deterioration in the situation of human rights in the northern part of the Republic of Mali and at the humanitarian situation and its consequences for the countries of the Sahel,

1. *Condemns* the excesses and abuses committed in the Republic of Mali, particularly in the north of the country, by, among others, rebels, terrorist groups and other organized transnational crime networks, and including violence against women and children, killings, hostage-taking, pillaging, theft, the destruction of cultural and religious sites and the recruitment of child soldiers, as well as all other human rights violations;

2. *Notes* the measures taken by the Government of Mali to bring the perpetrators of such acts to justice;

3. *Repeats its call* for an immediate halt to the abuses and all human rights violations and acts of violence, and for strict respect for all human rights and fundamental freedoms;

4. *Calls for* an immediate halt to the destruction of cultural and religious sites;

5. *Continues* to support current efforts by the African Union and the Economic Community of West African States to settle the crisis in the Republic of Mali, and to bring about a definitive return to constitutional order, peace and security in that country;

6. *Emphasizes* the need to pursue humanitarian assistance to the population affected by the crisis, and urges the international community, in conjunction with the Government of Mali and the neighbouring countries concerned, to continue to deliver appropriate humanitarian assistance to refugees and displaced persons and to respond to the challenges posed by the humanitarian crisis in the Sahel;

7. *Renews* its urgent request to the United Nations High Commissioner for Human Rights to submit to the Human Rights Council, at its twenty-second session, a written report on the situation of human rights in the Republic of Mali, particularly the northern part of the country;

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

*38th meeting
28 September 2012*

[Adopted without a vote.]

21/26

Situation of human rights in the Syrian Arab Republic

The Human Rights Council,

Recalling General Assembly resolutions 66/176 of 19 December 2011, 66/253A of 16 February 2012 and 66/253B of 3 August 2012, Human Rights Council resolutions S-16/1 of 29 April 2011, S-17/1 of 23 August 2011, S-18/1 of 2 December 2011, 19/1 of 1 March 2012, 19/22 of 23 March 2012, S-19/1 of 1 June 2012 and 20/22 of 6 July 2012, and

Security Council resolutions 2042 (2012) of 14 April 2012 and 2043 (2012) of 21 April 2012,

Recalling also Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007,

Recalling further all resolutions of the League of Arab States relating to the situation in the Syrian Arab Republic, in particular its resolution 7523 of 5 September 2012, in which the League expressed its strong condemnation of the continuing violence, murder and heinous crimes committed by the Syrian authorities and its affiliated militias *Shabbiha* against Syrian civilians and the use of heavy weapons, including tanks, artillery and warplanes in its bombardment of populated neighbourhoods and villages, as well as arbitrary executions and enforced disappearances, in flagrant violation of human rights and fundamental freedoms, and called upon the Government of the Syrian Arab Republic to cease immediately and completely all forms of killing and violence against the Syrian people,

Recalling resolution 2/4-EX (IS) of the Organization of Islamic Cooperation of 15 August 2012 on the situation in the Syrian Arab Republic, in which the Organization called for the immediate implementation of the transitional plan and the development of a peaceful mechanism that would allow the building of a new Syrian State based on pluralism and a democratic and civilian system, where there would be equality on the basis of law, citizenship and fundamental freedoms,

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,

Expressing grave concern at the escalation of violence in the Syrian Arab Republic and at the growing number of refugees and internally displaced persons fleeing the violence, and welcoming the efforts by neighbouring countries to host Syrian refugees,

Expressing its deep concern at the failure to implement the six-point plan of the former joint special envoy Kofi Annan, and welcoming the appointment of Lakhdar Brahimi as the new joint special representative of the United Nations and the League of Arab States on the Syrian crisis,

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

1. *Welcomes* the report of the independent international commission of inquiry on the Syrian Arab Republic,⁵⁷ submitted pursuant to Human Rights Council resolution 19/22 and the recommendations contained therein;

2. *Regrets* the non-cooperation of the Government of the Syrian Arab Republic with the commission of inquiry;

3. *Condemns* all violence, irrespective of where it comes from, including terrorist acts;

4. *Strongly condemns* the continued widespread and systematic gross violations of human rights and fundamental freedoms by the Syrian authorities and the Government-controlled militia *Shabbiha*, such as the use of heavy weapons and force against civilians,

⁵⁷ A/HRC/21/50.

massacres, arbitrary executions, extrajudicial killings, the killing and persecution of protestors, human rights defenders and journalists, arbitrary detention, enforced disappearances, interference with access to medical treatment, torture, sexual violence and ill-treatment, including against children, as well as any human rights abuses by armed opposition groups;

5. *Condemns in the strongest terms* the massacre of the village of Al-Houla near Homs, where the forces of the Government of the Syrian Arab Republic and members of the *Shabbiha* were found by the commission of inquiry to be the perpetrators of outrageous and heinous crimes, and stresses the need to hold those responsible to account;

6. *Calls upon* all parties to put an end to all forms of violence;

7. *Also calls upon* all parties to respect fully international law applicable to the rights and protection of women and girls, and to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, and also calls for the involvement of women at decision-making levels in conflict resolution and peace processes;

8. *Urges* the Syrian authorities to release immediately all persons arbitrarily detained, to publish a list of all detention facilities, to ensure that conditions of detention comply with applicable international law and to allow immediately access of independent monitors to all detention facilities;

9. *Reiterates its call* upon the Syrian authorities to meet its responsibility to protect the Syrian population;

10. *Stresses the need* to follow up on the report of the commission of inquiry and to conduct an international, transparent, independent and prompt investigation into abuses and violations of international law, with a view to hold to account those responsible for violations and abuses, including those that may amount to crimes against humanity and war crimes, and encourages members of the international community to ensure that there is no impunity for such violations or abuses, stressing that the Syrian authorities have failed to prosecute alleged perpetrators of serious violations or abuses, which may amount to war crimes or crimes against humanity, and notes in this regard the potential relevance of international justice, while underscoring the importance of the recommendation of the commission of inquiry that the Syrian people, on the basis of broad, inclusive and credible consultations, should determine, within the framework provided by international law, the process and mechanisms to achieve reconciliation, truth and accountability for gross violations, as well as reparations and effective remedies for victims;

11. *Stresses its support* for the aspirations of the Syrian people for a peaceful, democratic and pluralistic society, in which there is no room for sectarianism or discrimination on ethnic, religious, linguistic or any other grounds, based on the promotion of universal respect for and observance of human rights and fundamental freedoms;

12. *Underlines* the responsibility of all States Members of the Human Rights Council and the international community as a whole to be mindful of the dire situation in the Syrian Arab Republic;

13. *Urges* the international community to provide urgent financial support to the host countries to enable them to respond to the growing humanitarian needs of Syrian refugees, while emphasizing the principle of burden-sharing;

14. *Urges* all relevant United Nations agencies, in particular the Office of the United Nations High Commissioner for Refugees, and other donors to provide urgent and more support to Syrian refugees and their host countries;

15. *Urges* all donors to provide expeditiously financial support to the Office for the Coordination of Humanitarian Affairs and international humanitarian organizations as requested in the humanitarian appeal on the Syrian Arab Republic so that they can implement more actively the humanitarian response plan inside the country;

16. *Reiterates its call* upon the Syrian authorities to allow and facilitate immediate, unimpeded and full access of humanitarian organizations to all areas of the Syrian Arab Republic in order to allow them to provide relief and humanitarian assistance, and calls on all sides to respect the safety of humanitarian workers and United Nations personnel;

17. *Decides* to extend the mandate of the independent international commission of inquiry on the Syrian Arab Republic established by the Human Rights Council in its resolution S-17/1, and requests the commission to continue its work and to present a written report on the situation of human rights in the Syrian Arab Republic at an interactive dialogue during the twenty-second session of the Council;

18. *Requests* the commission of inquiry to continue to update its mapping exercise of gross violations of human rights in the Syrian Arab Republic since March 2011, including the assessment of casualty figures, and to publish it periodically;

19. *Condemns in the strongest terms* the increasing number of massacres taking place in the Syrian Arab Republic, and requests the commission of inquiry to investigate all massacres;

20. *Requests* the Secretary-General to provide additional resources, including staffing, to the commission of inquiry in order to allow it to fulfil completely its mandate in the light of the increasingly deteriorating situation of human rights in the Syrian Arab Republic;

21. *Reiterates its call* upon the Syrian authorities to cooperate fully with the commission of inquiry, including by granting it immediate, full and unfettered access throughout the Syrian Arab Republic;

22. *Decides* to transmit all reports and oral updates of the commission of inquiry to all relevant bodies of the United Nations and the Secretary-General for appropriate action;

23. *Also decides* to remain seized of the matter.

*38th meeting
28 September 2012*

[Adopted by a recorded vote of 41 to 3, with 3 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, 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:

India, Philippines, Uganda]

21/27

Technical assistance for the Sudan in the field of human rights

The Human Rights Council,

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

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

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

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

Noting with concern the human rights abuses and violations by all parties, in particular in the States of Darfur, South Kordofan and Blue Nile,

Recalling Human Rights Council resolution 18/16 of 29 September 2011,

1. *Takes note* of the report of the Independent Expert on the situation of human rights in the Sudan;⁵⁸

2. *Expresses its appreciation* to the Independent Expert for his work and his recommendations;

3. *Notes* that the Independent Expert commended the cooperation extended by the Government of the Sudan to him during his most recent visit to the country;

4. *Welcomes* the commitment made by the Government of the Sudan to resolve outstanding issues with the Government of South Sudan;

5. *Also welcomes* the Memorandum of Understanding signed by the Government of the Sudan and the United Nations, the League of Arab States and the African Union for the assessment and delivery of humanitarian assistance to war-affected civilians in the States of South Kordofan and Blue Nile;

6. *Strongly affirms* the need for the positive commitment of all stakeholders to the effective implementation of the Doha Document for Peace in Darfur, particularly the chapters on human rights and fundamental freedoms, and on justice and reconciliation, and urges non-signatory groups to join it without delay;

7. *Welcomes* the continued work of the Sudanese Advisory Council on Human Rights aimed at the promotion and protection of human rights in the country;

8. *Also welcomes* the establishment of the National Human Rights Commission as an independent mechanism for the promotion and protection of human rights in the Sudan, and urges the Government of the Sudan to provide it with the necessary resources;

9. *Further welcomes* the submission by the Government of the Sudan of its first report for the universal periodic review,⁵⁹ acknowledges the steps taken by the Government to implement the recommendations accepted as highlighted by the Independent Expert in his report, and notes the need to specify time frames for implementation strategies;

⁵⁸ A/HRC/21/62.

⁵⁹ A/HRC/WG.6/11/SDN/1 and Corr.1.

10. *Urges* the Government of the Sudan to rebuild a lasting climate of confidence and trust with civil society organizations and the international community, and to ensure the promotion and protection of human rights in the country;

11. *Urges* Member States, relevant United Nations agencies and other stakeholders to support the national efforts of the Government of the Sudan, in accordance with Human Rights Council resolution 18/16, with a view to further improving the situation of human rights in the country, and to respond to its requests for technical assistance;

12. *Notes with concern* the humanitarian situation in the States of South Kordofan and Blue Nile, and calls upon all parties to make every effort to immediately end violence and to halt clashes, to facilitate access for humanitarian assistance and to take action to strengthen respect for the rule of law in the two provinces, and to respect all human rights and fundamental freedoms;

13. *Requests* the Office of the United Nations High Commissioner for Human Rights to provide the Sudan with the necessary technical support and training;

14. *Urges* the Government of the Sudan to continue its cooperation with the Independent Expert, including by giving him access to the entire country, in particular in the States of Darfur, South Kordofan and Blue Nile, in order to assess and verify the situation of human rights, to determine technical assistance needs and to report on his findings;

15. *Decides* to renew the mandate of the Independent Expert on the situation of human rights in the Sudan under agenda item 10 for a period of one year, requests the Independent Expert to continue his engagement with the Government of the Sudan with a view to implementing the projects that will further help the Sudan to fulfil its human rights obligations, and to submit a report to the Human Rights Council for consideration at its twenty-fourth session;

16. *Requests* the Independent Expert to assist the Government in its strategy to implement the remaining universal periodic review accepted recommendations;

17. *Decides* to continue its consideration of this issue in accordance with its programme of work under agenda item 10.

*38th meeting
28 September 2012*

[Adopted without a vote.]

21/28

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

The Human Rights Council,

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

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

Welcoming the commitments made by the Government of South Sudan to strengthen national mechanisms of promotion and protection of human rights, and calling on the Government to implement those commitments,

Recognizing the challenges of institution- and State-building facing South Sudan, including the protection of civilians, the administration of justice and the rule of law, the protection of the rights of women and the enjoyment of social and economic rights, and commending the steps being taken to address those challenges,

Welcoming the establishment of the South Sudan Human Rights Commission, and calling upon both the international community and the Government of South Sudan to support the South Sudan Human Rights Commission, through technical assistance and capacity-building programmes, with a view to ensuring its independence and enabling it to contribute to the promotion and protection of the human rights of the South Sudanese people, in accordance with the Paris Principles,

1. *Takes note* of the report of the United Nations High Commissioner for Human Rights on technical assistance and capacity-building for South Sudan in the field of human rights;⁶⁰
2. *Calls upon* the Government of South Sudan to strengthen ongoing cooperation with the United Nations Mission in South Sudan on issues pertaining to the promotion and protection of human rights;
3. *Encourages* the Government of South Sudan to ratify the main international and regional human rights instruments;
4. *Encourages* the continuous commitment of the Government of South Sudan to resolve all outstanding issues with regard to the provisions of the Comprehensive Peace Agreement of 2005 with the Government of the Sudan;
5. *Requests* Member States, relevant United Nations agencies and stakeholders to support, as a matter of urgency, the national efforts of the Government of South Sudan, in accordance with Human Rights Council resolution 18/17 of 29 September 2011 on technical assistance and capacity-building;
6. *Requests* the Office of the High Commissioner to provide South Sudan with the necessary technical support and training;
7. *Also requests* the Office of the High Commissioner to submit a written report on the progress of technical assistance and capacity-building in the field of human rights for South Sudan to the Human Rights Council at its twenty-third session.

*38th meeting
28 September 2012*

[Adopted without a vote.]

21/29

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

The Human Rights Council,

Guided by the Charter of the United Nations,

⁶⁰ A/HRC/21/34.

Recalling all previous resolutions adopted by the General Assembly, the Human Rights Council and the Commission on Human Rights on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination,

Recalling also Human Rights Council resolution 15/26 of 1 October 2010, in which the Council established the open-ended intergovernmental working group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies,

Welcoming the convening of the first and second sessions of the open-ended intergovernmental working group, held from 23 to 27 May 2011 and 13 to 17 August 2012, respectively, pursuant to Human Rights Council resolution 15/26,

1. *Requests* the Chairperson-Rapporteur of the open-ended intergovernmental working group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies to present to the Human Rights Council, at its twenty-second session, the report of the working group;

2. *Decides* to consider the conclusions and recommendations of the open-ended intergovernmental working group at its twenty-second session.

*39th meeting
28 September 2012*

[Adopted without a vote.]

21/30

Elaboration of complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination

The Human Rights Council,

Recalling its decision 3/103 of 8 December 2006 on the elaboration of complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination and the establishment of the Ad Hoc Committee for this purpose,

Welcoming the progress achieved and noting the views expressed during the fourth session of the Ad Hoc Committee,

Recalling the need for adequate protection for victims of racism, racial discrimination, xenophobia and related intolerance at the national, regional and international levels, as well as appropriate remedies while combating all forms of impunity in this regard,

Underlining the imperative need for the Ad Hoc Committee to elaborate complementary standards to the International Convention in accordance with paragraph 199 of the Durban Programme of Action,

1. *Decides* that the Ad Hoc Committee shall convene its fifth session from 8 to 19 April 2013;

2. *Takes note* of the report of the Ad Hoc Committee on its fourth session;⁶¹

⁶¹ A/HRC/21/59.

3. *Invites* the Chairperson-Rapporteur of the Ad Hoc Committee to hold informal consultations, from within existing resources, with regional and political coordinators during the intersessional period between the fourth and fifth sessions of the Ad Hoc Committee, with the aim of preparing the fifth session and collecting concrete proposals for discussion on the topics of xenophobia, establishment, designation or maintaining of national mechanisms with competencies to protect against and prevent all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance, and procedural gaps with regard to the International Convention on the Elimination of All Forms of Racial Discrimination, in accordance with its mandate;

4. *Requests* the Office of the United Nations High Commissioner for Human Rights to send out a questionnaire, from within existing resources, to gather information regarding the three topics discussed during the fourth session of the Ad Hoc Committee and in its report (xenophobia, national mechanisms and procedural gaps), including legal and judicial frameworks and practices, substantive and procedural measures in line with the mandate of the Ad Hoc Committee, and possible recommendations;

5. *Invites* the Office of the High Commissioner to post the responses to the questionnaire on its website and, in consultation with the Chairperson-Rapporteur, to prepare a summary of responses to the questionnaire received during the intersessional period for discussion by the Ad Hoc Committee at its fifth session;

6. *Recommends* that the Ad Hoc Committee, at its fifth session, discuss new topic(s) as contained in its report on its third session⁶² or additional topic(s) submitted during the intersessional period;

7. *Decides* to remain seized of this priority issue.

39th meeting
28 September 2012

[Adopted without a vote.]

21/31

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,

Reaffirming all previous resolutions of the Human Rights Council on Somalia, in particular resolutions 7/35 of 28 March 2008, 10/32 of 27 March 2009, 12/26 of 2 October 2009, 15/28 of 1 October 2010, 17/25 of 17 June 2011, 19/28 of 23 March 2012 and 20/21 of 6 July 2012,

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

Welcoming the report of the Secretary-General on Somalia,⁶³

Welcoming also the end of the transition as envisaged by the road map endorsed at the high-level consultative meeting, held on 6 September 2011, in Mogadishu, and the consequent Garoowe I and II and Galkayo principals, including the crucial role played by

⁶² A/HRC/18/36.

⁶³ S/2012/643.

the outgoing Prime Minister Abdiweli Mohamed Ali and his “national salvation Government”, and by all the signatories of the road map, which marks a milestone in the path of Somalia towards a more stable system of governance, with a special focus on the promotion and protection of human rights,

Welcoming further the increased representation of women in Parliament, commending the Somali authorities and underlining the need to continue to increase their representation and their role in decision-making with regard to conflict prevention and resolution,

Welcoming the historic political development inside the country that, after forty-five years, culminated in the election of Hassan Sheikh Mohamud on 10 September 2012 as the new President of Somalia, thus marking the end of a twelve-year transition process,

Acknowledging the commitment and efforts made by the African Union and those States contributing to its mission to achieve security in Somalia, and supporting the efforts of the Intergovernmental Authority on Development to reconcile parts of central and south Somalia, and those of the international community and regional stakeholders to help Somalia to re-establish stability, peace and security on its national territory, as well as the rule of law,

Welcoming the work of the Independent Expert on the situation of human rights in Somalia and his report submitted to the Human Rights Council,⁶⁴

Recalling the signing, on 11 May 2012, of the Memorandum of Understanding on technical assistance to the Transitional Federal Government in the field of human rights by the Office of the United Nations High Commissioner for Human Rights and the United Nations Political Office for Somalia, and encouraging the Government of the Federal Republic of Somalia to continue its efforts to implement the accepted recommendations included in the outcome of the country’s first universal periodic review, and encourages the United Nations system, regional bodies and all States to support the Government in these efforts, including through bilateral assistance,

Strongly concerned about the continuing violations and abuses perpetrated against children, including sexual violence, in particular in areas of conflict or transition in Somalia, by State and non-State actors, including the recruitment and use of child soldiers, and concerned about the continued death, injury and displacement of children as a result of armed conflict, while welcoming the signing of a plan of action on 3 July 2012 to end the recruitment and use of children by the Somalia National Armed Forces, and of the plan of action of 6 August 2012 on ending the killing and maiming of children in armed conflict,

Expressing grave concern at the abuses and violations perpetrated against women in Somalia, including sexual violence, and emphasizing the need for accountability for all such abuses and violations,

Reiterating the importance of taking measures against both internal and external actors engaged in actions aimed at undermining the peace and reconciliation process in Somalia,

1. *Strongly condemns* the grave and systematic human rights abuses and violations perpetrated against the civilian population, including women, children, journalists and human rights defenders, in particular by Al-Shabaab and its affiliates, and calls for their immediate cessation;

⁶⁴ A/HRC/21/61.

2. *Also strongly condemns* all attacks against civilians, including the heinous terrorist attack targeting the new President, Hassan Sheikh Mohamud, and the visiting Minister for Foreign Affairs of Kenya, Sam Ogeri, and his delegation on 12 September 2012, for which responsibility was claimed by Al-Shabaab;

3. *Further strongly condemns* all attacks on journalists, including the deadly terror attack on 20 September and the assassination on 21 September 2012 of a prominent journalist in Mogadishu, calls upon the Government of the Federal Republic of Somalia to protect the safety of the journalist, calls on all States to provide necessary technical assistance to the Government, subnational authorities, the national union of Somali journalists and individual journalist in this regard, and urges State and non-State actors to refrain from intentional violence against and harassment of journalists and to respect freedom of expression;

4. *Emphasizes the need* to hold perpetrators of human rights violations and abuses accountable and to bring them to justice;

5. *Urges* the Government of the Federal Republic of Somalia to allow and facilitate rapid and unhindered humanitarian access to the population in need throughout the country, calls on the African Union and all States to support this essential effort, and strongly encourages the Government and the African Union to increase awareness and training among the troops of the African Union Mission in Somalia and Somali security forces at the national and subnational levels on human rights and on international humanitarian law, including the protection of civilians, with the support of the international community, while noting that humanitarian access and security and the fulfilment of human rights are linked, and that assistance efforts should take these linkages into account;

6. *Condemns* the abuses and violations committed against children, urges the Government of the Federal Republic of Somalia to take immediate steps to protect them, urges non-State actors, in particular Al-Shabaab, to immediately refrain from abusing the rights of the children and to refrain from hindering the essential efforts of the Government in this regard, and calls on the Government, relevant United Nations entities and others to strengthen child protection efforts, including by setting up the structures and committees agreed upon in the plan of action and ensuring that child protection efforts receive adequate support, including resources from Member States;

7. *Calls on* the Government of the Federal Republic of Somalia to take immediate steps to protect women, and to end abuses and violations of their human rights, in particular sexual violence, emphasizes the need for accountability for all such abuses and violations, urges non-State actors, in particular Al-Shabaab, to immediately refrain from abusing the rights of women, including forced and underage marriage, and calls on all States to support these essential efforts;

8. *Urges* the Government of the Federal Republic of Somalia and subnational authorities to seek the tangible and timely assistance from, inter alia, regional bodies to reform the Somali judiciary system, to select and enhance the capacity of the Somali judges inside the country, with a particular focus on the promotion and protection of human rights and, in this regard, calls upon all States to provide assistance;

9. *Requests* the Independent Expert on the situation of human rights in Somalia, in close cooperation with the Government of the Federal Republic of Somalia, subnational authorities and the Special Representative of the Secretary-General for Somalia and the United Nations Political Office for Somalia to provide advisory services to the new Government and Parliament for the establishment of a national human rights commission, in compliance with the Paris Principles, as well as for a truth and reconciliation commission, as provided for by the provisions of articles 111 B and 111 I of the new

provisional Constitution of the Federal Republic of Somalia, and calls upon Member States to support this crucial task;

10. *Encourages* the Government of the Federal Republic of Somalia to develop, with the assistance of the Independent Expert, a human rights post-transition road map with benchmarks and timelines to promote and protect all human rights, including, inter alia, the right to water and sanitation, the right to health care and the right to education and other basic needs of vulnerable people, such as internally displaced persons, women, returnees, children, minorities and journalists;

11. *Emphasizes* the need to enhance and rationalize international assistance to Somalia, and encourages the Independent Expert to identify and make recommendations on technical assistance needs, while underlining the full Somali ownership of the process;

12. *Invites* the special procedures system and thematic mandate holders to engage fully and coordinate with the Independent Expert on the situation of human rights in Somalia;

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

*39th meeting
28 September 2012*

[Adopted without a vote.]

21/32

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, the most recent being Council resolution 19/34 of 23 March 2012,

Recognizing the renewed commitments to achieve the Millennium Development Goals by their target date of 2015, as set out in the outcome document adopted at the High-level Plenary Meeting of the sixty-fifth session of the General Assembly on the Millennium Development Goals,⁶⁵

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, 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,

⁶⁵ General Assembly resolution 65/1.

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 into development and development-related processes, including the follow-up to the Fourth United Nations Conference on the Least Developed Countries,

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,

Stressing that, in General Assembly resolution 48/141 of 20 December 1993, the Assembly decided that the responsibility of the United Nations High Commissioner for Human Rights 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* of the consolidated report of the Secretary-General and the United Nations High Commissioner for Human Rights on the right to development,⁶⁶ which provided information on the activities undertaken by the Office of the High Commissioner relating to the promotion and realization of the right to development in the period from December 2011 to June 2012;

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. *Welcomes* the launching in the Working Group of the process of considering, revising and refining the draft right to development criteria and corresponding operational subcriteria,⁶⁷ with the first reading of the draft criteria;

5. *Takes note with appreciation* of the report of the Working Group on its thirteenth session;⁶⁸

6. *Recalls* that the Working Group, at its thirteenth session, had before it two documents containing detailed views and comments on the draft criteria and operational subcriteria,⁶⁹ submitted by 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, in fulfilment of the conclusions and recommendations agreed at its twelfth session;

⁶⁶ A/HRC/21/28.

⁶⁷ See A/HRC/15/WG.2/TF/2/Add.2.

⁶⁸ A/HRC/21/19.

⁶⁹ A/HRC/WG.2/13/CRP.1 and 2.

7. *Acknowledges* the need to have the contributions of experts and, in this context, re-emphasizes the importance of engaging further and inviting to the fourteenth session of the Working Group experts from relevant United Nations agencies, funds and programmes and institutions, as well as other multilateral institutions and forums, international organizations and other relevant stakeholders;

8. *Also acknowledges* the need to further consider, revise and refine the draft criteria and corresponding operational subcriteria mentioned in paragraph 4 above, as mandated by the Human Rights Council in its resolution 19/34;

9. 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) That the criteria and corresponding operational subcriteria mentioned in paragraph 4 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;

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

(d) To endorse the recommendations of the Working Group as reflected in its report on its thirteenth session;⁷⁰

(e) To convene a two-day informal intersessional intergovernmental meeting of the Working Group with the participation of States, groups of States and relevant United Nations agencies, funds and programmes and institutions, as well as other multilateral institutions and forums, and international organizations and other relevant stakeholders, with a view to improve the effectiveness of the Working Group at its fourteenth session;

(f) To consider the extension of the meeting time of the Working Group, as appropriate;

10. *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;

11. *Encourages* relevant bodies of the United Nations system, within their respective mandates, including 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;

⁷⁰ A/HRC/21/19, para. 47.

12. *Decides* to review the progress of the implementation of the present resolution, as a matter of priority, at its future sessions.

39th meeting
28 September 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]

21/33

From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance

The Human Rights Council,

Recalling General Assembly resolution 56/266 of 27 March 2002, in which the Assembly endorsed the Durban Declaration and Programme of Action,

Recalling also General Assembly resolution 57/195 of 18 December 2002, in which the Assembly assigned responsibilities to the relevant United Nations institutions to ensure the effective implementation of the Durban Declaration and Programme of Action at the international level,

Recalling further Commission on Human Rights resolutions 2002/68 of 25 April 2002 and 2003/30 of 23 April 2003, and Human Rights Council resolution 18/28 of 30 September 2011,

Recalling the political declaration of the high-level meeting of the General Assembly to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action, adopted on 22 September 2011,⁷¹ which reaffirmed the political commitment to the full and effective implementation of the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference, and their follow-up processes at the national, regional and international levels,

Recalling also General Assembly resolution 66/144 of 19 December 2011, in which the Assembly encouraged the Working Group of Experts on People of African Descent to develop a programme of action, including a theme, for adoption by the Human Rights Council, with a view to proclaiming the decade starting in 2013 the Decade for People of African Descent,

Taking note of the Global African Diaspora Summit, held in Sandton, Johannesburg, on 25 May 2012, and the outcome adopted at its conclusion,

⁷¹ General Assembly resolution 66/3.

Stressing the importance of a consistent global effort to inform the public about the contribution that the Durban Declaration and Programme of Action has made in the struggle against racism, racial discrimination, xenophobia and related intolerance,

Recognizing that poverty, underdevelopment, marginalization, social exclusion and economic disparities are closely associated with racism, racial discrimination, xenophobia and related intolerance and contribute to the persistence of racist attitudes and practices, which in turn generate more poverty,

Expressing concern that the current economic and financial crisis and its consequences on poverty and unemployment may have further contributed to the rise of extremist political parties, movements and groups and exacerbated identity-related issues, and that in this period of economic crisis, non-citizens, members of minorities, migrants, refugees and asylum seekers are still the main scapegoat of extremist political parties that have a xenophobic and racist agenda and that sometimes incite racial discrimination and violence against them,

Underlining the importance of eliminating discriminatory practices and laws that hamper some specific groups of individuals from fully participating in the public and political life of the countries they live in, including legal and practical obstacles such as discriminatory regulations regarding voter registration, the lack of identification documents, administrative and financial barriers, and discrimination in access to citizenship,

Concerned at the use of the Internet and social media by extremist groups and individuals to disseminate racist ideas and propagate racism, racial discrimination, xenophobia and related intolerance,

Recognizing that the Internet and social media can also be a useful tool for preventing the spread of racist ideologies by extremist political parties, groups and movements, as well as its potential to contribute to development as an international and equal forum, aware that there are disparities in the use of and access thereto,

Deploring the misuse of print, audiovisual and electronic media, including the Internet, and any other means that constitute incitement to acts of national, racial or religious violence, discrimination and hatred, which have targeted and severely affected racial and religious communities and persons belonging to national or ethnic, religious and linguistic minorities, emanating from a variety of sources,

Deeply concerned that despite the immense potential of sport in promoting tolerance, racism in sport is still a serious problem,

1. *Welcomes* the efforts made by the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action in its constructive work aimed at the effective implementation of the Durban Declaration and Programme of Action, and the outcome document of the Durban Review Conference, including by increasing efforts to complement the work of other Durban follow-up mechanisms with a view to achieving better coordination and synergy with other human rights mechanisms, thereby avoiding duplication of initiatives;

2. *Takes note* of the report of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action;⁷²

3. *Decides* that the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action should convene its eleventh session from 7 to 18 October 2013;

⁷² A/HRC/19/77.

4. *Recalls* that preventing and combating racism, racial discrimination, xenophobia and related intolerance is a primary responsibility of States and, in this regard, recommends that States:

(a) Consider developing and implementing national plans of action to combat racism and racial discrimination, and to promote equality, equity, social justice, equality of opportunity, respect for diversity and the participation of all; these plans should aim at creating conditions for all to participate effectively in decision-making and realize civil, cultural, economic, political and social rights in all spheres of life on the basis of non-discrimination;

(b) Consider linking their development programmes and priorities for the improvement of the socioeconomic conditions of individuals and groups experiencing racial discrimination, social exclusion and marginalization, and that these linkages should be reflected in, inter alia, States' reports for the universal periodic review mechanism of the Human Rights Council;

(c) Invest in education as a tool for transforming attitudes and eliminating ideas of racial hierarchies and superiority;

(d) Consider collecting ethnically disaggregated data with a view to setting up concrete targets and designing appropriate and effective anti-discrimination legislation, policies and programmes aimed at promoting equality and preventing and eliminating racism, racial discrimination, xenophobia and related intolerance; any such information should, as appropriate, be collected with the explicit consent of individuals, based on their self-determination and in accordance with provisions on human rights and fundamental freedoms, as well as data protection regulations and privacy guarantees; this information must not be misused;

(e) Consider adopting effective measures to combat criminal acts motivated by racism, racial discrimination, xenophobia and related intolerance, take measures so that motivations are considered an aggravating factor for the purpose of sentencing, prevent these crimes from going unpunished and ensure the rule of law;

5. *Emphasizes* the importance of ensuring equality for all in the enjoyment of civil, cultural, economic, social and political rights, including the rights of persons belonging to national or ethnic, religious and linguistic minorities, without any discrimination based on race, colour, descent, national or ethnic origin as one effective way through which States may prevent and address the rise of tension and conflict;

6. *Underlines* in the above context that all citizens have the right to participate freely in the electoral processes in their countries, including the right to vote, consistent with article 25 of the International Covenant on Civil and Political Rights, particularly since any restriction inconsistent with that article is incompatible with democracy, the rule of law and transparent and accountable electoral processes;

7. *Welcomes* the setting up of projects at the national level by civil society groups, including with the financial support of public authorities, including the creation of a social network-based platform targeting young people and aiming specifically at countering right-wing extremism and fostering a democratic culture;

8. *Encourages* States to use the opportunities provided by new technologies, including the Internet, to counter the dissemination of ideas based on racial superiority or hatred;

9. *Calls on* States to strengthen measures to prevent racist and xenophobic incidents in major sporting events, including by individuals or groups of individuals linked to extremist movements and groups;

10. *Urges* States, in cooperation with intergovernmental organizations, the International Olympic Committee and international and regional sports federations, to intensify the fight against racism in sport by, among other things, educating the youth of the world through sport practised without discrimination of any kind and in the Olympic spirit, which requires human understanding, tolerance, fair play and solidarity;

11. *Welcomes and acknowledges* the importance and significance of the work of the Working Group of Experts on People of African Descent in examining the current situation and conditions and the extent of racism against Africans and people of African descent and, in that regard, takes note of the report of the Working Group,⁷³ and welcomes the draft Programme of Action for the Decade for People of African Descent contained in an addendum thereto,⁷⁴ including the theme “People of African descent: recognition, justice and development”, pursuant to General Assembly resolution 66/144;

12. *Decides* to transmit the draft Programme of Action for the Decade for People of African Descent to the General Assembly for its consideration, with a view to its adoption, within the context of the International Decade for People of African Descent;

13. *Deplores* the special form of discrimination faced by people of African descent known as “Afrophobia”;

14. *Calls for* renewed efforts to mobilize political will for the full and effective implementation of the Durban Declaration and Programme of Action in the struggle against racism, racial discrimination, xenophobia and related intolerance;

15. *Requests* the Secretary-General and the Office of the United Nations High Commissioner for Human Rights to fully implement paragraphs 53 and 57 of General Assembly resolution 65/240 of 24 December 2010 with respect to the establishment of an outreach programme and for the follow-up to the commemoration of the ten-year anniversary of the adoption of the Durban Declaration and Programme of Action;

16. *Calls on* the international community, the Office of the High Commissioner and the Department of Public Information to intensify efforts to widely distribute copies of the Durban Declaration and Programme of Action, and encourages efforts to ensure its translation and wide dissemination, including through posting all relevant documents on their websites;

17. *Encourages* the High Commissioner to initiate consultations with various international sporting and other organizations, enabling them to contribute to the struggle against racism and racial discrimination;

18. *Invites* Member States, the United Nations system and all relevant stakeholders, including non-governmental organizations, to intensify their efforts for building support for the Durban Declaration and Programme of Action in the follow-up to the commemoration of the tenth anniversary thereof;

19. *Decides* to remain seized of this important issue.

*39th meeting
28 September 2012*

[Adopted by a recorded vote of 37 to 1, with 9 abstentions. The voting was as follows:

In favour:

⁷³ A/HRC/21/60.

⁷⁴ A/HRC/21/60/Add.2.

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, Norway, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, Switzerland, Thailand, Uganda, Uruguay

Against:

United States of America

Abstaining:

Austria, Belgium, Czech Republic, Hungary, Italy, Poland, Republic of Moldova, Romania, Spain]

II. Decisions

21/101

Outcome of the universal periodic review: Bahrain

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 resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, 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 Bahrain on 21 May 2012 in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on Bahrain which is constituted of the report of the Working Group on Bahrain (A/HRC/21/6), together with the views of Bahrain 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/21/6/Add.1/Rev.1 and A/HRC/21/2, chapter VI).

*19th meeting
19 September 2012*

[Adopted without a vote.]

21/102

Outcome of the universal periodic review: Ecuador

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 resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, 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 Ecuador on 21 May 2012 in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on Ecuador which is constituted of the report of the Working Group on Ecuador (A/HRC/21/4), together with the views of Ecuador 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/21/2, chapter VI).

*19th meeting
19 September 2012*

[Adopted without a vote.]

21/103**Outcome of the universal periodic review: Tunisia**

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 resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, 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 Tunisia on 22 May 2012 in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on Tunisia which is constituted of the report of the Working Group on Tunisia (A/HRC/21/5), together with the views of Tunisia 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/21/5/Add.1 and A/HRC/21/2, chapter VI).

*19th meeting
19 September 2012*

[Adopted without a vote.]

21/104**Outcome of the universal periodic review: Morocco**

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 resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, 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 Morocco on 22 May 2012 in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on Morocco which is constituted of the report of the Working Group on Morocco (A/HRC/21/3), together with the views of Morocco 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/21/2, chapter VI).

*21st meeting
19 September 2012*

[Adopted without a vote.]

21/105**Outcome of the universal periodic review: Indonesia**

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 resolutions 5/1 of 18 June 2007 and 16/21

of 21 March 2011, 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 Indonesia on 23 May 2012 in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on Indonesia which is constituted of the report of the Working Group on Indonesia (A/HRC/21/7), together with the views of Indonesia 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/21/7/Add.1 and A/HRC/21/2, chapter VI).

*21st meeting
19 September 2012*

[Adopted without a vote.]

21/106

Outcome of the universal periodic review: Finland

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 resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, 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 Finland on 23 May 2012 in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on Finland which is constituted of the report of the Working Group on Finland (A/HRC/21/8), together with the views of Finland 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/21/8/Add.1 and A/HRC/21/2, chapter VI).

*21st meeting
19 September 2012*

[Adopted without a vote.]

21/107

Outcome of the universal periodic review: United Kingdom of Great Britain and Northern 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 resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, 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 Kingdom of Great Britain and Northern Ireland on 24 May 2012 in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on the United Kingdom of Great Britain and Northern Ireland which is constituted of the report of the Working Group on the United Kingdom of Great Britain and Northern Ireland (A/HRC/21/9 and Corr.1), together with the views of the United Kingdom of Great Britain and Northern 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/21/9/Add.1 and A/HRC/21/2, chapter VI).

22nd meeting
20 September 2012

[Adopted without a vote.]

21/108

Outcome of the universal periodic review: India

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 resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, 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 India on 24 May 2012 in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on India which is constituted of the report of the Working Group on India (A/HRC/21/10), together with the views of India 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/21/10/Add.1 and A/HRC/21/2, chapter VI).

22nd meeting
20 September 2012

[Adopted without a vote.]

21/109

Outcome of the universal periodic review: Brazil

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 resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, 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 Brazil on 25 May 2012 in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on Brazil which is constituted of the report of the Working Group on Brazil (A/HRC/21/11), together with the views of Brazil 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/21/11/Add.1 and A/HRC/21/2, chapter VI).

*22nd meeting
20 September 2012*

[Adopted without a vote.]

21/110

Outcome of the universal periodic review: Philippines

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 resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, 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 Philippines on 29 May 2012 in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on the Philippines which is constituted of the report of the Working Group on the Philippines (A/HRC/21/12 and Corr.1-2), together with the views of the Philippines 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/21/12/Add.1 and A/HRC/21/2, chapter VI).

*24th meeting
20 September 2012*

[Adopted without a vote.]

21/111

Outcome of the universal periodic review: Algeria

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 resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, 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 Algeria on 29 May 2012 in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on Algeria which is constituted of the report of the Working Group on Algeria (A/HRC/21/13), together with the views of Algeria 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/21/13/Add.1 and A/HRC/21/2, chapter VI).

*24th meeting
20 September 2012*

[Adopted without a vote.]

21/112**Outcome of the universal periodic review: Poland**

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 resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, 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 Poland on 30 May 2012 in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on Poland which is constituted of the report of the Working Group on Poland (A/HRC/21/14), together with the views of Poland 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/21/14/Add.1 and A/HRC/21/2, chapter VI).

*24th meeting
20 September 2012*

[Adopted without a vote.]

21/113**Outcome of the universal periodic review: Netherlands**

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 resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, 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 Netherlands on 31 May 2012 in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on the Netherlands which is constituted of the report of the Working Group on the Netherlands (A/HRC/21/15), together with the views of the Netherlands 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/21/15/Add.1/Rev.1 and A/HRC/21/2, chapter VI).

*25th meeting
21 September 2012*

[Adopted without a vote.]

21/114**Outcome of the universal periodic review: South Africa**

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 resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, 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 South Africa on 31 May 2012 in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on South Africa which is constituted of the report of the Working Group on South Africa (A/HRC/21/16), together with the views of South Africa 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/21/16/Add.1 and A/HRC/21/2, chapter VI).

*25th meeting
21 September 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 twenty-first session at the United Nations Office at Geneva from 10 to 28 September 2012 and on 5 November 2012. The President of the Council opened the session.
2. At the 1st meeting, on 10 September 2012, the Secretary-General addressed the plenary.
3. The organizational meeting of the twenty-first session was held on 27 August 2012, in accordance with rule 8 (b) of the rules of procedure of the Human Rights Council, as contained in part VII of the annex to Council resolution 5/1,
4. The twenty-first session consisted of 40 meetings held over 16 days (see para. 14 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. Agenda and programme of work

6. At its 1st meeting, on 10 September 2012, the Human Rights Council adopted the agenda and programme of work of its twenty-first session.

D. Organization of work

7. At the 1st meeting, on 10 September 2012, the President of the Human Rights Council announced that no objection had been received to her proposal on the new modalities for the list of speakers concerning the consideration of the reports on the universal periodic review by the Council plenary. The Council adopted the proposal.
8. At the same meeting, on the same day, the President outlined the modalities for general debates, which would be three minutes for Member States and two minutes for observer States and other observers.
9. At the 3rd meeting, on 11 September 2012, the President outlined the modalities for the individual interactive dialogue with special procedures mandate holders under agenda item 3, which would be 10 minutes for the initial presentation by the mandate holder of the report, three minutes for Member States, two minutes for observer States and other

observers (total time for non-governmental organizations is 10 minutes) and five minutes for the mandate holder's concluding remarks.

10. At the 4th meeting, on 11 September 2012, the President outlined the modalities for the clustered interactive dialogue with special procedures mandate holders under agenda item 3, which would be 10 minutes for the initial presentation by the mandate holder of the report, five minutes for Member States, three minutes for observer States and other observers (total time for non-governmental organizations is 20 minutes in a cluster of two mandate holders), and five minutes for the mandate holder's concluding remarks.

11. At the 9th meeting, on 13 September 2012, the President outlined the modalities for panel discussions which were summarized in the concept notes, namely, five or seven minutes for panellists and two minutes for States Members of the Human Rights Council, observer States and other observers.

12. At the 12th meeting, on 14 September 2012, the President announced that the drawing by lot of the first speaker on each list for the consideration of universal periodic review outcomes had been held during the meeting of the Bureau of the Human Rights Council on the same day, in accordance with the modalities adopted on 10 September. The speaking time and order of delegations inscribed to participate in the consideration of outcomes of the universal periodic review were communicated to all permanent missions on 14 September.

13. At the 19th meeting, on 19 September 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; where appropriate, two minutes for the national human rights institution with "A" status of the State concerned; up to 20 minutes for States Members of the Human Rights Council, observer States and United Nations agencies to express their views on the outcome of the review, with varying speaking times according to the number of speakers in accordance with the modalities set out in the appendix to resolution 16/21; and up to 20 minutes for stakeholders to make general comments on the outcome of the review.

E. Meetings and documentation

14. The Human Rights Council held 40 fully serviced meetings during its twenty-first session.

15. The resolutions and decisions adopted by the Human Rights Council are contained in Part One of the present report.

16. Annex I contains the list of attendance.

17. Annex II contains the agenda of the Human Rights Council, as included in section V of the annex to Council resolution 5/1.

18. Annex III contains the list of documents issued for the twenty-first session.

19. Annex IV contains the list of members of the Advisory Committee elected by the Council at its twenty-first session and the duration of terms of membership.

20. Annex V contains the names of special procedures mandate holders appointed by the Human Rights Council at its twenty-first session.

21. Annex VI contains the names of additional members of the independent international commission of inquiry on the Syrian Arab Republic appointed by the Human Rights Council at its twenty-first session.

F. Visits

22. At the 2nd meeting, on 10 September 2012, the Minister for Justice of the Sudan, Mohamed Bushara Dousa, delivered a statement to the Human Rights Council.
23. At the 4th meeting, on 11 September 2012, the President of Slovakia, Ivan Gašparovič, delivered a statement to the Human Rights Council.
24. At the 7th meeting, on 12 September 2012, the Commissioner for Political Affairs of the African Union Commission, Julia Dolly Joiner, delivered a statement to the Human Rights Council.
25. At the 10th meeting, on 13 September 2012, the Minister for Foreign Affairs of Bangladesh, Dipu Moni, delivered a statement to the Human Rights Council.
26. At the 21st meeting, on 19 September 2012, the Minister for Human Rights of Iraq, Mohammed Shiaa Al-Sudani, delivered a statement to the Human Rights Council.
27. At the 25th meeting, on 21 September 2012, the Minister for Foreign Affairs of Australia, Bob Carr, delivered a statement to the Human Rights Council.
28. At the 25th meeting, on 21 September 2012, the Minister for Human Rights of Burkina Faso, Albert Ouedraogo, delivered a statement to the Human Rights Council.

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

29. At its 39th meeting, on 28 September 2012, the Human Rights Council elected, pursuant to its resolutions 5/1 and 16/21, four experts to the Advisory Committee. The Council had before it a note by the Secretary-General (A/HRC/21/17 and Add.1) containing the nomination of candidates for election, in accordance with Council decision 6/102, and the biographical data of the candidates.

The candidates were as follows:

<i>Nominating Member State</i>	<i>Expert nominated</i>
African States	
African Group	Imeru Tamrat Yigezu
Asian States	
Bahrain	Saeed Mohamed Al Faihani
Latin American and Caribbean States	
Argentina	Mario L. Coriolano
Western European and other States	
Austria	Katharina Pabel

30. Given that the number of candidates for each regional group corresponded to the number of seats to be filled, it was decided that, the procedure of holding a secret ballot pursuant to paragraph 70 of the annex to Human Rights Council resolution 5/1, would be dispensed with, Imeru Tamrat Yigezu, Saeed Mohamed Al Faihani, Mario L. Coriolano and Katharina Pabel were therefore elected as members of the Advisory Committee by consensus.

31. At the same meeting, Belgium, on behalf of the Group of Western European and other States, made a statement in relation to the election.

32. Also at the same meeting, the President made a statement with regard to the reports by the Advisory Committee (see paras. 232-234 below).

H. Selection and appointment of mandate holders

33. At the 29th meeting, on 24 September 2012, and the 33rd meeting, on 26 September 2012, the President made a statement regarding a vacancy that had arisen for the member representing the Group of Latin American and Caribbean States in the Working Group on the issue of discrimination against women in law and in practice.

34. At its 39th meeting, the Human Rights Council decided to appoint the above-mentioned member at the resumed session of the Council on 5 November 2012 in its resolution 5/1 to allow time for nominations of candidates in accordance with the procedure established by the Council in its resolution 5/1.

35. At its 39th meeting, on 28 September 2012, and at its 40th meeting, on 5 November 2012, the Human Rights Council appointed special procedures mandate holders in accordance with Council resolutions 5/1 and 16/21 and Council decision 6/102 (see annex V).

36. At the 39th meeting, on 28 September 2012, the representatives of Austria, China, Cuba and the Russian Federation made statements in relation to the appointment of the Special Rapporteur on the situation of human rights in Belarus. China, Cuba and the Russian Federation disassociated themselves from the consensus on the appointment.

I. Appointment of additional members to the independent international commission of inquiry on the Syrian Arab Republic

37. At its 39th meeting, on 28 September 2012, the Human Rights Council appointed two additional members to the international commission of inquiry on the Syrian Arab Republic following the resignation of one of the three commissioners (see annex VI).

38. At the same meeting, the representative of the Russian Federation made a statement in relation to the appointment.

J. Consideration of the progress report of the task force on secretariat services, accessibility for persons with disabilities and use of information technology

39. At the 39th meeting, on 28 September 2012, the President provided an update on progress made in the implementation of the recommendations made by the task force on secretariat services, accessibility for persons with disabilities and use of information technology, contained in Human Rights Council decision 19/119. The Council had before it the progress report of the task force (A/HRC/21/CRP.1).

K. Adoption of the report on the session

40. At the 39th meeting, on 28 September 2012, after the action on all draft proposals was completed, the Chief of Programme Support and Management Services of the Office of

the United Nations High Commissioner for Human Rights (OHCHR) made a statement in relation to the total amount of budgetary implications of adopted resolutions.

41. At the same meeting, the representatives of Belarus, Brazil, Egypt, Eritrea, Ethiopia, Somalia, South Africa, Sri Lanka and Venezuela (Bolivarian Republic of) made statements as observer States with regard to the resolutions adopted.

42. Also at the same meeting, the Rapporteur and Vice-President of the Human Rights Council made a statement in connection with the draft report of the Council (A/HRC/21/2) and the annual report of the Council to the General Assembly (A/67/53 and Add.1).

43. Also at the same meeting, the Human Rights Council adopted the draft report ad referendum and decided to entrust the Rapporteur with its finalization.

44. Also at the same meeting, the observer for the International Service for Human Rights (also on behalf of the Asian Forum for Human Rights and Development, the Cairo Institute for Human Rights Studies, the Canadian HIV/AIDS Legal Network, CIVICUS – World Alliance for Citizen Participation, the East and Horn of Africa Human Rights Defenders Project, the Human Rights House Foundation, Human Rights Watch, the International Federation for Human Rights Leagues and the International Commission of Jurists) made statements in connection with the session.

45. At the same meeting, the President of the Human Rights Council made a statement before suspending the session.

46. At the 40th meeting, on 5 November 2012, the President of the Human Rights Council made a closing statement.

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

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

47. At the 1st meeting, on 10 September 2012, the United Nations High Commissioner for Human Rights made a statement providing an update of the activities of her Office.

48. During the ensuing general debate, at the 1st and 2nd meetings, on the same day, and at the 3rd meeting, on 11 September 2012, the following made statements:

(a) Representatives of the following States Members of the Human Rights Council: Angola, Austria, Bangladesh, Belgium, Chile, China, Costa Rica, Cuba, Cyprus* (on behalf of the European Union, Albania, Croatia, Georgia, Iceland, Liechtenstein, Montenegro, the Republic of Moldova, Serbia and the former Yugoslav Republic of Macedonia), Czech Republic, Ecuador, India, Indonesia, Iran (Islamic Republic of)* (on behalf of the Non-Aligned Movement), Italy, Jordan, Libya, Malaysia, Maldives, Mexico, Nigeria, Norway, Pakistan* (on behalf of the Organization of Islamic Cooperation), Peru, Philippines, Qatar, Republic of Moldova, Romania, Russian Federation, Saudi Arabia, Senegal (on behalf of the Group of African States), Spain, Switzerland, Thailand, United States of America, Uruguay;

(b) Representatives of the following observer States: Algeria, Armenia, Australia, Azerbaijan, Bahrain, Belarus, Brazil, Democratic Republic of the Congo, Egypt, France, Germany, Greece, Honduras, Iran (Islamic Republic of), Iraq, Ireland, Japan, Morocco, Myanmar, Nepal, Paraguay, Republic of Korea, Rwanda, Singapore, South Africa, South Sudan, Sri Lanka, Sudan, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland;

(c) Observer for the Holy See;

(d) Observer for an intergovernmental organization: Council of Europe;

(e) Observers for the following non-governmental organizations: Amnesty International, Colombian Commission of Jurists, Helsinki Foundation for Human Rights, Human Rights Watch, Indian Council of South America, International Commission of Jurists, International Federation for Human Rights Leagues, International Human Rights Association of American Minorities, International Humanist and Ethical Union, International Service for Human Rights, Liberation, Nord-Sud XXI, Reporters Sans Frontières International – Reporters Without Borders International, United Nations Watch, Verein Sudwind Entwicklungspolitik, World Muslim Congress.

49. At the 2nd meeting, on 10 September 2012, statements in exercise of the right of reply were made by the representatives of Armenia, Azerbaijan, South Sudan and the Syrian Arab Republic.

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

51. At the 4th meeting, on 11 September 2012, statements in exercise of the right of reply were made by the representatives of China, Mauritania and Nigeria.

* Observer of the Human Rights Council speaking on behalf of Member and observer States.

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

52. At the 11th meeting, on 14 September 2012, the Deputy High Commissioner presented thematic reports prepared by OHCHR and the Secretary-General.

53. At its 11th and 12th meetings, on the same day, the Human Rights Council held a general debate on thematic reports presented by the Deputy High Commissioner (see paras. 103-106 below).

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

A. Special Representative of the Secretary-General for Children and Armed Conflict

54. At the 3rd meeting, on 11 September 2012, the Special Representative of the Secretary-General for Children and Armed Conflict, Leila Zerrougui, presented the report of the previous mandate holder, Radhika Coomaraswamy (A/HRC/21/38).

55. During the ensuing interactive dialogue, at the 3rd and 4th meetings, on 11 September 2012, the following made statements and asked the Special Representative questions:

(a) Representatives of the following States Members of the Human Rights Council: Austria, Bangladesh, Belgium, Botswana, China, Costa Rica, Cuba, Ecuador, India, Indonesia, Italy, Jordan, Malaysia, Mexico, Norway, Pakistan* (on behalf of the Organization of Islamic Cooperation), Qatar, Russian Federation, Spain, Switzerland, Thailand, United Arab* (on behalf of the Group of Arab States), United States of America, Uruguay;

(b) Representatives of the following observer States: Algeria, Australia, Azerbaijan, Colombia, Democratic Republic of the Congo, Egypt, France, Germany, Greece, Morocco, Pakistan, Portugal, Slovenia, South Africa, South Sudan, Sri Lanka, Sudan, Syrian Arab Republic, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of);

(c) Observer for United Nations entities, specialized agencies and related organizations: United Nations Children's Fund (UNICEF);

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

(e) Observers for the following non-governmental organizations: Canners International Permanent Committee, European Union of Public Relations, Women's International League for Peace and Freedom, Women's World Summit Foundation, World Environment and Resources Council.

56. At the 4th meeting, on 11 September 2012, the Special Representative answered questions and made her concluding remarks.

57. At the same meeting, a representative of OHCHR made a statement in relation to questions raised during the interactive dialogue.

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

B. Interactive dialogue with special procedures mandate holders

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

59. At the 4th meeting, on 11 September 2012, the Chairperson of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise

of the right of peoples to self-determination, Faiza Patel, presented the report of the Working Group (A/HRC/21/43).

60. During the ensuing interactive dialogue at the 4th meeting, on the same day, and the 5th meeting, on 12 September 2012, the following made statements and asked the Chairperson of the Working Group questions:

(a) Representatives of the following States Members of the Human Rights Council: Austria, Chile, China, Costa Rica, Cuba, Pakistan* (on behalf of the Organization of Islamic Cooperation), Peru, Russian Federation, Switzerland, United States of America;

(b) Representatives of the following observer States: Algeria, Egypt, Honduras, Morocco, South Africa, Venezuela (Bolivarian Republic of);

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

(d) Observers for the following non-governmental organizations: Centre Europe – Tiers Monde, Commission to Study the Organization of Peace, Federation of Cuban Women, International Institute for Peace.

61. At the 5th meeting, on 12 September 2012, the Chairperson of the Working Group answered questions and made her concluding remarks.

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

62. At the 4th meeting, on 11 September 2012, the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Pablo de Greiff, presented his report (A/HRC/21/46).

63. During the ensuing interactive dialogue, at the 4th meeting on the same day and the 5th meeting, on 12 September 2012, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of the following States Members of the Human Rights Council: Austria, Belgium, Chile, China, Costa Rica, Cuba, Czech Republic, Ecuador (on behalf of the Group of Latin American and Caribbean States), Norway, Pakistan* (on behalf of the Organization of Islamic Cooperation), Peru, Russian Federation, Switzerland, Uruguay, United States of America;

(b) Representatives of the following observer States: Algeria, Argentina, Armenia, Australia, Colombia, Egypt, Finland, Ireland, Morocco, Nepal, Paraguay, Sri Lanka, Sweden, Venezuela (Bolivarian Republic of);

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

(d) Observers for the following non-governmental organizations: Asian Legal Resource Centre, Centro de Estudios Legales y Sociales (CELS) Asociación Civil (also on behalf of Centro Regional de Derechos Humanos y Justicia de Género), International Commission of Jurists (also on behalf of Amnesty International), Redress Trust.

64. At the 5th meeting, the Special Rapporteur answered questions and made his concluding remarks.

Special Rapporteur on extreme poverty and human rights

65. At the 5th meeting, on 12 September 2012, the Special Rapporteur on extreme poverty and human rights, Magdalena Sepúlveda Carmona, presented her report (A/HRC/21/39).

66. During the ensuing interactive dialogue, at the 5th and 6th meetings, on the same day, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of the following States Members of the Human Rights Council: Angola, Bangladesh, Belgium, Chile, China (also on behalf of Algeria, Bangladesh, Cuba, Egypt, the Democratic People's Republic of Korea, Indonesia, Iran (Islamic Republic of), Malaysia, Pakistan, the Russian Federation, Sri Lanka, Thailand, Venezuela (Bolivarian Republic of) and Viet Nam), Costa Rica, Cuba, Ecuador, Indonesia, Italy, Kuwait, Malaysia, Norway, Pakistan* (on behalf of the Organization of Islamic Cooperation), Peru, Philippines, Saudi Arabia, Senegal (on behalf of the Group of African States), Thailand, United States of America, Uruguay (on behalf of the Group of Latin American and Caribbean States);

(b) Representatives of the following observer States: Algeria, Argentina, Bahrain, Brazil, Colombia, Egypt, Estonia, Finland, France, Honduras, Ireland, Morocco, Paraguay, South Africa, Sri Lanka, Syrian Arab Republic, Venezuela (Bolivarian Republic of), Viet Nam;

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

(d) Observers for the following non-governmental organizations: African Technology Development Link, Centre Europe - Tiers Monde, International Movement ATD Fourth World (also on behalf of Associazione Comunità Papa Giovanni XXIII, CIVICUS – World Alliance for Citizen Participation, the Congregation of Our Lady of Charity of the Good Shepherd, Dominicans for Justice and Peace – Order of Preachers, the European Disability Forum, Franciscans International, the Global Initiative for Economic, Social and Cultural Rights, the International Catholic Child Bureau, the International Commission of Jurists, the International Council of Women and the International Presentation Association of the Sisters of the Presentation of the Blessed Virgin Mary), Marangopoulos Foundation for Human Rights, Worldwide Organization for Women.

67. At the 6th meeting, on 12 September 2012, the Special Rapporteur answered questions and made her concluding remarks.

Special Rapporteur on the human right to safe drinking water and sanitation

68. At the 5th meeting, on 12 September 2012, the Special Rapporteur on the human right to safe drinking water and sanitation, Catarina de Albuquerque, presented her report (A/HRC/21/42 and Add.1–3).

69. At the same meeting, the representatives of Namibia, Senegal and Uruguay made statements as the States concerned.

70. During the ensuing interactive dialogue, at the 5th and 6th meetings, on the same day, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of the following States Members of the Human Rights Council: Angola, Bangladesh, Chile, Cuba, Indonesia, Italy, Malaysia, Maldives, Norway, Pakistan* (on behalf of the Organization of Islamic Cooperation), Philippines, Saudi Arabia, Senegal (on behalf of the Group of African States), Spain, Switzerland, Thailand, United States of America, United Arab Emirates* (on behalf of the Group of Arab States);

(b) Representatives of the following observer States: Bolivia (Plurinational State of), Egypt, Finland, France, Germany, Paraguay, Portugal, Slovenia, South Africa, Syrian Arab Republic, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of), Viet Nam;

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

(d) Observers for the following non-governmental organizations: Amnesty International, BADIL Resource Center for Palestinian Residency and Refugee Rights, Friends World Committee for Consultation, International Movement Against All Forms of Discrimination and Racism.

71. At the 6th meeting, the Special Rapporteur answered questions and made her concluding remarks.

Independent Expert on human rights and international solidarity

72. At the 7th meeting, on 12 September 2012, the Independent Expert on human rights and international solidarity, Virginia Dandan, presented her report (A/HRC/21/44 and Add.1).

73. During the ensuing interactive dialogue, at the 7th meeting, the following made statements and asked the Independent Expert questions:

(a) Representatives of the following States Members of the Human Rights Council: China, Cuba, Ecuador, Indonesia, Pakistan* (on behalf of the Organization of Islamic Cooperation), Philippines, Romania, Russian Federation;

(b) Representatives of the following observer States: Algeria, Brazil, Morocco, Sri Lanka, Venezuela (Bolivarian Republic of);

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

(d) Observers for the following non-governmental organizations: Associazione Comunità Papa Giovanni XXIII (also on behalf of the Company of the Daughters of Charity of St. Vincent de Paul, Dominicans for Justice and Peace – Order of Preachers, Edmund Rice International, the International Organization for the Right to Education and Freedom of Education, the International Volunteerism Organization for Women, Education and Development – VIDES, Istituto Internazionale Maria Ausiliatrice delle Salesiane di Don Bosco and New Humanity), International Association of Schools of Social Work, International Institute for Non-aligned Studies, Organisation pour la communication en Afrique et de promotion de la coopération économique internationale – OCAPROCE Internationale, United Schools International.

74. At the 7th meeting, the Independent Expert answered questions and made her concluding remarks.

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

75. At the 7th meeting, on 12 September 2012, the Independent Expert on the promotion of a democratic and equitable international order, Alfred Maurice de Zayas, presented his report (A/HRC/21/45 and Corr.1).

76. During the ensuing interactive dialogue, at the 7th meeting, on the same day, the following made statements and asked the independent expert questions:

(a) Representatives of the following States Members of the Human Rights Council: China, Cuba, Ecuador, Indonesia, Pakistan* (on behalf of the Organization of Islamic Cooperation), Peru, Russian Federation;

(b) Representatives of the following observer States: Algeria, Belarus, Brazil, Morocco, Sri Lanka, Venezuela (Bolivarian Republic of);

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

(d) Observers for the following non-governmental organizations: International Association for Democracy in Africa, International Association of Schools of Social Work, Organisation pour la communication en Afrique et de promotion de la coopération économique internationale – OCAPROCE Internationale, United Nations Watch.

77. At the 7th meeting, the independent expert answered questions and made his concluding remarks.

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

78. At the 8th meeting, on 13 September 2012, the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, Calin Georgescu, presented his report (A/HRC/21/48, Corr.1 and Add. 1–2).

79. At the same meeting, the representatives of the Marshall Islands and the United States of America made statements as the States concerned.

80. During the ensuing interactive dialogue, at the 8th meeting, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of the following States Members of the Human Rights Council: Chile, China, Cuba, Guatemala, Indonesia, Malaysia, Maldives, Mauritania, Peru, Romania, Senegal (on behalf of the Group of African States), Uruguay;

(b) Representatives of the following observer States: Algeria, Australia, Côte d'Ivoire, Morocco, New Zealand (on behalf of the Cook Islands);

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

(d) Observers for the following non-governmental organizations: Amnesty International, Cultural Survival, Nuclear Age Peace Foundation, Physicians for Social Responsibility.

81. Also at the 8th meeting, the Special Rapporteur answered questions and made his concluding remarks.

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

82. At the 8th meeting, on 13 September 2012, the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Gulnara Shahinian, presented her report (A/HRC/21/41, Corr.1, and Add.1–2).

83. At the same meeting, the Chairperson of the Board of Trustees of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery, Virginia Murillo, made a statement.

84. Also at the same meeting, the representative of Lebanon made a statement as the State concerned.

85. During the ensuing interactive dialogue, at the 8th meeting, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of the following States Members of the Human Rights Council: Austria, Belgium, China, Cuba, Ecuador, Indonesia, Kyrgyzstan, Mauritania, Norway, Peru, Thailand, United States of America;

(b) Representatives of the following observer States: Algeria, Argentina, Armenia, Germany, Greece, Morocco, Nepal, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of);

(c) Observer for the Holy See;

(d) Observer for United Nations entities, specialized agencies and related organizations: UNICEF;

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

(f) Observers for the following non-governmental organizations: Action Canada for Population and Development, Defence for Children International, Franciscans International, International Humanist and Ethical Union.

86. Also at the 8th meeting, the Special Rapporteur answered questions and made her concluding remarks.

Special Rapporteur on the rights of indigenous peoples

87. At the 16th meeting, on 18 September 2012, the Special Rapporteur on the rights of indigenous peoples, James Anaya, presented his report (A/HRC/21/47 and Add.1-3).

88. At the same meeting, the Chairperson-Rapporteur of the Expert Mechanism on the Rights of Indigenous Peoples, Wilton Littlechild, presented the reports of the Expert Mechanism (A/HRC/21/52, 53, 54 and 55) (see paras. 230-231 below).

89. Also at the same meeting, a representative of the Board of Trustees of the United Nations Voluntary Fund for Indigenous Populations, Dalee Sambo Dorough, made a statement.

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

91. Also at the same meeting, the representative of the Defensor del Pueblo de la Nación (Ombudsmen Institution) of Argentina made a statement.

92. During the ensuing interactive dialogue at the 16th and 18th meetings, on 18 September 2012, the following made statements and asked questions:

(a) Representatives of the following States Members of the Human Rights Council: Austria, Chile, Congo, Cuba, Ecuador, Guatemala, Malaysia, Mexico, Norway, Peru, Russian Federation, United States of America;

(b) Representatives of the following observer States: Australia, Bolivia (Plurinational State of), Brazil, Canada, Colombia, Denmark, El Salvador, Estonia, Finland, Nepal, Paraguay, Sri Lanka, Sweden, Venezuela (Bolivarian Republic of);

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

(d) Observers for the following non-governmental organizations: Colombian Commission of Jurists, France Libertés: Fondation Danielle Mitterrand, Indian Council of South America, International Indian Treaty Council, Lawyers' Rights Watch Canada, Permanent Assembly for Human Rights, Women's International League for Peace and Freedom.

93. At the 18th meeting, the Special Rapporteur answered questions and made his concluding remarks.

94. At the same meeting, the Chairperson-Rapporteur of the Expert Mechanism of the Rights of Indigenous Peoples answered questions and made his concluding remarks.

C. Panel discussions

Panel discussion on access to justice for indigenous peoples

95. At its 17th meeting, on 18 September 2012, the Human Rights Council held a half-day panel discussion on access to justice for indigenous peoples, in accordance with Council resolution 18/8.

96. The Chief of the Rule of Law, Equality and Non-Discrimination Branch of OHCHR made an opening statement for the panel on behalf of the High Commissioner. The Special Rapporteur on the rights of indigenous peoples moderated the discussion.

97. At the same meeting, the panellists Ramy Bulan, Megan Davis, Vladimir Kryazhkov, Casilda de Ovando Gómez Morín and Abraham Korir Sing'Oei made statements.

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

(a) Representatives of the following States Members of the Human Rights Council: Austria, Ecuador, Mexico (on behalf of the Group of Latin American and Caribbean States), Peru, United States of America;

(b) Representatives of the following observer States: Canada, Finland, Sweden;

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

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

(e) Observers for the following non-governmental organizations: International Commission of Jurists (also on behalf of Centre Europe - Tiers Monde), Minority Rights Group.

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

100. The following made statements during the second speaking slot:

(a) Representatives of the following States Members of the Human Rights Council: Chile, Guatemala, Norway, Russian Federation;

(b) Representatives of the following observer States: Australia, Bolivia (Plurinational State of), Iran (Islamic Republic of), Venezuela (Bolivarian Republic of);

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

(d) Observers for the following non-governmental organizations: France Libertés: Foundation Danielle Mitterand (also on behalf of the International Committee for the Indians of the Americas (Switzerland)), Indian Council of South America.

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

102. At the 18th meeting, on the same day, a statement in exercise of the right of reply was made by the representative of Nigeria.

D. General debate on agenda item 3

103. At the 11th meeting, on 14 September 2012, the Chairperson-Rapporteur of the Working Group on the Right to Development, Tamara Kunanayakam, presented the report of the Working Group on its thirteenth session (A/HRC/21/19).

104. At its 11th and 12th meeting, on 14 September 2012, the Human Rights Council held a general debate on thematic reports under agenda items 2 and 3, during which the following made statements:

(a) Representatives of the following States Members of the Human Rights Council: Angola, Austria, Belgium, Benin, Burkina Faso, China (also on behalf of Algeria, Bangladesh, Cuba, the Democratic People's Republic of Korea, Egypt, Indonesia, Iran (Islamic Republic of), Malaysia, Myanmar, Pakistan, the Russian Federation, Sri Lanka, Thailand, Venezuela (Bolivarian Republic of), Viet Nam and Zimbabwe), Costa Rica (on behalf of the Platform for Human Rights Education and Training), Cuba (also on behalf of the Group of Latin American and Caribbean States), Cyprus* (on behalf of the European Union, Albania, Croatia, Georgia, Iceland, Montenegro, Serbia, the former Yugoslav Republic of Macedonia, and Ukraine), Ecuador, Guatemala India, Indonesia, Iran (Islamic Republic of)* (on behalf of the Non-Aligned Movement), Kuwait, Malaysia, Norway, Romania, Russian Federation, Saudi Arabia, Senegal (on behalf of the Group of African States), Spain, Turkey* (also on behalf of Algeria, Argentina, Australia, Austria, Botswana, Chile, Côte d'Ivoire, El Salvador, France, Greece, Guatemala, Honduras, Italy, Liechtenstein, Luxembourg, Maldives, Mexico, Monaco, Morocco, Nigeria, Norway, Pakistan, Peru, Qatar, Romania, Saudi Arabia, Senegal, Switzerland, Thailand, Tunisia, Ukraine and Uruguay), United Arab Emirates* (on behalf of the Group of Arab States), United States of America;

(b) Representatives of the following observer States: Algeria, Argentina, Australia, Denmark, Iraq, Morocco, Myanmar, New Zealand, Pakistan, Panama, Paraguay, Republic of Korea, Sri Lanka, Turkey, Uzbekistan, Venezuela (Bolivarian Republic of);

(c) Observers for the following intergovernmental organizations: Council of Europe, Organisation internationale de la Francophonie, Organisation of Islamic Cooperation;

(d) Observer for United Nations entities, specialized agencies and related organization: United Nations Population Fund (also on behalf of UNICEF);

(e) Observer for a national human rights institution: Human Rights Commission of Malaysia (SUHAKAM) (by video message);

(f) Observers for the following non-governmental organizations: Action internationale pour la paix et le développement dans la région des Grands Lacs, Africa culture internationale, African Technical Association, African Technology Development Link, Agence internationale pour le développement, Agir ensemble pour les droits de l'homme, Amnesty International, Asian Forum for Human Rights and Development, Association of World Citizens, Cairo Institute for Human Rights Studies, Canners International Permanent Committee, Center for Environmental and Management Studies, Center for Inquiry, Centre Europe - Tiers Monde (also on behalf of the International Association of Democratic Lawyers and Mouvement contre le racisme et pour l'amitié entre les peuples), 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, Commission to Study the Organization of Peace, Cultural Survival, European Union of Public Relations, Federation of Cuban Women, Federation of Western Thrace Turks in Europe, Foodfirst Information

and Action Network (also on behalf of Centre Europe - Tiers Monde and Mouvement contre le racisme et pour l'amitié entre les peuples), France Libertés: Fondation Danielle Mitterrand, Franciscans International, Friends World Committee for Consultation, General Arab Women Federation (also on behalf of the Union of Arab Jurists), Helsinki Foundation for Human Rights, Human Rights Watch, International Association for Democracy in Africa, International Association of Peace Messenger Cities, International Buddhist Relief Organisation, International Educational Development Inc., International Human Rights Association of American Minorities, International Humanist and Ethical Union, International Institute for Peace, Liberal International (World Liberal Union), Liberation, Maarij Foundation for Peace and Development, Nonviolent Radical Party, Transnational and Transparty, Nord-Sud XXI, Organization for Defending Victims of Violence, Penal Reform International, Permanent Assembly for Human Rights (also on behalf of the International Association of Peace Messenger Cities), Rencontre africaine pour la défense des droits de l'homme (also on behalf of the Al-Hakim Foundation), Save the Children International, Society for Threatened Peoples, Soka Gakkai International (also on behalf of the Al-Hakim Foundation, the Asia-Pacific Human Rights Information Center, the Asian Forum for Human Rights and Development, Association Points-Coeur, CIVICUS – World Alliance for Citizen Participation, Equitas International Centre for Human Rights Education, the Foundation for GAIA, Human Rights Education Associates, the Institute for Planetary Synthesis, the International Association for Religious Freedom, the International Council of Women, the International Federation of University Women, the International Movement Against All Forms of Discrimination and Racism, the International Network for the Prevention of Elder Abuse, the International Organization for the Elimination of All Forms of Racial Discrimination, the International Organization for the Right to Education and Freedom of Education, the Planetary Association for Clean Energy Inc., Servas International, the Pan Pacific and South East Asia Women's Association, the Sovereign Military Order of the Temple of Jerusalem, the Teresian Association and the Worldwide Organization for Women), Tchad agir pour l'environnement, United Nations Watch, United Schools International, United Towns Agency for North-South Cooperation, Verein Sudwind Entwicklungspolitik, Women's International League for Peace and Freedom, World Barua Organization, World Circle of the Consensus: Self-sustaining People, Organizations and Communities (SPOC), World Environment and Resources Council, World Federation of Democratic Youth (also on behalf of France Libertés: Fondation Danielle Mitterrand), World Muslim Congress.

105. At the 12th meeting, on 14 September 2012, statements in exercise of the right of reply were made by the representatives of China and Viet Nam.

106. At the 18th meeting, on 18 September 2012, a statement in exercise of the right of reply was made by the representative of Malaysia.

E. Consideration of and action on draft proposals

The human right to safe drinking water and sanitation

107. At the 36th meeting, on 27 September 2012, the representatives of Germany and Spain introduced draft resolution A/HRC/21/L.1, sponsored by Germany and Spain and co-sponsored by Andorra, Angola, Belgium, Benin, Bosnia and Herzegovina, Bulgaria, Cambodia, Chile, Colombia, the Congo, Costa Rica, Croatia, Cyprus, Djibouti, Equatorial Guinea, Estonia, Finland, France, Georgia, Greece, Honduras, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Maldives, Monaco, Montenegro, Morocco, the Netherlands, Nigeria, Norway, Palestine, Panama, Peru, Poland, Portugal, the Republic of Moldova, Romania, Serbia, Slovakia, Slovenia, Sweden, Switzerland, Tunisia and Uruguay. Subsequently, Albania, Algeria, Armenia, Austria,

Bhutan, Burkina Faso, Cape Verde, the Czech Republic, Denmark, the Dominican Republic, Guinea, Kenya, Lebanon, Libya, Malta, Mauritania, Mexico, Namibia, Qatar, Rwanda, San Marino, Senegal, the former Yugoslav Republic of Macedonia, Uganda, Ukraine, the United Kingdom of Great Britain and Northern Ireland, and Yemen joined the sponsors.

108. At the same meeting, the representatives of Ecuador and the United States of America made statements in explanation of vote before the vote.

109. At the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 21/2).

Promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind: best practices

110. At the 36th meeting, on 27 September 2012, the representative of the Russian Federation introduced draft resolution A/HRC/21/L.2, sponsored by the Russian Federation and co-sponsored by Angola, Belarus, China, Cuba, the Democratic People's Republic of Korea, Ecuador, Kyrgyzstan, Malaysia, Myanmar, Pakistan (on behalf of the Organization of Islamic Cooperation), Sri Lanka, the Syrian Arab Republic, Uzbekistan, Venezuela (Bolivarian Republic of) and Viet Nam. Subsequently, Algeria, Benin, Bolivia (Plurinational State of), Burkina Faso, Burundi, the Congo, Egypt, Ethiopia, Ghana, Indonesia, Iraq, Kazakhstan, Mauritania, Morocco, Namibia, Nicaragua, Singapore, Uganda and the United Arab Emirates (on behalf of the Group of Arab States) joined the sponsors.

111. At the same meeting, the representatives of China, Maldives, Norway and the United States of America made general comments in relation to the draft resolution.

112. Also at the same meeting, the representatives of Austria (on behalf of States members of the European Union that are members of the Council), Chile, Guatemala, Peru and Uruguay made statements in explanation of vote before the vote.

113. At the same meeting, at the request of Norway, a recorded vote was taken on the draft resolution. The draft resolution was adopted by 25 votes in favour, 15 against, with 7 abstentions.

114. For the text as adopted and voting results, see part one, chapter I, resolution 21/3.

Enforced or involuntary disappearances

115. At the 36th meeting, on 27 September 2012, the representative of France introduced draft resolution A/HRC/21/L.5, sponsored by Argentina, France, Japan and Morocco and co-sponsored by Austria, Belgium, Bulgaria, Costa Rica, Croatia, Cuba, Cyprus, the Czech Republic, Finland, Germany, Greece, Honduras, Latvia, Luxembourg, Mexico, Montenegro, Nicaragua, Norway, Portugal, Romania, Serbia, Slovenia, Spain, Switzerland and Uruguay. Subsequently, Andorra, Armenia, Australia, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Canada, Chile, Colombia, Denmark, Guatemala, Hungary, Ireland, Lithuania, Maldives, Monaco, Peru, Poland, the Republic of Moldova, Sweden, the former Yugoslav Republic of Macedonia, Ukraine, the United Kingdom of Great Britain and Northern Ireland, and Venezuela (Bolivarian Republic of) joined the sponsors.

116. At the same meeting, the representative of France orally revised the draft resolution.

117. Also at the same meeting, the representative of India made a statement in explanation of vote before the vote.

118. 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 21/4).

Contribution of the United Nations system as a whole to the advancement of the business and human rights agenda and the dissemination and implementation of the Guiding Principles on Business and Human Rights

119. At the 36th meeting, on 27 September 2012, the representative of Norway introduced draft resolution A/HRC/21/L.14/Rev.1, sponsored by Argentina, Ghana, Norway and the Russian Federation and co-sponsored by Andorra, Austria, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Denmark, Finland, Greece, Guatemala, Honduras, Iceland, Ireland, Italy, Mexico, Montenegro, Morocco, Portugal, Spain, Sweden, Switzerland, Turkey and the United Kingdom of Great Britain and Northern Ireland. Subsequently, Australia, Belgium, Colombia, Germany, Guinea, Indonesia, Japan, Namibia, the Netherlands, Nigeria, Panama, Peru, Romania, Senegal, Slovenia, the former Yugoslav Republic of Macedonia, Tunisia, Uganda and the United States of America joined the sponsors.

120. At the same meeting, the representatives of India and the United States of America made general comments in relation to the draft resolution.

121. 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.

122. At the same meeting, the representative of Ecuador made a statement in explanation of vote before the vote.

123. Also at the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 21/5).

Preventable maternal mortality and morbidity and human rights

124. At the 36th meeting, on 27 September 2012, the representatives of Burkina Faso, Colombia and New Zealand introduced draft resolution A/HRC/21/L.10, sponsored by Burkina Faso, Colombia and New Zealand and co-sponsored by Andorra, Angola, Australia, Austria, Belgium, Benin, Bosnia and Herzegovina, Botswana, Bulgaria, the Central African Republic, Chad, the Congo, Côte d'Ivoire, Croatia, Cyprus, the Czech Republic, the Democratic Republic of the Congo, Denmark, Djibouti, the Dominican Republic, Ecuador, Equatorial Guinea, Estonia, Finland, France, Germany, Ghana, Greece, Guatemala, Iceland, Italy, Japan, Lithuania, Luxembourg, Mexico, Monaco, Montenegro, the Netherlands, Nicaragua, Nigeria, Norway, Peru, Poland, Portugal, the Republic of Korea, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Thailand, Tunisia, Turkey, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela (Bolivarian Republic of). Subsequently, Algeria, Bhutan, Bolivia (Plurinational State of), Brazil, Burundi, Cambodia, Cameroon, Costa Rica, Guinea, Haiti, Honduras, Hungary, Ireland, Kazakhstan, Latvia, Maldives, Morocco, Namibia, Panama, the Republic of Moldova, Rwanda, San Marino, Senegal, Singapore, Somalia, South Sudan, the former Yugoslav Republic of Macedonia, Togo, Ukraine and the United States of America joined the sponsors.

125. At the same meeting, the representative of Guatemala made general comments in relation to the draft resolution.

126. Also at the same meeting, the representative of Saudi Arabia (also on behalf of Bahrain, Bangladesh, Brunei Darussalam, Egypt, Iran (Islamic Republic of), Kuwait, Libya, Malaysia, Mauritania, Oman, Pakistan, Qatar, the Sudan, the Syrian Arab Republic, Uganda, the United Arab Emirates and Yemen) made a statement in explanation of vote before the vote, disassociating the afore-mentioned delegations from the consensus on paragraphs 4 and 8 of the draft resolution.

127. At the same meeting, the representative of Mauritania also made a statement in explanation of vote before the vote.

128. Also at the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 21/6).

Right to the truth

129. At the 36th meeting, on 27 September 2012, the representative of Argentina introduced draft resolution A/HRC/21/L.16, sponsored by Argentina and co-sponsored by Andorra, Austria, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Bulgaria, Colombia, Costa Rica, Croatia, Cuba, Cyprus, the Czech Republic, Denmark, France, Greece, Guatemala, Ireland, Italy, Latvia, Mexico, Paraguay, Peru, Portugal, Serbia, Spain, Switzerland, Tunisia, Uruguay and Venezuela (Bolivarian Republic of). Subsequently, Australia, Brazil, Burkina Faso, Canada, Chile, Ecuador, Egypt, Finland, Germany, Japan, Lebanon, Maldives, Montenegro, Norway, Poland, the Republic of Korea, Slovenia, the former Yugoslav Republic of Macedonia, Ukraine and the United States of America joined the sponsors.

130. At the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 21/7).

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

131. At the 36th meeting, on 27 September 2012, the representative of Cuba introduced draft resolution A/HRC/21/L.17, sponsored by Cuba and co-sponsored by Angola, Belarus, Bolivia (Plurinational State of), Botswana, the Congo, the Democratic People's Republic of Korea, Djibouti, the Dominican Republic, Ecuador, Nicaragua, Palestine, the Russian Federation, South Africa, the Sudan, the Syrian Arab Republic, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam and Zimbabwe. Subsequently, Algeria, Ethiopia, Mauritania, Namibia, Nigeria, Pakistan, Senegal and Somalia joined the sponsors.

132. At the same meeting, the representative of the United States of America made general comments in relation to the draft resolution.

133. Also at the same meeting, the representative of Austria, 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.

134. At the same meeting, at the request of the United States of America, a recorded vote was taken on the draft resolution. The draft resolution was adopted by 34 votes in favour, 12 against, with 1 abstention.

135. For the text as adopted and voting results, see part one, chapter I, resolution 21/8.

Promotion of a democratic and equitable international order

136. At the 36th meeting, on 27 September 2012, the representative of Cuba introduced draft resolution A/HRC/21/L.18, sponsored by Cuba and co-sponsored by Angola, Belarus, Bolivia (Plurinational State of), Burkina Faso, the Congo, the Democratic People's Republic of Korea, Djibouti, the Dominican Republic, Ecuador, Iran (Islamic Republic of), Lebanon, Nicaragua, Palestine, Sri Lanka, the Sudan, the Syrian Arab Republic, Venezuela (Bolivarian Republic of), Viet Nam and Zimbabwe. Subsequently, Algeria, Bangladesh, Guinea, Haiti, Indonesia, Mauritania, Namibia, Nigeria, Pakistan, Panama, Senegal and Somalia joined the sponsors.

137. At the same meeting, the representative of Austria, 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.

138. Also at the same meeting, at the request of Austria, on behalf of States members of the European Union that are members of the Council, a recorded vote was taken on the draft resolution. The draft resolution was adopted by 31 votes in favour, 12 against, with 4 abstentions.

139. For the text as adopted and voting results, see part one, chapter I, resolution 21/9.

Human rights and international solidarity

140. At the 36th meeting, on 27 September 2012, the representative of Cuba introduced draft resolution A/HRC/21/L.19, sponsored by Cuba and co-sponsored by Angola, Belarus, Bolivia (Plurinational State of), Botswana, Burkina Faso, China, the Congo, the Democratic People's Republic of Korea, Djibouti, the Dominican Republic, Ecuador, Iran (Islamic Republic of), Lebanon, Malaysia, Morocco, Nicaragua, Palestine, Panama, Sri Lanka, the Sudan, the Syrian Arab Republic, Venezuela (Bolivarian Republic of), Viet Nam and Zimbabwe. Subsequently, Algeria, Bahrain, Bangladesh, Brazil, Ghana, Guatemala, Guinea, Haiti, Honduras, Indonesia, Mauritania, Namibia, Nigeria, Pakistan, Senegal, Somalia, Thailand, the former Yugoslav Republic of Macedonia and Uruguay joined the sponsors.

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

142. 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.

143. At the same meeting, the representative of Austria, 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.

144. Also at the same meeting, at the request of Austria, on behalf of States members of the European Union that are members of the Council, a recorded vote was taken on the draft resolution. The draft resolution, as orally revised, was adopted by 35 votes in favour, 12 against, with no abstentions.

145. For the text as adopted and voting results, see part one, chapter I, resolution 21/10.

Guiding principles on extreme poverty and human rights

146. At the 36th meeting, on 27 September 2012, the representative of France introduced draft resolution A/HRC/21/L.20, sponsored by Albania, Belgium, Chile, France, Morocco, Peru, the Philippines, Romania and Senegal and co-sponsored by Andorra, Argentina, Austria, Bosnia and Herzegovina, Bulgaria, Burkina Faso, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Ecuador, Finland, Greece, Guatemala, Honduras, Iceland, Ireland, Luxembourg, Mexico, Montenegro, Nicaragua, Norway, Panama, Paraguay, Portugal, Serbia, Slovakia, Slovenia, Spain, Turkey and Uruguay. Subsequently, Algeria, Angola, Australia, Benin, Bolivia (Plurinational State of), Botswana, Brazil, Cambodia, Chad, the Congo, the Czech Republic, Denmark, Djibouti, the Dominican Republic, Estonia, Ethiopia, Germany, Ghana, Guinea, Haiti, Italy, Japan, Lithuania, Mauritania, Monaco, Namibia, Nigeria, Palestine, the Republic of Korea, the Republic of Moldova, Romania, Rwanda, Sri Lanka, Thailand, the former Yugoslav Republic of Macedonia, Togo, Tunisia, Ukraine and Venezuela (Bolivarian Republic of) joined the sponsors.

147. At the same meeting, the representative of France orally revised the draft resolution.

148. Also at the same meeting, the representatives of Peru and the United States of America made general comments in relation to the draft resolution.

149. 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 21/11).

Safety of journalists

150. At the 37th meeting, on 27 September 2012, the representative of Austria introduced draft resolution A/HRC/21/L.6, sponsored by Austria, Brazil, Morocco, Switzerland and Tunisia and co-sponsored by Albania, Argentina, Australia, Belgium, Bosnia and Herzegovina, Botswana, Bulgaria, Colombia, Croatia, Cyprus, the Czech Republic, Denmark, Egypt, Estonia, Finland, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Kenya, Latvia, Lebanon, Libya, Liechtenstein, Lithuania, Luxembourg, Mexico, Montenegro, the Netherlands, Nigeria, Norway, Palestine, Peru, Poland, Portugal, Qatar, the Republic of Moldova, Romania, Serbia, Slovenia, Sweden, Turkey and the United Kingdom of Great Britain and Northern Ireland. Subsequently, Algeria, Armenia, Burkina Faso, Cape Verde, Chile, France, Italy, Maldives, Malta, the Republic of Korea, San Marino, Senegal, the former Yugoslav Republic of Macedonia and Ukraine joined the sponsors.

151. At the same meeting, the representative of Austria orally revised the draft resolution.

152. 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.

153. At the same meeting, the representatives of Ecuador and the United States of America made statements in explanation of vote before the vote.

154. 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 21/12).

Panel discussion on the negative impact of corruption on the enjoyment of human rights

155. At the 37th meeting, on 27 September 2012, the representative of Morocco introduced draft resolution A/HRC/21/L.13, sponsored by Austria, Brazil, Indonesia, Morocco and Poland and co-sponsored by Australia, Belgium, Bosnia and Herzegovina, Bulgaria, Burkina Faso, Croatia, Cuba, Cyprus, Equatorial Guinea, Finland, Georgia, Greece, Guatemala, Iceland, Ireland, Montenegro, Peru, Portugal, Qatar, Serbia, South Africa, Sri Lanka and Venezuela (Bolivarian Republic of). Subsequently, Algeria, Bahrain, Bolivia (Plurinational State of), Botswana, Canada, Cape Verde, Chile, the Czech Republic, Ecuador, Estonia, France, Germany, Ghana, Hungary, Lithuania, Malta, the Netherlands, Palestine, the Republic of Korea, the Republic of Moldova, Romania, Rwanda, Senegal, Singapore, Slovenia, Spain, Sweden, Switzerland, Thailand, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America joined the sponsors.

156. At the same meeting, the representative of Morocco orally revised the draft resolution.

157. 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.

158. At the same meeting, the Chief of Programme Support and Management Services of OHCHR made a statement in relation to the budgetary implications of the draft resolution as orally revised.

159. 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 21/13).

World Programme for Human Rights Education

160. At the 37th meeting, on 27 September 2012, the representative of Costa Rica introduced draft resolution A/HRC/21/L.22, sponsored by Costa Rica, Italy, Morocco, the Philippines, Senegal, Slovenia and Switzerland and co-sponsored by Andorra, Argentina, Austria, Bolivia (Plurinational State of), Bosnia and Herzegovina, Bulgaria, Chile, Côte d'Ivoire, Croatia, Cyprus, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Lebanon, Malta, Mexico, Monaco, Montenegro, Norway, Panama, Paraguay, Peru, Poland, Portugal, Qatar, the Republic of Moldova, Serbia, Slovakia, Spain, Sri Lanka, Turkey, Uruguay and Venezuela (Bolivarian Republic of). Subsequently, Albania, Algeria, Angola, Armenia, Australia, Benin, Botswana, Brazil, Burkina Faso, Burundi, Cambodia, Chad, Colombia, the Congo, the Democratic Republic of the Congo, Djibouti, Ecuador, Ethiopia, Finland, Ghana, Guinea, Indonesia, Japan, Kyrgyzstan, Latvia, Libya, Lithuania, Luxembourg, Madagascar, Maldives, Mauritania, Namibia, Nicaragua, the Niger, Nigeria, the Republic of Korea, Romania, Rwanda, Solomon Islands, Somalia, Thailand, the former Yugoslav Republic of Macedonia, Togo, Uganda, Ukraine and Yemen joined the sponsors.

161. At the same meeting, the representative of Costa Rica orally revised the draft resolution.

162. Also at the same meeting, the representative of the United States of America made a statement in explanation of vote before the vote.

163. 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 21/14).

Human rights and transitional justice

164. At the 37th meeting, on 27 September 2012, the representative of Switzerland introduced draft resolution A/HRC/21/L.24, sponsored by Switzerland and co-sponsored Andorra, Argentina, Australia, Austria, Belgium, Bosnia and Herzegovina, Botswana, Bulgaria, Canada, Chile, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Georgia, Greece, Guatemala, Honduras, Iceland, Ireland, Italy, Latvia, Libya, Liechtenstein, Montenegro, the Netherlands, Norway, Palestine, Peru, Poland, Portugal, the Republic of Moldova, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Tunisia, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Subsequently, Albania, Brazil, Burundi, the Congo, the Democratic Republic of the Congo, Djibouti, Ecuador, Germany, Hungary, Japan, Lithuania, Luxembourg, Maldives, Mexico, Morocco, Panama, the Republic of Korea, Senegal, the former Yugoslav Republic of Macedonia and Uruguay joined the sponsors.

165. At the same meeting, the representative of Switzerland orally revised the draft resolution.

166. Also at the same meeting, the representative of the Russian Federation made general comments in relation to the draft resolution.

167. 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 21/15).

The rights to freedom of peaceful assembly and of association

168. At the 37th meeting, on 27 September 2012, the representative of the United States of America introduced draft resolution A/HRC/21/L.25, sponsored by the Czech Republic, Indonesia, Lithuania, Maldives, Mexico, Nigeria and the United States of America and co-sponsored by Albania, Argentina, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Luxembourg, Malta, Montenegro, the Netherlands, Norway, Peru, Poland, Portugal, the Republic of Moldova, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey and the United Kingdom of Great Britain and Northern Ireland. Subsequently, Botswana, Brazil, Colombia, Ghana, Guinea, Japan, the Republic of Korea, Rwanda, San Marino, Senegal, the former Yugoslav Republic of Macedonia, Ukraine and Uruguay joined the sponsors.

169. At the same meeting, the representative of the United States of America orally revised the draft resolution.

170. 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.

171. At the same meeting, the representative of Ecuador made a statement in explanation of vote before the vote.

172. 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 21/16).

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

173. At the 37th meeting, on 27 September 2012, the representative of Senegal, on behalf of the Group of African States, introduced draft resolution A/HRC/21/L.26, sponsored by Senegal on behalf of the Group of African States. Subsequently, Austria, Botswana, Maldives and Uruguay joined the sponsors.

174. At the same meeting, the representative of Senegal orally revised the draft resolution.

175. At the same meeting, the representative of Austria, on behalf of States members of the European Union that are members of the Council, made general comments in relation to the draft resolution.

176. Also at the same meeting, the Chief of Programme Support and Management Services of OHCHR made a statement in relation to the budgetary implications of the draft resolution as orally revised.

177. Also at the same meeting, the representative of the United States of America made a statement in explanation of vote before the vote, disassociating the delegation from consensus on the draft resolution.

178. 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 21/17).

The human rights of older persons

179. At the 38th meeting, on 28 September 2012, the representatives of Argentina and Brazil introduced draft resolution A/HRC/21/L.15, sponsored by Argentina and Brazil and co-sponsored by Angola, Bolivia (Plurinational State of), Burkina Faso, Chile, Cuba,

Guatemala, Honduras, Paraguay, Peru, Qatar, Turkey, Uruguay and Venezuela (Bolivarian Republic of). Subsequently, Algeria, Armenia, Belarus, Cape Verde, Colombia, Costa Rica, Egypt, Haiti, Indonesia, Italy, Maldives, Mexico, Morocco, Nicaragua, Palestine, Panama, Senegal, South Africa, Sri Lanka and the former Yugoslav Republic of Macedonia joined the sponsors.

180. At the same meeting, the representatives of Argentina and Brazil orally revised the draft resolution.

181. Also at the same meeting, the representatives of Austria, on behalf of States 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.

182. 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.

183. 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 21/23).

Human rights and indigenous peoples

184. At the 38th meeting, on 28 September 2012, the representative of Guatemala, introduced draft resolution A/HRC/21/L.21, sponsored by Guatemala and Mexico and co-sponsored by Argentina, Australia, Austria, Bolivia (Plurinational State of), Bosnia and Herzegovina, Colombia, Costa Rica, Cuba, Denmark, the Dominican Republic, Ecuador, Estonia, Finland, Greece, Honduras, Ireland, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Spain and Uruguay. Subsequently, Armenia, Brazil, Canada, the Congo, Djibouti, Egypt, Haiti, Hungary, Iceland, Luxembourg, Malta, Poland, Slovenia, the Syrian Arab Republic, the former Yugoslav Republic of Macedonia, the United States of America, Venezuela (Bolivarian Republic of) and Yemen joined the sponsors.

185. At the same meeting, the representative of the United States of America made general comments in relation to the draft resolution.

186. 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.

187. At the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 21/24).

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

188. At the 39th meeting, on 28 September 2012, the representative of South Africa, on behalf of the Group of African States, introduced draft resolution A/HRC/21/L.27, sponsored by South Africa on behalf of the Group of African States, and co-sponsored by Bolivia (Plurinational State of), Cuba, Ethiopia, Lebanon and Venezuela (Bolivarian Republic of).

189. At the same meeting, the representative of Austria, on behalf of States members of the European Union that are members of the Council, made general comments in relation to the draft resolution.

190. Also at the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 21/29).

The right to development

191. At the 39th meeting, on 28 September 2012, the representative of Iran (Islamic Republic of) on behalf of the Non-Aligned Movement introduced draft resolution A/HRC/21/L.3, sponsored by Iran (Islamic Republic of) on behalf of the Non-Aligned Movement and co-sponsored by China, Cuba, Serbia and Uruguay. Subsequently, Algeria, Brazil, Burkina Faso, Djibouti, Guinea, Mauritania, Pakistan (on behalf of the Organization of Islamic Cooperation), Sri Lanka and the former Yugoslav Republic of Macedonia joined the sponsors.

192. At the same meeting, the representative of Iran (Islamic Republic of) orally revised the draft resolution.

193. Also at the same meeting, the Chief of Programme Support and Management Services of OHCHR made a statement in relation to the budgetary implications of the draft resolution as orally revised.

194. At the same meeting, the representatives of Austria (on behalf of States members of the European Union that are members of the Council), Switzerland and the United States of America made statements in explanation of vote before the vote.

195. At the same meeting, at the request of the United States of America, a recorded vote was taken on the draft resolution. The draft resolution, as orally revised, was adopted by 46 votes in favour, 1 against, with no abstentions.

196. For the text as adopted and voting results, see part one, chapter I, resolution 21/32.

197. At the same meeting, on 28 September 2012, the representative of Chile made a statement in explanation of vote after the vote.

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

A. Interactive dialogue with the commission of inquiry on the Syrian Arab Republic

198. At the 13th meeting, on 17 September 2012, the Chairperson of the independent international commission of inquiry on the Syrian Arab Republic, Paulo Pinheiro, presented the report of the commission of inquiry (A/HRC/21/50), pursuant to Human Rights Council resolution 19/22.

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

200. During the ensuing interactive dialogue at the 13th and 14th meetings, on the same day, the following made statements:

(a) Representatives of the following States Members of the Human Rights Council: Austria, Belgium, Botswana, Chile, China, Costa Rica, Cuba, Czech Republic, Denmark* (also on behalf of Finland, Iceland, Norway and Sweden), Ecuador, Indonesia, Italy, Jordan, Kuwait, Libya, Malaysia, Maldives, Peru, Poland, Qatar, Romania, Russian Federation, Saudi Arabia, Spain, Switzerland, Thailand, Turkey* (also on behalf of Australia, Bahrain, Belgium, Bulgaria, Canada, Colombia, Côte d'Ivoire, Croatia, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Japan, Jordan, Kuwait, Libya, Luxembourg, Maldives, Mexico, Monaco, Morocco, New Zealand, Norway, Portugal, Qatar, Romania, Saudi Arabia, Slovenia, Spain, Saint Kitts and Nevis, Sweden, Tunisia, the United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland and the United States of America), United States of America, Uruguay;

(b) Representatives of the following observer States: Australia, Brazil, Bulgaria, Canada, Croatia, Democratic People's Republic of Korea, Egypt, France, Germany, Honduras, Ireland, Iran (Islamic Republic of), Japan, Lithuania, Morocco, Paraguay, Portugal, Republic of Korea, Slovakia, Slovenia, Tunisia, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of);

(c) Observer for the Holy See;

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

(e) Observers for the following non-governmental organizations: Amnesty International, Cairo Institute for Human Rights Studies, Nord-Sud XXI, Press Emblem Campaign, Union of Arab Jurists, Verein Sudwind Entwicklungspolitik.

201. At the 14th meeting, the Chairperson of the commission of inquiry answered questions and made concluding remarks.

B. Country reports of the Secretary-General and the United Nations High Commissioner for Human Rights

202. At the 14th meeting, on 17 September 2012, the United Nations High Commissioner for Human Rights presented the report of the Secretary-General on the implementation of

* Observer of the Human Rights Council speaking on behalf of Member and observer States..

Human Rights Council resolution 19/22 on the situation of human rights in the Syrian Arab Republic (A/HRC/21/32).

203. At the same meeting, the High Commissioner made an oral statement on the situation of human rights in Northern Mali (A/HRC/21/64).

204. Also at the same meeting, the representative of Mali made a statement as the State concerned.

C. General debate on agenda item 4

205. At its 14th and 15th meetings, on 17 September 2012, and at its 16th meeting, on 18 September, the Human Rights Council held a general debate on agenda item 4, during which the following made statements:

(a) Representatives of the following States Members of the Human Rights Council: Belgium, China, Cuba, Cyprus* (on behalf of the European Union, Albania, Croatia, Iceland, Liechtenstein, Montenegro and the former Yugoslav Republic of Macedonia), Czech Republic, Ecuador, Norway, Pakistan* (on behalf of the Organization of Islamic Cooperation), Poland, Senegal (on behalf of the Group of African States), Slovenia* (also on behalf of Austria and Croatia), Spain, Switzerland, United States of America;

(b) Representatives of the following observer States: Argentina, Armenia, Australia, Bahrain, Belarus, Canada, Democratic People's Republic of Korea, Denmark, France, Germany, Iran (Islamic Republic of), Ireland, Japan, Morocco, Myanmar, Netherlands, New Zealand, Slovakia, Sweden, United Kingdom of Great Britain and Northern Ireland;

(c) 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 Legal Resource Centre, Baha'i International Community, Cairo Institute for Human Rights Studies, Center for Environmental and Management Studies, Center for Inquiry, Centre Europe – Tiers Monde, Centrist Democratic International, Centro de Estudios Legales y Sociales (CELS) Asociación Civil (also on behalf of Conectas Direitos Humanos), 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 Democracy Coalition Project, East and Horn of Africa Human Rights Defenders Projects, Espace Afrique International (also on behalf of Comité international pour le respect et l'application de la Charte africaine des droits de l'homme et des peuples), European Region of the International Lesbian and Gay Federation, France Libertés: Fondation Danielle Mitterrand, Helsinki Foundation for Human Rights, Human Rights Watch, Indian Council of South America, Indian Movement "Tupaj Amaru" (also on behalf of the World Peace Council), Institute for Women's Studies and Research (also on behalf of the Charitable Institute for Protecting Social Victims and the Islamic Women's Institute of Iran), International Association of Schools of Social Work, International Buddhist Relief Organisation, International Commission of Jurists, International Educational Development Inc., International Federation for Human Rights Leagues, International Fellowship of Reconciliation, International Human Rights Association of American Minorities, International Humanist and Ethical Union, International Movement Against All Forms of Discrimination and Racism, Iranian Elite Research Center; Liberation, Maryam Ghasemi Educational Charity Institute, Minority Rights Group, Mouvement contre le racisme et pour l'amitié entre les peuples, Nonviolent Radical Party, Transnational and Transparty, Nord-Sud XXI, Organisation pour la communication en Afrique et de promotion de la coopération économique internationale – OCAPROCE

Internationale, Organization for Defending Victims of Violence (also on behalf of the Khiam Rehabilitation Center for Victims of Torture and the Maryam Ghasemi Educational Charity Institute), Pasumai Thaayagam Foundation, Press Emblem Campaign, Rencontre africaine pour la défense des droits de l'homme, Society for Threatened Peoples, Syriac Universal Alliance; Union of Arab Jurists (also on behalf of the General Arab Women Federation), United Schools International, United Towns Agency for North-South Cooperation; Verein Sudwind Entwicklungspolitik, Women's Human Rights International Association, World Barua Organization, World Environment and Resources Council, World Federation of Democratic Youth (also on behalf of France Libertés: Fondation Danielle Mitterrand, and the International Youth and Student Movement for the United Nations), World Muslim Congress.

206. At the 15th meeting, on 17 September 2012, statements in exercise of the right of reply were made by the representatives of Armenia, Azerbaijan, Belarus, Venezuela (Bolivarian Republic of) and Zimbabwe.

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

208. At the 16th meeting, on 18 September 2012, statements in exercise of the right of reply were made by the representatives of Bahrain, China, Cuba, Ethiopia, Honduras, Paraguay, the Sudan and Uzbekistan.

D. Consideration of and action on draft proposals

Situation of human rights in Mali

209. At the 38th meeting, on 28 September 2012, the representative of Senegal, on behalf of the Group of African States, introduced draft resolution A/HRC/21/L.9/Rev.1, sponsored by Senegal, on behalf of the Group of African States, and co-sponsored by Bulgaria, France and Monaco. Subsequently, Australia, Austria, Belgium, Canada, Croatia, the Czech Republic, Denmark, Finland, Greece, Guinea, Iceland, Ireland, Italy, Japan, Luxembourg, Montenegro, Norway, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, Serbia, Slovenia, Spain, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland and the United States of America joined the sponsors.

210. At the same meeting, the representatives of Austria, on behalf of States members of the European Union that are members of the Council, and Djibouti, on behalf of the International Organization of la Francophonie, made general comments in relation to the draft resolution.

211. At the same meeting, the representative of Mali made a statement as the State concerned.

212. At the same meeting, the draft resolution as was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 21/25).

Situation of human rights in the Syrian Arab Republic

213. At the 38th meeting, on 28 September 2012, the representative of Morocco introduced draft resolution A/HRC/21/L.32, sponsored by Jordan, Kuwait, Libya, Morocco, Qatar, Saudi Arabia and Tunisia and co-sponsored by Australia, Austria, Bahrain, Belgium, Botswana, Bulgaria, Chile, Côte d'Ivoire, Croatia, Cyprus, the Czech Republic, Denmark, Djibouti, Egypt, Estonia, Finland, France, Georgia, Germany, Greece, Honduras, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Maldives, Malta, Monaco,

Montenegro, the Netherlands, New Zealand, Nigeria, Norway, Poland, Portugal, the Republic of Moldova, Romania, Saint Kitts and Nevis, Slovakia, Slovenia, Spain, the Sudan, Sweden, Switzerland, Turkey, the United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Yemen. Subsequently, Andorra, Burkina Faso, Canada, Costa Rica, Iraq, Liechtenstein, Mexico, the Republic of Korea, San Marino, Senegal and the former Yugoslav Republic of Macedonia joined the sponsors.

214. At the same meeting, the representatives of Austria (on behalf of States members of the European Union that are members of the Council), China, Cuba, Ecuador, India, the Russian Federation and the United States of America made general comments in relation to the draft resolution.

215. Also at the same meeting, the Syrian Arab Republic made a statement as the country concerned.

216. 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.

217. At the same meeting, at the request 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 3 abstentions.

218. For the text as adopted and voting results, see part one, chapter I, resolution 21/26.

V. Human rights bodies and mechanisms

A. Panel discussions

Panel discussion on reprisals against individuals and groups who cooperate with the United Nations and its mechanisms in the field of human rights

219. At its 9th meeting, on 13 September 2012, the Human Rights Council held a panel discussion on the issue of intimidation or reprisal against individuals and groups who cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, in accordance with Human Rights Council decision 18/118. A statement on behalf of the President of the Human Rights Council was read. At the same meeting, a video message by the Secretary-General was shown.

220. The United Nations High Commissioner for Human Rights made opening remarks for the panel. The Chairperson of the Board of the International Service for Human Rights, Mehr Khan Williams, moderated the discussion.

221. At the same meeting, the panellists Szabolcs Takács, Michel Forst, Claudio Grossman and Hassan Shire Sheikahmed made statements.

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

(a) Representatives of the following States Members of the Human Rights Council: Chile, China, Cuba, Poland, Russian Federation, Saudi Arabia, Switzerland (also on behalf of Austria, Liechtenstein and Slovenia), United States of America, Uruguay;

(b) Representatives of the following observer States: Argentina, Bahrain, France, Honduras, Republic of Korea;

(c) Observer for a national human rights institution: Defensoría del Pueblo of Ecuador (on behalf of the Network of National Human Rights Institutions of the Americas) (by video message);

(d) Observers for the following non-governmental organizations: Amnesty International, International Federation for Human Rights Leagues (also on behalf of Rencontre africaine pour la défense des droits de l'homme and the Palestinian Centre for Human Rights).

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

224. The following made statements during the second speaking slot:

(a) Representatives of the following States Members of the Human Rights Council: Czech Republic, Ecuador, Norway, Qatar, Spain;

(b) Representatives of the following observer States: Australia, Belarus, Denmark, Ireland, Morocco, Paraguay, Sri Lanka, Sweden, United Kingdom of Great Britain and Northern Ireland;

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

(d) Observers for the following non-governmental organizations: Cairo Institute for Human Rights Studies, CIVICUS – World Alliance for Citizen Participation, Lawyers' Rights Watch Canada.

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

B. Complaint procedure

226. At its 15th meeting, on 17 September 2012, and at its 35th meeting, on 26 September, the Human Rights Council held two closed meetings on the complaint procedure.

227. At its 36th meeting, the President of the Human Rights Council made a statement on the outcome of the meetings, stating that the Council, in closed meetings, had examined the situation of human rights in Eritrea and the situation of trade unions and their members and leaders, as well as of human rights defenders, in Iraq, under its complaint procedure established pursuant to Council resolution 5/1.

228. The Human Rights Council decided, in accordance with paragraph 109 (d) of the annex to its resolution 5/1, to discontinue its review of the situation of human rights in Eritrea under the complaint procedure in order to take up public consideration of the same in the context of the implementation of Council resolution 20/20. The Council adopted a confidential resolution on Eritrea and decided to make it public as Council resolution 21/1.

229. The Human Rights Council also decided to discontinue its consideration of the situation of trade unions and their members and leaders, as well as of human rights defenders, in Iraq.

C. Expert Mechanism on the Rights of Indigenous Peoples

230. At the 16th meeting, on 18 September 2012, the Chairperson-Rapporteur of the Expert Mechanism on the Rights of Indigenous Peoples, Wilton Littlechild, presented the reports of the Expert Mechanism (A/HRC/21/52, 53, 54 and 55).

231. At the same meeting, and at the 18th meeting, on 18 September 2012, the Human Rights Council held an interactive dialogue on the human rights of indigenous peoples (see paras. 87 – 94 above).

D. Interactive dialogue with the Advisory Committee

232. At the 18th meeting, on 18 September 2012, the Vice-Chairperson of the Advisory Committee, Jean Ziegler, presented the reports of the Committee (A/HRC/21/56, 57, 58 and 66).

233. During the ensuing interactive dialogue, at the 18th meeting, on 18 September 2012, and at the 20th meeting, on 19 September 2012, the following made statements:

(a) Representatives of the following States Members of the Human Rights Council: Cuba, Russian Federation, Switzerland, United States of America;

(b) Representatives of the following observer States: Algeria, Bolivia (Plurinational State of), Ireland, Republic of Korea, Venezuela (Bolivarian Republic of);

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

(d) Observers for the following non-governmental organizations: European Region of the International Lesbian and Gay Federation (also on behalf of Federatie van Nederlandse Verenigingen tot Integratie van Homoseksualiteit – COC Nederland),

Federatie van Nederlandse Verenigingen tot Integratie van Homoseksualiteit – COC Nederland, Indian Movement “Tupaj Amaru”.

234. At the 39th meeting, on 28 September 2012, the President made the following oral statement with regard to the reports by the Advisory Committee:

“The Human Rights Council took note of the reports of the Advisory Committee on its seventh, eighth and ninth sessions (A/HRC/AC/7/4, A/HRC/AC/8/8 and A/HRC/AC/9/6), of the recommendations contained therein, as well as of the research proposals contained in text 9/1.”

E. General debate on agenda item 5

235. At its 20th meeting, on 19 September 2012, and at its 25th and 27th meetings, on 21 September 2012, the Human Rights Council held a general debate on agenda item 5, during which the following made statements:

(a) Representatives of the following States Members of the Human Rights Council: China, Cyprus* (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), Hungary, Latvia* (also on behalf of Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Chile, Colombia, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Italy, Japan, Lebanon, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Mexico, Monaco, Montenegro, the Netherlands, Norway, Panama, Peru, Poland, Portugal, Qatar, the Republic of Korea, the Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, Tunisia, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Uruguay), Republic of Moldova, Senegal (on behalf of the Group of African States);

(b) Observer for an intergovernmental institution: Council of Europe;

(c) Observers for the following non-governmental organizations: Amnesty International, Association of World Citizens, Indian Movement “Tupaj Amaru” (also on behalf of the World Peace Council), International Buddhist Relief Organisation, International Service for Human Rights (also on behalf of the Asian Legal Resource Centre, the Cairo Institute for Human Rights Studies, CIVICUS – World Alliance for Citizen Participation, the Commonwealth Human Rights Initiative and the East and Horn of Africa Human Rights Defenders Project), Liberation, Nord-Sud XXI, Organization for Defending Victims of Violence, Permanent Assembly for Human Rights (also on behalf of the American Association of Jurists, the International Association of Peace Messenger Cities and the World Council of Churches), Rencontre africaine pour la défense des droits de l’homme, Tchad agir pour l’environnement, Verein Sudwind Entwicklungspolitik, World Barua Organization, World Environment and Resources Council.

F. Consideration of and action on draft proposals

Situation of human rights in Eritrea

236. At its 35th closed meeting, on 26 September 2012, the Human Rights Council decided to make public the resolution, which it adopted without a vote, relating to its consideration of the situation of human rights in Eritrea under the complaint procedure established pursuant to Human Rights Council resolution 5/1. (see paras. 226 to 229 above; for the text as adopted, see part one, chapter I, resolution 21/1).

Human rights and issues related to terrorist hostage-taking

237. At the 37th meeting, on 27 September 2012, the representative of Senegal, on behalf of the Group of African States, introduced draft resolution A/HRC/21/L.8, sponsored by Senegal on behalf of the Group of African States. Subsequently, Bangladesh, Colombia, Cuba, India, the Russian Federation, Sri Lanka and the United Arab Emirates (on behalf of the Group of Arab States) joined the sponsors.

238. At the same meeting, the representative of the United States of America made general comments in relation to the draft resolution.

239. At the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 21/18).

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

240. At the 37th meeting, on 27 September 2012, the representative of Bolivia (Plurinational State of) introduced draft resolution A/HRC/21/L.23, sponsored by Bolivia (Plurinational State of), Cuba, Ecuador and South Africa, and co-sponsored by the Congo, Djibouti, Guatemala, Nicaragua, Palestine, Sri Lanka and Venezuela (Bolivarian Republic of). Subsequently, Angola, Argentina, Burkina Faso, the Dominican Republic, Ethiopia, Guinea, Mali and Uganda joined the sponsors.

241. At the same meeting, the representative of Bolivia (Plurinational State of) orally revised the draft resolution.

242. Also at the same meeting, the representatives of Cuba and the United States of America made general comments in relation to the draft resolution.

243. 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.

244. At the same meeting, the representatives of Austria (on behalf of States members of the European Union that are members of the Council), Mexico, Norway and Senegal made statements in explanation of vote before the vote.

245. Also at the same meeting, at the request of the United States of America, a recorded vote was taken on the draft resolution as orally revised. The draft resolution was adopted by 23 votes in favour, 9 against, with 15 abstentions.

246. At the same meeting, the representative of Thailand made a statement in explanation of vote after the vote.

247. For the text as adopted and voting results, see part one, chapter I, resolution 21/19.

VI. Universal periodic review

248. Pursuant to General Assembly resolution 60/251, Human Rights Council resolutions 5/1 and 16/21, Human Rights Council decision 17/119 and President's statements PRST/8/1 and PRST/9/2 on modalities and practices for the universal periodic review process, the Council considered the outcome of the reviews conducted during the thirteenth session of the Working Group on the Universal Periodic Review, held from 21 May to 4 June 2012.

A. Consideration of universal periodic review outcomes

249. In accordance with paragraph 4.3 of President's statement PRST/8/1, the section below contains a summary of the views expressed on the outcome by States under review, Member and observer States of the Human Rights Council, as well as general comments made by other stakeholders before the adoption of the outcome by the plenary.

Bahrain

250. The review of Bahrain was held on 21 May 2012 in conformity with all the relevant provisions contained in relevant Human Rights Council resolutions and decisions, and was based on the following documents:

(a) The national report submitted by Bahrain in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/13/BHR/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/13/BHR/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/13/BHR/3).

251. At its 19th meeting, on 19 September 2012, the Human Rights Council considered and adopted the outcome of the review of Bahrain (see section C below).

252. The outcome of the review of Bahrain comprises the report of the Working Group on the Universal Periodic Review (A/HRC/21/6), the views of Bahrain concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/21/6/Add.1).

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

253. The head of delegation and Minister for Foreign Affairs of Bahrain, Shaikh Khalid Bin Ahmed Bin Mohamed Al Khalifa, reaffirmed the State's commitment to human rights and to the Human Rights Council. The Government had consistently upheld these commitments through persistent efforts aimed at cultivating a pluralistic Bahraini society, and through cooperation with the Council. The Government shared the High Commissioner's vision of ensuring human rights for all and welcomed engagement with all stakeholders.

254. Bahrain, after careful deliberation and consultation, had fully accepted 145 of the 176 recommendations made at the second universal periodic review, and had partially accepted 13 more. These mainly related to criminal justice issues, the prevention of torture,

the rights of women, the protection of children and minorities, the ratification of international treaties, the fight against human trafficking, and the implementation of the recommendations of the Bahrain independent commission of inquiry and the findings of the National Dialogue. Bahrain had also accepted, in an addendum, other recommendations, including considering ratification of the Optional Protocol to the Convention against Torture. Bahrain would provide an interim report to the Council prior to the next review.

255. The delegation stated that the rule of law was an essential condition for a society that respects human rights. It presumed respect for national institutions and constitutional processes and the unequivocal rejection of excessive force, violence and sabotage. Bahrain's actions, more than its words, should dispel any doubts regarding the Government's commitment to upholding human rights through the rule of law. The Government was, however, only one actor. It could not do it alone; all segments of society had to play a constructive role.

256. The Minister was pleased to see many Bahrainis in the gallery. He extended a hand of constructive engagement to each of them adding that all had to follow the path of dialogue, not propaganda.

257. The Minister noted that every person had the right to disagree with or dissent from his or her Government, and to state that disagreement or dissent publicly, within the limits of orderly discourse in a democratic society. No one had the right to force factionalism upon a society against its will. Bahrain welcomed peaceful expressions of disagreement, but not incitements to hatred and violence, which damaged the social fabric of a nation.

258. Bahrain did not eschew bold initiatives; indeed, the Government had undertaken unprecedented reforms. A number of these had been outlined to the Human Rights Council in May. The Minister provided an update on recent initiatives, in accordance with the recommendations of the Bahrain independent commission of inquiry, including the establishment of a special investigations unit reporting to the Attorney General to investigate police misconduct. In the three months of its existence, the unit had investigated scores of police personnel at all levels; 23 prosecutions of security officials had been initiated, resulting to date in three convictions and sentences. The unit would work in conjunction with the recently appointed independent police ombudsman. Similar ombudsman functions had also been set up within the National Security Agency. The Government had paid \$2.6 million to the families of 17 deceased persons mentioned in the commission's report and had allotted a further \$3 million for the next phase of compensation for victims. The Government had prepared a new labour bill on improving the protection of workers, based on the principles of non-discrimination and collective bargaining. On 12 September, a royal order had been enacted to bring the national human rights institutions into compliance with the Paris Principles. As a fundamental priority, on 17 September 2012, 500 new police officers from all segments of society had been inducted into the police force as part of a continuing policy of inclusiveness. Bahrain had amended the definition of torture in the penal code and expanded the protections for freedom of expression to bring them into line with international law.

259. The Minister also stated that the opposition was not limited to voices speaking from abroad; indeed, the severest criticism was voiced continuously within Bahrain, beyond what was usually tolerated in other countries.

260. Bahrain was also actively pursuing its proposal to establish an Arab court of human rights within the framework of the League of Arab States.

261. The Government was committed to playing its role in activating dialogue. The King of Bahrain had repeatedly called for dialogue, and the Minister for Justice was leading the way in canvassing opinion from all political societies for this purpose.

262. The Minister emphasized that there was no limit to the State's efforts to bring about positive, lasting change in the human rights situation in Bahrain.

263. The Minister acknowledged that Bahrain faced significant challenges. Reforming government structures and restoring the culture of tolerance and understanding in all aspects of civic life took time. The leadership was committed, and the impact of the reforms was being felt.

264. The head of the delegation stated that some unfortunately believed that continued unrest on the street afforded them a political advantage. To keep up the momentum and media coverage, they fuelled the flames of extremism and violence. They rejected dialogue. They should not be encouraged.

265. The delegation reviewed certain incidents in the three months following May 2012, including 7,356 instances of tyre burning, injuries to 90 policemen (52 of whom had been rendered invalid), the death of an 18 year-old student as a result of a home-made bomb explosion, and the attack by 150 masked vandals on Sitra Police Station with a barrage of Molotov cocktails.

266. Bahrain's had put in place a number of participatory schemes to jump-start a national dialogue. The Minister highlighted his view that reconciliation required everyone to come to the table: it was right to demand that everyone serious about the issue should condemn unconditionally all violence, and all parts of society should join in. He called on all groups with political aspirations to move away from the politics of the street to the politics of the table.

2. Views expressed by Member States and observers of the Human Rights Council on the review outcome

267. During the adoption of the outcome of the review of Bahrain, 13 delegations made statements.**

268. Qatar highlighted the sincere will to interact positively and constructively with the Human Rights Council, United Nations mechanisms and the international community. Qatar greatly appreciated the acceptance of both of the recommendations that it had made. It welcomed the progress in the implementation of the recommendations made by the Bahrain independent commission of inquiry and at the universal periodic review. It commended the amendments introduced to a raft of laws and regulations relating to the functions and structure of the national human rights institution, which would bring it in to compliance with the Paris Principles.

269. Saudi Arabia noted the positive interaction of Bahrain with the Human Rights Council mechanisms by accepting most of the recommendations, including those made by Saudi Arabia. Bahrain had cooperated regularly with all procedures and United Nations human rights mechanisms, and had fulfilled its obligations through its keenness to continue the positive dialogue on human rights matters and its interest in implementing those rights through many initiatives at the institutional and legislative levels. The review was an opportunity to learn more of the measures taken including in the implementation of the recommendations made by the Bahrain independent commission of inquiry.

270. The Sudan appreciated the efforts made to implement review recommendations. It valued the importance of continuing in the same spirit of cooperation and dialogue that Bahrain had undertaken in implementing the recommendations together with the Working

** The statements of the delegations that were unable to deliver them owing to time constraints are posted, if available, on the extranet of the Human Rights Council, at <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/21stSession/Pages/Calendar.aspx>.

Group, international organizations and OHCHR, which positively reflected on human rights and on achieving progress in a short period of time. Bahrain had shown interest in providing more enjoyment of freedoms and improvements at the legislative level and in practice by accepting the majority of the recommendations, including those made by the Sudan.

271. Thailand was pleased that Bahrain had accepted most of the recommendations, particularly its recommendation that it implement the recommendations made by the Bahrain independent commission of inquiry. It commended Bahrain for the establishment of a specialized unit headed by the Minister for Justice to follow up the implementation of the commission's report as an inclusive process. Thailand stood ready to explore technical cooperation and capacity-building with Bahrain, and urged the Human Rights Council to adopt the State's outcome report.

272. The United Arab Emirates acknowledged the efforts made by Bahrain to implement the recommendations, and was certain that Bahrain had the capacity, knowledge and expertise to continue to fulfil its obligations with regard to the recommendations accepted during the second cycle of the universal periodic review. It commended Bahrain for having taken measures to reform its legislation and institutions to meet its national needs and specificities, which would guarantee dignity and the achievement of equality, social justice and equal opportunities for citizens.

273. Austria noted that Bahrain had accepted a large number of its recommendations, and looked forward to their prompt implementation. Despite the promises made, there has not been any improvement in the human rights record on the ground; it therefore called for the release of all those detained for exercising their rights to freedom of expression and of peaceful assembly. Austria called upon all actors to refrain from violence and from reprisals against human rights defenders and to engage in a meaningful dialogue. It urged the Government to continue to implement all recommendations made by the Bahrain independent commission of inquiry.

274. The United States of America was encouraged to see diverse representation of Bahraini civil society. It recalled that several States had called for the investigation and prosecution of official abuse in early 2011. It urged ensuring accountability and progress in other areas, including the integration of the police to reflect social diversity, ensuring a role for free trade unions, and the dismissal of charges against individuals engaged in peaceful political expression. It remained concerned that the Government was losing momentum, and urged it to implement those recommendations and those made at the universal periodic review.

275. Yemen had studied the State's report, as it embraced all the important issues and had been prepared with professionalism and exceptional methodology, with the cooperation of different bodies at the national level, including the participation of civil society. Bahrain had implemented important initiatives in order to reflect the concepts of human rights in everyday life. The report described the efforts made to bring all those responsible for violating human rights before civil courts and indicated that all charges relating to freedom of expression during those events had been dropped. Such efforts showed that Bahrain was moving forward in the enforcement of human rights.

276. Algeria noted that Bahrain had accepted 145 recommendations and partially accepted 13 out of the 176 made during the universal periodic review. Algeria appreciated the acceptance of two of its recommendations regarding the enactment of legislation and the protection of migrant workers. It welcomed the bill to amend the nationality law, and hoped that the constitutional procedures would be speeded up to issue the law. Algeria noted the adoption of the labour law in the public sector and the inclusion of the rights of

domestic workers. It appreciated the issuance of the royal order amending the provisions establishing a national human rights institution in accordance with international standards.

277. The United Kingdom of Great Britain and Northern Ireland welcomed the State's acceptance of 145 recommendations, its decision to establish the Bahrain independent commission of inquiry in 2011 and its commitment to implement its recommendations. While acknowledging the important strides taken, it urged Bahrain to implement the recommendations made by the commission of inquiry and at the universal periodic review. It shared its concerns on sentencing, and emphasized the right to freedom of expression and peaceful protest. It urged that any appeals should be conducted speedily and transparently, and that all parties should engage in meaningful dialogue.

278. Belarus welcomed the State's acceptance of the majority of the recommendations, particularly those made by Belarus, and that it was working to fulfil them. Belarus highlighted the steps taken by Bahrain since the previous review, including on its national legislation, the establishment of a human rights body and the creation of the institution of the Ombudsman, which testified to its commitment to international obligations and national capacity-building to promote and protect human rights. Belarus wished Bahrain success in its measures to eradicate trafficking in persons.

279. Brunei Darussalam congratulated Bahrain on its engagement with the United Nations human rights mechanisms and its cooperation with stakeholders, the United Nations and other relevant agencies to promote and protect human rights. It welcomed the State's measures to empower women economically, socially and politically and its efforts to implement the recommendations made by the Bahrain independent commission of inquiry.

280. China appreciated the State's constructive attitude towards the universal periodic review. It welcomed its decision to join the Convention on the Rights of Persons with Disabilities and appreciated its measures to protect the rights of women, children and persons with disabilities. It noted that Bahrain had strengthened its capacity-building and ran projects to train its officials, although it faced challenges in protecting and promoting human rights. China believed that, with the joint efforts of the Government and the people, Bahrain would make progress in socio-economic terms and human rights.

3. General comments made by other stakeholders

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

282. The International Federation for Human Rights Leagues stated that Bahrain denied fundamental rights and attacked the population, creating an atmosphere of mistrust and fear. It had documented the excessive use of force by the police forces, repression of witnesses and victim's families, the criminalization of human rights defenders for participating in peaceful protests, and cases of torture and inhuman treatment, as well as confessions exacted under torture not being investigated. It called upon Bahrain to cooperate with non-governmental organizations and to lift restrictions on access to and movement in the country.

283. Human Rights Watch urged Bahrain to implement the recommendations it had accepted, including holding security forces to account for such rights abuses as torture and the death of detainees in custody, while including in the investigations high-ranking officers; to quash the verdicts and release immediately individuals convicted solely for participating in peaceful demonstrations, and to allow their citizens to exercise the right without fear of suppression or prosecution; to end intimidation and harassment of human rights defenders; to end unnecessary restrictions on foreign journalists and international human rights organizations; and to set a time frame for the implementation of the

recommendations made by the Bahrain independent commission of inquiry. Human Rights Watch was concerned over the Penal Code and the law regulating associations.

284. Verein Sudwind Entwicklungspolitik had observed many human rights violations since the previous review, including the prosecution of human rights defenders, a ban on civil society organizations, and cases of impunity. It regretted the State's rejection of recommendation 115.16, to align its national legislation with the Rome Statute of the International Criminal Court. It noted the critical situation of foreign workers. Südwind recommended that Bahrain implement the International Convention on Civil and Political Rights, the Convention against Torture and the Convention on the Elimination of Discrimination against Women; abolish the death penalty; allow access of independent monitoring and civil society organizations to all places of detention; and change the Labour Code to legally protect foreign and domestic workers and the rights of trafficked persons.

285. The Cairo Institute for Human Rights Studies stated that since the previous session of the universal periodic review, the human rights situation had continued to deteriorate. The Government continued to commit widespread violations. There was excessive use of force to repress daily protests. Arbitrary arrests, home raids and the beating and insulting of the detainees were also ongoing. Many detainees were held in inhumane conditions in prisons and subjected to torture; there were 1,400 political prisoners, including many children. The targeting of human rights defenders and the use of reprisals had dramatically escalated.

286. Reporters Without Borders stated that 20 human rights defenders had been sentenced to life imprisonment; others had been sentenced to 15 years. Bahrain had prohibited the access of foreign journalists and international non-governmental organizations. It regretted that Bahrain had not implemented the most important recommendations made by the Bahrain independent commission of inquiry, namely the release of those imprisoned for exercising their right to freedom of expression and peaceful assembly, and bringing to justice the officials involved in human rights violations. Of the 176 recommendations made, practically nothing had been done to implement them. It urged the Human Rights Council to call upon Bahrain to account for its acts.

287. Amnesty International welcomed the acceptance of recommendations relating to fair-trial guarantees, but remained concerned at the recent clampdowns despite the State's repeated assurances to respect the rights to freedom of expression and association, and the harsh sentences imposed on prisoners of conscience and human rights defenders. The authorities had not taken sufficient steps towards justice and accountability, and the outcome of investigations into allegations of torture had not been made public. It regretted the State's refusal to align national law with the Rome Statute and other national laws that currently criminalized the freedoms of expression, association and assembly.

288. In a joint statement, the Union of Arab Jurists and Nord-Sud XXI welcomed the State's reform of its media laws, but expressed concern at its delay. They urged Bahrain to act without delay and to ensure freedom of opinion and expression. It was concerned at the State's censorship of Internet websites. It noted serious violations against children and therefore called upon Bahrain to implement stronger laws to protect them, and also to investigate crimes involving them. They regretted the slow changes in the judicial system.

289. In a joint statement, the Indian Council of South America, Organisation pour la communication en Afrique et de promotion de la coopération économique internationale, the Islamic Women's Institute of Iran and Tchad agir pour l'environnement congratulated Bahrain on its acceptance of the majority of the recommendations, including on reforming media laws and the Penal Code and Code of Criminal Procedure, which would grant the right of freedom of expression. They called for the implementation of the recommendations

made by the Bahrain independent commission of inquiry, and urged it to reform laws on the death penalty.

290. The Worldwide Organization for Women recalled that cases of doctors and medics who had been detained, tortured and tried in military courts were still pending, and some were still in prison. People who had been injured or mutilated were afraid to seek medical help at hospitals, which were still under military occupation; victims were certain that they would be kidnapped if their wounds were considered suspicious. Some 150 children had been arbitrarily arrested and many were still detained. It urged that harassment against human rights defenders and their families be stopped.

291. CIVICUS – World Alliance for Citizen Participation stated that there were no men left in many villages and neighbourhoods, as most were behind bars; women had thus been left with no income, and suffered from humiliation, blackmail, harassment and arrest. It recommended on behalf of the victims and their families that all prisoners of conscience, political prisoners and human rights activists be released immediately; that a permanent United Nations human rights officer be based in Bahrain to monitor and report on the human rights situation; that a special procedure be assigned to Bahrain; and that a special hearing on Bahrain be held in the Human Rights Council.

4. Concluding remarks of the State under review

292. Bahrain thanked fellow member States and OHCHR for having assisted it in its efforts to follow the highest standards of respect for human rights, and looked forward to benefiting further from their assistance.

Ecuador

293. The review of Ecuador was held on 21 May 2012 in conformity with all the relevant provisions contained in relevant Human Rights Council resolutions and decisions, and was based on the following documents:

(a) The national report submitted by Ecuador in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/13/ECU/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/13/ECU/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/13/ECU/3).

294. At its 19th meeting, on 19 September 2012, the Human Rights Council considered and adopted the outcome of the review of Ecuador (see section C below).

295. The outcome of the review of Ecuador comprises the report of the Working Group on the Universal Periodic Review (A/HRC/21/4), the views of Ecuador concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group.

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

296. The head of the delegation, the Permanent Representative of Ecuador to the United Nations at Geneva, Luis Gallegos Chiriboga, noted that Ecuador had participated actively in its review, and highlighted the progress made in the area of human rights during the past five years.

297. During the past year, Ecuador had received the visit of two United Nations special procedure mandate holders, namely the Special Rapporteur on contemporary forms of slavery, who conducted a follow-up mission, and more recently the Special Rapporteur on education.

298. Ecuador had also exchanged correspondence with OHCHR with a view to inviting the High Commissioner to visit the country. Regrettably, owing to the programme of work of the High Commissioner, the visit would not be made in 2012. Ecuador reiterated its invitation during the interactive dialogue, hoping that the High Commissioner would respond positively in the near future.

299. Ecuador had participated in its review with a high-level delegation headed by the Vice-President of Ecuador and other senior government officials. It expressed its appreciation for the valuable comments, questions and recommendations made by 73 States.

300. Ecuador had received 67 recommendations, of which it accepted 64 and noted three that were not compatible with its Constitution and the international human rights instruments that Ecuador had ratified. As reflected in the report of the Working Group, the delegation that participated in the review had provided a detailed response on why these three recommendations had been noted.

301. Ecuador had provided information on its position on all the recommendations received during the adoption of the report of the Working Group. Ecuador had accepted 96 per cent of the recommendations, thus demonstrating an absolute, sincere and transparent commitment to human rights. It had also reiterated and specified its five voluntary pledges:

(a) To continue its efforts to implement a human rights information system with the support of OHCHR;

(b) To share with the public sector and civil society the recommendations and voluntary commitments made at the second universal periodic review;

(c) To share its experience and to provide countries concerned with assistance relating to its programmes in the field of the inclusion of persons with disabilities;

(d) To develop monitoring mechanisms for following up on the implementation of recommendations made at the universal periodic review;

(e) To ratify the Protocol establishing a communications procedure relating to the Convention of the Rights of the Child.

302. With regard to freedom of expression, Ecuador had accepted most recommendations in this regard, on, inter alia, the visit of the Special Rapporteur on freedom of expression and opinion to the country (Belgium and Latvia), the elimination of existing criminal defamation provisions (*desacato* laws) (Canada, Norway, Belgium, France), facilities for different civil society actors to express their views and opinions with responsibility and objectivity (Holy See), and guaranteeing everyone the enjoyment of freedom of expression (Luxembourg).

303. The delegation referred to a number of issues highlighted by delegations during its review when recognizing progress made in the area of human rights, such as in the areas of the paradigm of "good living"; economic, social and cultural rights; civil and political rights; and the human rights of persons in situations of vulnerability.

304. On the issue of previous, free and informed consultations, Ecuador reiterated its commitment to this obligation, reflected in its Constitution. Administrative and legal reforms were ongoing in good faith with a view to comply with the decision of the Inter-American Court of Human Rights on the case of the indigenous Sarayaku people.

305. With regard to progress made in the institutionalization of mechanisms for follow-up to the implementation of recommendations and voluntary pledges, Ecuador noted that the following actions were being taken:

(a) An inter-ministerial committee for follow-up to the universal periodic review was being established. The committee would follow up on the implementation of review recommendations and voluntary pledges, elaborate, approve and implement an annual work plan for the written and oral presentation of universal periodic review reports, and promote the implementation of recommendations by relevant State institutions. The committee, which would be established by inter-ministerial decree, would also promote dialogue with different public sectors and civil society. This proposal has been also shared with the Human Rights Adviser for Ecuador from OHCHR.

(b) In the presentation of the report of the nation for 2012 before the National Assembly, the Minister for Foreign Affairs had emphasized the importance of the universal periodic review. This reflected the great importance that Ecuador paid to the review and its political support for the implementation of review recommendations.

(c) Ecuador was also in the process of developing a human rights information system and defining indicators for all rights contained in the Constitution, with the technical assistance and cooperation of OHCHR. The methodology being used sought to identify and systematize international and regional human rights obligations and standards, and general observations and recommendations made by United Nations treaty monitoring bodies and special procedures. It was expected that this methodology would:

(i) Inform and guide public policy, and the legislative agenda;

(ii) Serve to assess the status of compliance with international human rights obligations;

(iii) Serve as a source of credible and reliable information for the population at large, in particular for public officials and justice operators. The system was expected to be available by the end of 2012/beginning of 2013 on the Internet, with free access to all.

306. Ecuador announced that, once the outcome of its review was adopted, it would initiate a comprehensive process for the dissemination and socialization of the review recommendations and voluntary pledges with public officials and civil society.

2. Views expressed by Member States and observers of the Human Rights Council on the review outcome

307. During the adoption of the outcome of the review of Ecuador, 13 delegations made statements.**

308. The Democratic People's Republic of Korea expressed its appreciation for the priority and commitment of Ecuador as demonstrated in the process of preparation and participation in the session of the Working Group. It commended Ecuador for upholding the fundamental principle of international human rights law and appreciated its commitments and positive efforts in furthering its activities in the protection and promotion of human rights.

309. Cuba recognized the progress made by Ecuador in the implementation of the recommendations made at its review. It commended Ecuador for accepting the vast majority of recommendations, which reflected the firm commitment of Ecuador to continue to promote human rights. It highlighted in particular the progress made in the implementation of policies aimed at combating poverty, guaranteeing the rights to health and education, and programmes and measures to reverse structural problems of inequality,

social exclusion and discrimination. Cuba reiterated its solidarity and cooperation with Ecuador.

310. The Islamic Republic of Iran thanked Ecuador for having provided an update on the situation of human rights in the country. It noted that Ecuador had accepted a number of recommendations made by different delegations, including its own recommendations. It also appreciated the continued commitment of Ecuador to the promotion and protection of human rights.

311. The United States of America was pleased to learn that Ecuador had agreed to a visit by the Special Rapporteur on freedom of opinion and expression. It remained concerned about attacks on freedom of expression, and called upon Ecuador to take the necessary steps in this regard. Concerning recommendation 135.31, it encouraged Ecuador to continue its efforts to promote an independent judiciary. Concerning recommendation 135.38, it urged Ecuador to repeal criminal defamation laws and to adopt international standards on freedom of expression.

312. Lebanon commended Ecuador for its commitment to the promotion of human rights. It noted the cooperation of Ecuador with human rights mechanisms, including the Human Rights Council and the universal periodic review. It also noted that Ecuador had accepted most of the recommendations made during its review, and encouraged Ecuador to continue its endeavours, in particular in the fields of combating poverty, achieving the Millennium Development Goals and respecting cultural and ethnic diversity.

313. Malaysia appreciated the State's transparent, constructive and forthcoming engagement in the universal periodic review. It was pleased to see the State's response concerning the role of specialized judges in cases of violence against women and domestic violence. Ecuador had accepted 64 recommendations, including those made by Malaysia, of which 61 had been implemented or were in the process of implementation. Like all countries, Ecuador needed time and space to achieve improvements in the promotion and protection of human rights.

314. Morocco noted the State's renewed commitment to the promotion and protection of human rights. The achievements made through the implementation of the State's strategy were intended to ensure the civil, political, social, economic and cultural human rights of all. It commended Ecuador for its voluntary pledges and commitments, in particular regarding the development of monitoring mechanisms for the implementation of recommendations made at its review, and the announcement of the ratification of communication procedures relating to human rights treaties.

315. Myanmar thanked Ecuador for updating the Human Rights Council on its achievements. It commended Ecuador for having accepted the vast majority of recommendations, including those made by Myanmar. It also commended Ecuador for making five voluntary pledges and commitments; such action was evidence of the State's seriousness and commitment to the promotion and protection of human rights.

316. The Philippines commended Ecuador for its commitment to strengthening its policies for human rights, especially for women, children and indigenous people. It appreciated the fact that Ecuador had accepted the recommendation made by the Philippines to consider ratifying the Domestic Worker's Convention, 2011 (No.189) of the International Labour Organization (ILO), and welcomed its efforts to eliminate child labour. It also welcomed the State's commitment to the protection of the rights of migrant workers, and noted with appreciation its ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

317. The Russian Federation thanked the delegation for its participation in the adoption of the report. It was pleased to note that Ecuador had accepted most recommendations. It

particularly noted the acceptance of the recommendations made by the Russian Federation on improving the judicial system, the reform of police and law enforcement bodies, and reducing the level of crime and corruption, which was a clear testimony of the resolve of Ecuador to strengthen the promotion and protection of human rights.

318. South Africa appreciated the fact that Ecuador had clarified its position on all recommendations received. It reiterated its appreciation for the progress made by Ecuador in poverty eradication and its continuous efforts to create a just and equal society. It commended the State's voluntary pledges and commitments, which demonstrated its commitment to the promotion and protection of human rights.

319. Sri Lanka thanked Ecuador for the comprehensive update. It congratulated Ecuador on its acceptance of 96 per cent of the recommendations, including those made by Sri Lanka. It commended the five voluntary pledges and commitments made by Ecuador. It took note of the concept of "good living" promoted by Ecuador, which strove for the comprehensive development of all the citizens, peoples and nationalities without discrimination. It welcomed the significant progress made by Ecuador in the economic, social and cultural spheres.

320. The Bolivarian Republic of Venezuela commended Ecuador for its open cooperation with the universal periodic review mechanism, which reflected its commitment to the promotion and protection of human rights. It recognized the efforts of Ecuador to combat poverty through sovereign economic policies, and the efforts to benefit those in need.

3. General comments made by other stakeholders

321. During the adoption of the outcome of the review Ecuador, nine other stakeholders made statements.

322. The International Commission of Jurists urged Ecuador to strengthen legislation and mechanisms to guarantee the collective rights of indigenous populations, and to report thereon to the Human Rights Council in a mid-term progress report. It regretted the fact that Ecuador had not accepted recommendations regarding its follow-up to recommendations on freedom of expression made by the Inter-American Commission on Human Rights, and to implement the right to free, prior and informed consent of indigenous peoples. It called upon Ecuador to ensure that its Constitution and legislation conformed with ILO Convention No. 169.

323. United Nations Watch noted that Ecuador had made world news when it gave asylum to the founder of WikiLeaks, and asked if this was consistent with the State's own record on freedom of expression and the press. It referred to an alarming record of official censorship and anti-press harassment, including the use of criminal and civil defamation suits to silence critics, and growing State media operations that broadcast government opinions and discredit critics.

324. Amnesty International noted the recommendations accepted on indigenous peoples, and urged Ecuador to ensure that laws, policies and measures underwent a process of consultation with the communities affected. It expressed concern regarding the consideration of recommendations 135.37, 135.39 and 135.44 as having been or in the process of implementation. Amnesty International called upon Ecuador to implement fully recommendations 135.37, 135.39, 135.40, 135.42 and 135.44, and to ensure that no criminal provisions were used to punish the legitimate exercise of human rights.

325. Save the Children International, speaking on behalf of Save the Children and the Ecuadorean Observatory of Children's Rights, noted the improvements made in the coverage of basic education, which had almost completely eliminated disparities and access to education based on ethnicity and geographic location. It referred to the problem of child

labour and violence against children. There was a need to strengthen the system for the protection of children, and to consolidate capacity to detect and monitor problems at all levels, with a special focus on border regions.

326. Istituto Internazionale Maria Ausiliatrice delle Salesiane di Don Bosco, speaking on behalf of the coalition making the statement, including Association Points-Coeur and the International Volunteerism Organization for Women, Education and Development (VIDES), noted that disparities still existed in education in Ecuador, particularly in the Afro-Ecuadorean indigenous population, despite the quotas in place. It called upon Ecuador to continue to guarantee free and quality education for all children; to carry out research to identify gaps and correct structural deficiencies; to redouble efforts to incorporate elements of Afro-Ecuadorean and indigenous cultures into teaching materials; and to include human rights education for all.

327. Nord-Sud XXI drew attention to the vision of sustainable development, in both laws and policies, and examples of good practices in the recognition of the right to water, which it hoped would be followed by other countries. It urged Ecuador to play a leading role in encouraging respect for the rights of nature and to create a special procedure on human rights and climate change. It welcomed the State's expression of willingness to cooperate to achieve the goal of press freedoms, and emphasized the importance of inclusive dialogue.

328. The Federation of Cuban Women noted that the Constitution of Ecuador recognized the principle of the equal participation of men and women in politics, and the principle of equality between men and women from a distinctive perspective, recognizing equal rights and opportunities for all family members. It highlighted and recognized the State's political willingness to work with civil society and the feminist movement in Ecuador.

329. Rencontre africaine pour la défense des droits de l'homme (RADDHO) noted the engagement of Ecuador in the promotion and protection of human rights and the various measures taken in this regard. An inclusive policy of all members of society in economic and political life was the only path towards national cohesion. It expressed concern about the exploitation of children in mines and plantations, violence against women, and the increase in incidents of intimidation of human rights defenders and journalists. It urged Ecuador to combat corruption in the judicial system and to promote human rights education and awareness to eradicate discrimination against indigenous peoples.

330. Plan International welcomed the acceptance by Ecuador of recommendations benefiting children and adolescents living in the country. It referred to the impact of school dropout rates and educational lags on children, in particular indigenous children and girls; the increase in teenage pregnancy; and concerns regarding violence against children in schools and in the family, including the use of corporal punishment as a disciplinary measure. It welcomed the commitment of Ecuador to sign and ratify the new Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

4. Concluding remarks of the State under review

331. Ecuador thanked all delegations for their interest and support for their efforts. It had taken note of all comments, which would be very useful in its plans for the implementation of recommendations.

332. The delegation of Ecuador reiterated the State's commitment to ensure the full enjoyment of universal human rights by all. Ecuador would continue to support fully the universal periodic review process and mechanism.

Tunisia

333. The review of Tunisia was held on 22 May 2012 in conformity with all the relevant provisions contained in relevant Human Rights Council resolutions and decisions, and was based on the following documents:

(a) The national report submitted by Tunisia in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/13/TUN/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/13/TUN/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/13/TUN/3).

334. At its 21st meeting, on 19 September 2012, the Human Rights Council considered and adopted the outcome of the review of Tunisia (see section C below).

335. The outcome of the review of Tunisia comprises the report of the Working Group on the Universal Periodic Review (A/HRC/21/5), the views of Tunisia concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/21/5/Add.1).

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

336. The delegation emphasized that Tunisia was undergoing a transitional period and laying the foundations for a modern State based on the rule of law, human rights and openness to universal values, while preserving its national identity and cultural heritage. Tunisia had set out to accomplish some major national tasks, such as the drafting of a new Constitution, which had been undertaken by the members of the Constituent Assembly, who had been elected by the people in free and fair elections. At the same time, the Government was preparing for the forthcoming elections, which would be decisive for the nature of the political system. The Government was also facing complex challenges in the economic and social spheres that had built up over decades.

337. In this transitional period, Tunisia was putting strong emphasis on the principle of consensus. The Constituent Assembly was thus engaging in consultations with all sectors of civil society, trade unions, professional associations, academic circles and other organizations so as to take account of their ideas and proposals in the process of drafting the Constitution and future legislation. In this spirit, the committee tasked with the elaboration of general principles for the new Constitution had decided to maintain the first section of the Constitution of 1959, which stipulated that Tunisia is a free, independent and sovereign State, whose religion is Islam, whose language is Arabic and whose political system is the republic.

338. In addition to broad consultations, commissions had been formed to consider specific issues of importance, such as transitional justice and the creation of a national mechanism for the prevention of torture. The members of these committees had been drawn mainly from civil society, as in the case of the committee tasked with the elaboration of a law for the creation of a national mechanism for the prevention of torture, which would shortly be submitted for adoption.

339. The technical commission overseeing the national dialogue on transitional justice had consulted with victims of repression, civil society organizations, political parties and others to take into account their expectations with regard to the transitional justice process.

At the same time, review and enquiry activities were continuing at the judicial and administrative levels to uncover corruption cases and to identify those involved in corruption or other violations committed against the State or individual citizens.

340. The delegation emphasized that the process of democratic transition required additional national efforts to secure reforms in the judiciary, the security sector and public administration. Discussions had been held on a proposal to set up a temporary body to oversee the judiciary and replace the Supreme Council of the Judiciary in order to comply with international standards and address deficiencies with regard to the independence of the judiciary.

341. Tunisia was also considering ways and means to improve the media sector, which was a major priority in this period, bearing in mind that the work of the media was closely linked to the democratic transition, which could not succeed with a dysfunctional media sector. The Government had therefore undertaken major consultations with professional associations in the media sector in order to find the means to guarantee the freedom, independence and integrity of the media, pursuant to the relevant provisions contained in decrees 115 and 116 of 2 November 2011.

342. The committee on freedoms and rights of the Constituent Assembly had adopted a proposal for constitutional provisions guaranteeing freedoms of opinion, expression and information, while inviting the State to encourage literary and artistic creation, which would enrich the national culture while being open to other cultures.

343. The delegation emphasized that Tunisia was committed to its international obligations in the area of human rights, regardless of the major responsibilities it faced at the national level and the expectations that the people had with regard to accountability and transitional justice, which needed to be assured prior to the initiation of the reconciliation process and the compensation of victims.

344. With regard to its second review, Tunisia had accepted more than 100 recommendations, which clearly testified to its sincere desire to cooperate with the international community and to harmonize its national legislation with international human rights treaties, with the aim of ensuring respect for human rights in practice.

345. During the review, Tunisia had, in the light of the continuing national dialogue on the drafting of the Constitution, requested the postponement of its consideration of some recommendations, including on equality in inheritance rights and the abolition of the death penalty. More time was needed before a final decision could be taken in order not to prejudice the dialogue in any way and to avoid outcomes not in line with the expectations of the people. The delegation referred again to this exceptional time for Tunisia, noting that the executive power could not today make commitments that were the prerogative of the legislative power prior to its establishment through the Constituent Assembly.

346. Despite this exceptional situation, the delegation had made every effort to accept the largest possible number of recommendations in line with the firm resolve of the Government to promote and protect human rights in all areas, in accordance with international standards, in particular in those areas on which the people had expressed themselves during the revolution.

347. The delegation noted that the cooperation and dialogue with the Human Rights Council served as an impetus for the promotion of human rights nationally, and reaffirmed the determination of the Government, the political parties and civil society to work together with international, regional and non-governmental organizations in the area of human rights. Tunisia was also keen to learn from the democratic experience of other countries, with due regard for its own cultural specificities. Since its revolution, Tunisia had taken major strides towards freedom and dignity, and had consolidated its international

cooperation on human rights, including by ratifying many treaties and concluding host country agreements with United Nations agencies and non-governmental organizations for the establishment of field offices in the country. In this spirit, tangible progress had also been made with regard to the third Optional Protocol to the Convention on the Rights of the Child, endorsed by the General Assembly in December 2011.

348. Tunisia thanked the troika and the members of the Working Group on the Universal Periodic Review for their efforts in the review of Tunisia, and expressed its respect and gratitude to the President of the Council and the High Commissioner for the support received during this decisive and difficult phase.

2. Views expressed by Member States and observers of the Human Rights Council on the review outcome

349. During the adoption of the outcome of the review of Tunisia, 13 delegations made statements.**

350. Morocco noted that, since the political transition at the beginning of 2011, Tunisia had taken major strides in building a new system based on freedom, democracy, the rule of law and equality. The measures it had taken demonstrated its deep commitment to the promotion and protection of human rights. Morocco expressed its appreciation for the State's important achievements in many areas of human rights since its second review

351. Oman commended the State's cooperation with all human rights mechanisms and its readiness to engage in international cooperation and dialogue in this area, as shown by its attention to human rights issues and the measures it had taken for their promotion and protection in connection with the recent transition process. In this regard, Oman welcomed the responsible and constructive manner with which Tunisia had approached the implementation of the recommendations that it had accepted.

352. Pakistan appreciated Tunisia's cooperative and constructive engagement with the universal periodic review process, noting that it had accepted a significant number of recommendations and was working actively towards the promotion and protection of human rights. Pakistan wished the country well in the implementation of recommendations.

353. Palestine expressed its appreciation for the State's commitment to the promotion and protection of human rights, as demonstrated by its constructive engagement with the Human Rights Council and other United Nations mechanism. Tunisia had accepted 110 of 125 recommendations, including recommendations on considering ratification of the third Optional Protocol to Committee on the Rights of Child, strengthening the role of women in society, fighting impunity, bringing perpetrators of human rights violations to account and compensate victims, and considering the abolition of the death penalty.

354. The Philippines appreciated the State's acceptance of migrants in distress, including Philippine migrant workers, despite its limited resources. It acknowledged and supported the democratic transition in Tunisia, which had brought the recognition of individual and collective rights, political pluralism, constructive dialogue and free elections. It noted the efforts made to empower women, starting with the prevention of violence against women.

355. Qatar noted that Tunisia had made considerable progress in building a democratic State and was making efforts to create the conditions, mechanisms, policies and laws to promote human rights, the rule of law and social justice. Qatar appreciated the efforts made in the implementation of universal periodic review recommendations, and encouraged Tunisia to make further efforts to consolidate the transition to democratic governance and respect for human rights, and to preserve the achievements reached at the institutional and legislative levels with regard to gender equality, freedom of expression and transitional justice.

356. Romania was aware that Tunisia had embarked on a broad process of social transformation. The content of universal periodic review recommendations, most of which had been accepted, bore witness to the scale of the challenges faced by Tunisia in this complex period. Romania hoped that the authorities would remain firm in their commitment to respect and promote human rights.

357. Saudi Arabia noted that the new Tunisia had demonstrated its cooperation with all human rights mechanisms and its readiness to engage in constructive dialogue on human rights and social and political reform, to which the Tunisian people aspired. The State's accession to several instruments in the area of civil and political rights, and the measures taken to form national human rights institutions were a sign of its genuine will to establish a system that would ensure a dignified life and prosperous future to its people.

358. South Africa welcomed the large number of recommendations accepted by Tunisia and its initiatives to ensure gender equality, freedom of expression, eradication of poverty and compliance with its human rights obligations. It encouraged Tunisia to ensure the enjoyment of all human rights by its people and wished Tunisia well for the implementation of all recommendations and its ongoing democratic reforms.

359. Togo applauded the State's efforts since the "Jasmine revolution" to recognize individual and collective rights, political pluralism and peaceful democratic dialogue. It welcomed the transitional justice process and called upon Tunisia to abolish the death penalty. It congratulated Tunisia on its efforts to improve prison conditions, and called upon the international community to support the country in addressing overcrowding through the construction of new prisons.

360. UNICEF welcomed the State's commitment to harmonize its law and national practices with the Convention on the Rights of the Child. It noted that the transition was creating a favourable environment for children's rights. It welcomed the intention of the Constituent Assembly to draft specific children's rights provisions, and underscored the importance of recognizing explicitly fundamental rights principles. It invited Tunisia to set up an independent children's rights institution, as recommended by the Committee on the Rights of Child. UNICEF offered its technical assistance for implementing recommendations on children's rights.

361. The United Arab Emirates noted that the review of Tunisia had demonstrated its commitment to human rights. It expressed appreciation for the acceptance by Tunisia of the majority of recommendations and its efforts to establish a human rights culture, to safeguard the dignity of citizens and to achieve equality, social justice and the rule of law. The United Arab Emirates welcomed the State's efforts to promote and protect human rights through cooperation with the international community, and noted the progress achieved in this regard.

362. Benin acknowledged the State's commitment and progress achieved in the promotion and protection of human rights. It recognized the progress made in implementing universal periodic review recommendations regarding the legal and institutional framework and the enjoyment of human rights. Benin encouraged Tunisia to continue its reforms, and expressed its appreciation for the openness and cooperation shown by Tunisia.

3. General comments made by other stakeholders

363. During the adoption of the outcome of the review of Tunisia, nine other stakeholders made statements.

364. Human Rights Watch regretted the State's rejection of critical recommendations and its failure to undertake judiciary reform. It urged adoption of the law on the High Council of the Judiciary. Tunisia had yet to implement decree No. 116 concerning the creation of an

independent body to supervise State broadcast media. It urged reconsideration of a proposed article of the draft Constitution that would criminalize all attacks on the “sacred”. It noted that the draft Constitution did not explicitly mention gender equality, despite supporting a review recommendation thereon.

365. Fédération internationale des ligues des droits de l’homme (FIDH) congratulated Tunisia on having accepted most recommendations, but expressed its concern regarding respect for the freedoms of opinion, belief and conscience, as well as gender equality. FIDH welcomed the Government’s efforts to enshrine the rights recognized by international instruments in the Constitution, which was even more important in the light of provisions proposed by the Constitutional Assembly that contradicted the principles of equality and freedom of expression, conscience and belief. FIDH regretted the rejection of recommendations relating to gender equality and the abolition of the death penalty, recalling that cases of torture continued to be reported by human rights organizations. FIDH highlighted the importance of judicial reform.

366. Verein Südwind Entwicklungspolitik (Südwind), while welcoming the State’s acceptance of most recommendations, urged it to eliminate discrimination based on sexuality and sexual orientation. Südwind was concerned by restrictions, applied in the name of culture and religion, of women’s rights and freedom of expression. Südwind called upon Tunisia to eliminate discrimination against women and to facilitate their equal access to health and education. It encouraged Tunisia to abolish the death penalty.

367. The Cairo Institute for Human Rights Studies noted that, in spite of Tunisia’s liberation, there had been numerous attempts to control the media and attacks against journalists, with impunity. Justice was not yet independent, and media workers were threatened. Civilians were put on trial in special courts for having expressed their opinions, and media workers were threatened by groups of fundamentalists and criminals.

368. Reporters sans Frontières similarly noted that journalists were subjected to intimidation, that the leading party attempted to control mass media by appointing persons close to the party, and that cases of abuse against journalists remained unpunished. In 2012, more than 25 journalists had been attacked by law enforcement officers during demonstrations, and others by Salafist groups. Decrees issued in 2011 to strengthen freedom of the press had not yet come into force.

369. Amnesty International welcomed the acceptance of recommendations to uphold freedom of expression, strengthen transitional justice mechanisms and combat impunity, and urged immediate implementation. However, it regretted the rejection of a recommendation to decriminalize defamation and was concerned about the continued use of repressive legislation in this area. It was also concerned at a bill to criminalize defamation of religion, and was disappointed at the rejection of recommendations to decriminalize same-sex relations and to abolish discrimination against women, as well as at the ambiguous wording on the role of women in the draft Constitution. Furthermore, it regretted the rejection of a recommendation on the abolition of the death penalty.

370. Rencontre africaine pour la défense des droits de l’homme (RADDHO) welcomed Tunisia’s democratic transition, its recognition of individual and collective rights, political pluralism, and free elections. It welcomed the establishment of a ministry of human rights and transitional justice and the ongoing judicial reform, which it hoped would improve prison conditions and the fight against impunity. It encouraged further investigation and prosecution of incidents of torture, and support for the victims. It commended the inclusion of women rights in development programmes. RADDHO was concerned about violence between police officers and demonstrators, and the ill-treatment of detainees. It invited Tunisia to increase citizens’ participation in public life, to strengthen children’s rights protection, and to include youth in development plans.

371. The Association for the Prevention of Torture noted that the new authorities needed to take specific measures to eradicate torture. It congratulated the authorities on having accepted many recommendations to criminalize and prevent torture, for acceding to the Optional Protocol to the Convention against Torture, and on the decision to establish a national prevention mechanism. It appreciated the collaboration between the Government and civil society, which had resulted in a bill on a national commission for the prevention of torture. It emphasized the importance of the independence of such an institution, which should have access to all places of detention, without exception.

372. International PEN was alarmed at threats against freedom of expression made by the Government and Salafist groups, the increasing use of violence and threats against journalists, writers and artists, and the Government's failure to address them. It was concerned that some members of the leading party were increasingly calling for attacks on media and journalists, and that the Government was refusing to implement decrees 115 and 116. There were also delays in the judicial reform process; furthermore, the Government refused to consult with legal bodies such as the judges association, which fought for the independence of the legal system.

4. Concluding remarks of the State under review

373. The head of the delegation thanked the speakers for their observations and suggestions. The delegation also responded to a number of negative comments from non-governmental organizations.

374. While acknowledging that the transitional process was not flawless, the delegation explained that the fact that a revolution had taken place did not imply that reforms could be implemented in all areas at once.

375. With regard to women's rights, Tunisia placed great importance on equality between men and women; the Government had no intention to revise women's established rights, but was in fact, keen to build on them.

376. Regarding freedom of expression, the delegation acknowledged that there were instances of a lack of understanding between the Government and the media. The Government was, however, in favour of the independence of the media and, in this regard, placed importance on the implementation of decrees 115 and 116. In the light of past experience, the Government did not have any intention of taking control of the media or appointing people close to the Government in the media sector.

377. On the question of the death penalty, the Government placed importance on a broad national dialogue, which would lead to a clear choice by the people.

378. With regard to the question of torture, the change of Government had also brought about a change of political will. The new Government rejected torture and had entrusted judicial and independent bodies to investigate past cases of torture and any new allegation of it. A number of perpetrators had already been brought to justice. The Government would continue to speak out on the subject.

379. With regard to human rights and fundamental freedoms in general, the delegation emphasized that the Government was working with the Constituent Assembly to ensure that the new Constitution would mark a break with the past and become a basis for further progress.

Morocco

380. The review of Morocco was held on 22 May 2012 in conformity with all the relevant provisions contained in relevant Human Rights Council resolutions and decisions, and was based on the following documents:

(a) The national report submitted by Morocco in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/13/MAR/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/13/MAR/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/13/MAR/3).

381. At its 22nd meeting, on 19 September 2012, the Human Rights Council considered and adopted the outcome of the review of Morocco (see section C below).

382. The outcome of the review of Morocco comprises the report of the Working Group on the Universal Periodic Review (A/HRC/21/3), the views of Morocco concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group.

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

383. The head of the delegation of Morocco welcomed the results of the constructive and fruitful dialogue and the recommendations made during the review to support the efforts of Morocco in the field of human rights.

384. Morocco had embarked on a large structural reform process in the fields of democracy-building, the promotion of human rights and human development. The Government of Morocco, which was committed to its strategic choices and the instruments that the State had ratified, would continue its reforms with determination to put in place and strengthen the human rights and good governance machinery, and to enshrine human rights and fundamental freedoms. The recommendations accepted by Morocco had been part and parcel of the structural reform process; indeed, some of the recommendations had been already implemented.

385. Morocco had volunteered to submit a progress report on the follow-up to the recommendations within two years and would stand by its commitment.

386. The delegation announced that Morocco had laid down all the necessary conditions to follow up on the recommendations in an inclusive manner. Immediately after the consideration of its State report, the Government, in coordination with the Inter-ministerial Delegation for Human Rights, had started to draw up a plan of action to implement the recommendations by involving all relevant actors, including the Government and national institutions. The first of these measures was to classify the recommendations and to determine their current status. Measures and procedures had been also prepared to ensure implementation and to identify actors and time frames. In its coordination efforts, Morocco had also taken up the observations and recommendations of other treaty bodies. The plan of action would involve all actors in civil society, as well as Parliament. Furthermore, it would constitute an important tool for the Government and its national mechanisms in the implementation of the recommendations accepted.

387. In accordance with its commitments, Morocco had launched a procedure to ratify the Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

388. Morocco was currently hosting the visit of the Special Rapporteur on torture, for whom the Government had provided all the conditions necessary to ensure the success of his visit within the framework of a positive dialogue. Morocco had also embarked on judicial reforms by setting up a high council to prepare and adopt a national charter for justice based on a national dialogue with all parties concerned.

389. Regarding economic and social rights, Morocco had taken into account gender issues in its budget in order to draw up gender-sensitive policies, and it had been preparing the eighth version of a gender-sensitive budget which would be annexed to the financial act of 2013. Moreover, Morocco had implemented a plan to ensure gender equality for the period 2011-2014. The plan was aimed at improving the situation of women in rural areas and at ensuring gender equality. The Government had also taken measures to provide medical care for the categories of people not previously covered by the social security system.

390. Within the framework of the implementation of the provisions of the new Constitution, Morocco had drawn up a legislative plan to amend human rights-relevant laws in order to ensure that they were in line with the Constitution and international human rights standards. It had been developing legislative bills to set up, in particular, a fund to help persons with disabilities, and to create a council for national languages and cultures. Morocco was also ratifying legislation on the labour code to govern working conditions for domestic workers by defining the relations between employees and employers.

391. To conclude, the head of the delegation reiterated the State's support for the universal periodic review, an essential mechanism that needed to be strengthened and consolidated, and would continue to do so, as it had ever since it joined the Human Rights Council in 2009.

2. Views expressed by Member States and observers of the Human Rights Council on the review outcome

392. During the adoption of the outcome of the review of Morocco, 13 delegations made statements.**

393. Lebanon congratulated Morocco for having accepted the majority of the recommendations made and looked forward to their implementation. It applauded the role played by Morocco in human rights machinery, in particular in the Human Rights Council, and encouraged Morocco to continue to play this positive role, which was very much appreciated.

394. Libya expressed appreciation for the State's efforts to protect human rights and to strengthen the rule of law, noting that it had embarked on judicial reform to strengthen the independence of the judiciary. Libya commended the national initiative for human development and the fight against poverty, in particular as it addressed the root causes of poverty, and the development programmes that benefited persons with a low income.

395. Malaysia welcomed the frank and positive commitment of Morocco to the universal periodic review process. It also appreciated the fact that Morocco had accepted 128 recommendations, including all of those made by Malaysia. It noted the State's efforts to promote and protect the rights of women and children. It encouraged Morocco to continue its efforts to improve the socioeconomic situation of its people, including by increasing investments in health, education, job creation and poverty eradication. Malaysia recommended that the report on Morocco be adopted.

396. Mauritania thanked the delegation of Morocco for its thorough presentation, highlighting the positive treatment of human rights mechanisms and the efforts made to promote and protect human rights. This positive approach to dealings with all international

and regional bodies reflected a clear policy of continuing to strengthen freedoms and to combat all forms of discrimination. Mauritania also welcomed the State's initiative to strengthen the role of civil society.

397. Palestine acknowledged the State's efforts to protect and promote human rights through cooperation with all United Nations human rights mechanisms. It valued the cooperative spirit displayed by Morocco in accepting most recommendations made during its review, including a recommendation that it ratify the first Optional Protocol to the International Covenant on Civil and Political Rights and the optional protocols to the Convention on the Elimination of All Forms of Discrimination against Women and the Convention against Torture.

398. The Philippines supported the adoption of the report of the Working Group. It acknowledged the State's ratification of the Convention on the Rights of Persons with Disabilities; the Protocol to the United Nations Convention against Transnational Organized Crime, and the first and second protocols to the Geneva Conventions of 1949. It was also encouraged by the State's commitment to consider ratifying the Optional Protocol to the Convention against Torture, the first Optional Protocol to the International Covenant on Civil and Political Rights, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, and the optional protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography.

399. Qatar stated that the review of Morocco and the exhaustive explanation provided by the delegation attested to the importance attached by the State to consolidate institutional and legislative framework for the promotion of human rights. It appreciated the measures and initiatives taken by Morocco to implement the recommendations that it had accepted. It also commended the plan launched by Morocco to promote human rights and to protect fundamental freedoms.

400. Romania noted that, during its review, Morocco had proved its commitment to promote and protect human rights. It welcomed the State's acceptance of most recommendations, which showed its serious approach to the exercise. Morocco had made commitments that would require legislation and institution-building in the coming years. Romania was convinced that these commitments would be kept and that, at the third universal periodic review cycle, progress would be seen in all fields.

401. Saudi Arabia noted the State's readiness to cooperate constructively with all United Nations human rights mechanisms and to engage in a constructive dialogue on human rights, which was consistent with its eagerness to protect human rights in practice. It also noted the efforts made to develop further the State's legislative and institutional framework in the area of human rights, in accordance with the provisions in its new Constitution, and its ratification of a number of international instruments.

402. South Africa noted the State's commitment to the universal periodic review in its acceptance of 128 recommendations, and welcomed its voluntary commitment to present a progress report on their implementation in two years. It appreciated the State's cooperation with the Human Rights Council, and commended its support for the anti-racism agenda of the United Nations. It encouraged Morocco to promote and protect human rights, and to ensure the enjoyment of human rights by its citizens.

403. The Sudan appreciated the importance attached by Morocco to cooperation and dialogue in the universal periodic review process and with the United Nations human rights system in general, which was consistent with the State's efforts to protect and promote human rights nationally. The Sudan welcomed the acceptance by Morocco of the recommendations made, including a recommendation made by the Sudan on continuing efforts to strengthen freedom of expression and adopting a media law. Morocco had thus

demonstrated its eagerness to expand the scope of fundamental freedoms and to improve further its legislation and mechanisms of implementation.

404. Thailand congratulated Morocco on its review, and appreciated its acceptance of most of the recommendations, including those made by Thailand. It commended the State's commitment to the promotion and protection of economic, social and cultural rights, especially women's rights. It acknowledged the State's voluntary pledge to present a report on implementation in two years. Thailand urged the Council to adopt the outcome report.

405. Togo commended the remarkable political will with which the authorities of Morocco had implemented the recommendations made, inter alia, a strategy on human rights training and concrete measures to fight school dropout rates and illiteracy, in particular with regard to women. Togo encouraged Morocco to intensify its efforts and invited the Government to reconsider its position on the death penalty and equality between men and women in the field of inheritance.

3. General comments made by other stakeholders

406. During the adoption of the outcome of the review of Morocco, 10 other stakeholders made statements.

407. Conseil national des droits de l'homme had submitted to the Government measures for adoption. Such as the institutionalization of consultations on human rights laws, consultation with all actors involved in the universal periodic review process to plan implementation of the recommendations, and a reconsideration of recommendations not supported by the Government. It had also issued a report on the situation of psychiatric hospitals and was finalizing a report on prisons. It was committed to provide expertise in the follow-up to the recommendations of all United Nations mechanisms, to strengthen human rights training and to monitor the effectiveness of human rights laws.

408. Mouvement contre le racisme et pour l'amitié entre les peuples regretted the omissions in the report of the Working Group regarding Western Sahara. It noted the State's policy to deny juridical status to Western Sahara, the reference in the Constitution as the "southern province", and the constant human rights violations of Sahrawi people. It called upon Morocco to revise the Constitution in order to respect the international juridical status of Western Sahara and to include a human rights monitoring chapter in the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO).

409. The Cairo Institute for Human Rights Studies expressed its concern about the grave violations against the people of Western Sahara, including cases of arbitrary arrest, torture, ill-treatment and sexual abuse in detention; the targeting of Sahrawi rights defenders; and interference in the rights to freedom of expression, association and assembly. It was also concerned that the report of the Working Group did not contain the many references to that region made by the States. The Institute called upon Morocco to implement the recommendations on Western Sahara, and to accept the recommendation to bring the registration procedure of civil society organizations into line with international standards.

410. France Libertés: Fondation Danielle Mitterrand noted that the recommendation on ensuring adequate protection of human rights in Western Sahara had not been implemented. The rejection by Morocco of the establishment of a human rights component in MINURSO showed that Morocco did not wish to improve human rights in Western Sahara. Morocco seemed unwilling to recognize past and present violations against the Saharawi people or to sanction officials responsible for crimes and abuses, maintaining thus a state of impunity.

411. The World Federation of Democratic Youth reported several cases of human rights abuse in Western Sahara, such as the injuring of demonstrators, the imprisonment of human rights defenders and civil society actors, and the arrest, torture and ill-treatment of Saharawi

students and Saharawi political activists. Saharawi associations were not allowed to work unless they accepted Moroccan occupation of Western Sahara. It requested an independent human rights mechanism for Western Sahara to investigate the human rights violations committed by Morocco.

412. Rencontre africaine pour la défense des droits de l'homme commended the adoption of the new Constitution providing for safeguards in the protection of human rights, and the invitation made to the Special Rapporteur on torture. It hoped that the invitation would be extended to all special procedure mandate holders. Efforts were also, however, needed in the field of education in rural areas and in the freedoms of expression, assembly and association. The Moroccan authorities had to take measures to investigate all allegations of police brutality and torture and to prosecute members of the security forces accused of ill-treatment.

413. The Association for the Prevention of Torture commended Morocco for its commitment to the strengthening of legal framework mechanisms and actions to prevent torture. It noted with satisfaction that Morocco had accepted recommendations on the prohibition and prevention of torture, and commended in particular that it was now acceding to the Optional Protocol to the Convention against Torture. The process of designating a national mechanism for torture prevention had already been initiated. It encouraged the Government to establish the mechanism in the context of an open, transparent and non-inclusive process involving a wide range of stakeholders, including civil society.

414. The International Committee for the Respect and Application of the African Charter on Human and Peoples' Rights, the Al-Zubeir Foundation and Action internationale pour la paix et le développement dans la région des Grands Lacs stated that the new Constitution of Morocco had enhanced regionalization in the southern provinces as a part of a plan of autonomy, which had been described as credible by the international community. They also noted the judicial reform, the promotion of freedom of expression, the fight against torture and gender-based discrimination and the State's continued cooperation with all human rights treaty bodies worldwide.

415. The International Youth and Student Movement for the United Nations noted that an examination of Morocco's occupation of Western Sahara was important for the credibility of the universal periodic review. Morocco's refusal to hold a referendum on independence was inconsistent with General Assembly resolutions. The Western Sahara crisis and the violations of all basic human rights were the result of the denial of the right to self-determination. It urged Morocco to declare its acceptance of United Nations principles on self-determination, including through a referendum on independence, and that a human rights component be established in MINURSO.

416. Organisation pour la communication en Afrique et de promotion de la coopération économique internationale and Agence internationale pour le développement welcomed the establishment of the national human rights council, and commended Morocco for its adherence to the promotion of gender equality and the strengthening of linguistic and cultural diversity. They condemned the manipulation by certain non-governmental organizations of the situation in the Sahara region, and denounced the manipulation of the right to self-determination, which was aimed at promoting the disintegration of sovereign countries, and the allegations made by separatist movements about imaginary human rights violations in the southern provinces.

4. Concluding remarks of the State under review

417. The delegation stated that, in the past year and a half, Morocco had hosted two visits of special procedures, including the Special Rapporteur in the field of cultural rights and the

Working Group on the issue of discrimination against women in law and in practice. Both had already submitted their reports to the Human Rights Council. Morocco was currently hosting a visit by the Special Rapporteur on torture, who would be able to visit all prisons without any restrictions or conditions.

418. Morocco had been working side-by-side with national, regional and international non-governmental organizations. It commended the skills and professional attitude shown by human rights stakeholders worldwide, and emphasized the neutrality and transparency that characterized them.

419. Morocco had particular experience in the field of transitional justice, because it had been able to turn the page on the abuses and violations of human rights of the past. It had compensated all victims on an equal footing in all parts of the country, including the southern provinces of Western Sahara. Morocco had paid its due, and had provided assistance to those who had suffered economic loss.

Indonesia

420. The review of Indonesia was held on 23 May 2012 in conformity with all the relevant provisions contained in relevant Human Rights Council resolutions and decisions, and was based on the following documents:

(a) The national report submitted by Indonesia in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/13/IDN/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/13/IDN/2 and A/HRC/WG.6/13/IDN/2/Corr.1);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/13/IDN/3).

421. At its 20th meeting, on 19 September 2012, the Human Rights Council considered and adopted the outcome of the review of Indonesia (see section C below).

422. The outcome of the review of Indonesia comprises the report of the Working Group on the Universal Periodic Review (A/HRC/21/7), the views of Indonesia concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/21/7/Add.1).

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

423. Indonesia reiterated its support for the important universal periodic review mechanism.

424. Indonesia had given serious consideration to every comment and recommendation made by Member States during the session of the Working Group. Indonesia had received a total of 180 recommendations; It had immediately accepted 144 recommendations, and was considering the remaining 36 for further consultations with stakeholders. No recommendation had been rejected by the delegation during the review.

425. The universal periodic review mechanism had drawn the attention of the general public in Indonesia, particularly before, during and after the review in May. The dissemination of information had three objectives: to share with the general public the significance of the review mechanism and process for Indonesia; to develop a common understanding about the review process; and to build a common ownership among

stakeholders concerning the implementation of review recommendations accepted by the State.

426. Indonesia had immediately had the report of the Working Group translated into Bahasa Indonesia, and had held meetings and consultations on the universal periodic review at the subnational level, including in the province of Aceh. The presence of Members of Parliament as part of the delegation reflected the existence of a sense of ownership of this important stakeholder.

427. To determine its position on the 36 pending recommendations, the Government had convened broad-based consultations with stakeholders, including civil society. After the consultations, Indonesia had accepted six more recommendations in addition to the 144 already accepted during the review, including on the ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and ILO Convention No. 189 on decent work for domestic workers; increasing human rights transparency; access and mandate of the International Committee of the Red Cross in Indonesia; and raising awareness on the harmful effects of female circumcision with a view to eliminate female genital mutilation.

428. The majority of the recommendations accepted were both in line with and supported the State's human rights agenda, and some were part of the current national human rights plan of action.

429. Some 30 recommendations had not enjoyed the State's support, including those that did not reflect the actual situation in Indonesia, such as with regard to corporal punishment; those subject to further national debate on their possible inclusion in the next human rights plan of action, such as the ratification of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, recently adopted by the General Assembly; and those that had already been implemented fully before the review, such as the ratification of the Convention on the Rights of Persons with Disabilities, in 2011.

430. The recommendations already implemented included the ratification of two optional protocols to the Convention on Rights of the Child in July 2012.

431. Indonesia had enacted a law on the handling of social conflicts aimed at strengthening the State's legal framework in facilitating the resolution of conflicts in society.

432. On 30 July 2012, Indonesia had enacted a law on the juvenile criminal justice system which covered a number of principles, inter alia, on restorative justice and the best interests of the child, in accordance with the Convention on the Rights of the Child. Most importantly, it raised the minimum age of juvenile criminal responsibility from 8 to 14 years.

433. At least three other legal frameworks were also in the pipeline: first, the finalization of a ministerial decree on the introduction of programmes promoting human rights-friendly districts and municipalities; second, a joint ministerial decree on establishing human rights parameters in the formulation of by-laws; and third, the finalization of a bill on a truth and reconciliation commission, designed to strengthen the legal framework dealing with past human rights abuses.

434. With regard to the State's commitment to implement accepted recommendations, the Government had decided to streamline them into the implementation of the current national human rights plan of action. They would be implemented by relevant government ministries and agencies, at both the national and sub national levels, through their own programmes and budgets. This framework thus ensured coordinated efforts among government institutions. As part of the plan of action, the implementation of recommendations would also be subjected to periodical monitoring, reporting and

evaluation, with the Government working in partnership with civil society and national human rights institutions.

435. Indonesia referred to accepted recommendations relating to ongoing efforts to address current specific challenges in ensuring human rights protection. Some challenges related to addressing incidents reflecting religious intolerance. Indonesia admitted that such incidents regrettably continued in some communities. Nonetheless, some progress had been made in addressing those incidents. The latest incidents had drawn the attention of the President and strengthened the determination of the Government and the general public to resolve the issue in a comprehensive manner. Various public debates over the latest incident had further raised the public's awareness and understanding of the importance of ensuring respect for religious freedom.

436. Indonesia reiterated its commitment to the promotion and protection of the human rights of its people, including through the coherence of policies and actions of all government ministries and institutions, the mainstreaming of human rights in to policies, and addressing resolutely any challenges and gaps in advancing the cause of human rights.

437. Democracy in Indonesia continued to be consolidated and to mature; through cooperation with the Human Rights Council, Indonesia sought to make substantial progress in the promotion and protection of human rights of its own people and of people around the world.

2. Views expressed by Member States and observers of the Human Rights Council on the review outcome

438. During the adoption of the outcome of the review of Indonesia, 13 delegations made statements.**

439. The Lao People's Democratic Republic was pleased that Indonesia had accepted a large number of recommendations and had started to implement them. It acknowledged the State's achievements in implementing the national human rights plan of action including in improving the living standards of citizens. It appreciated the State's commitment to the ratification of international human rights instruments and to actively cooperate and share best practices in human rights at the multilateral and regional levels.

440. Malaysia appreciated the State's constructive engagement in the universal periodic review process. It was encouraged to note that Indonesia had accepted a large number of recommendations, including those made by Malaysia. Malaysia was aware of the need for Indonesia, and indeed of all countries, to be afforded the time necessary to allow it to make improvements to the promotion and protection on of the human rights of its people.

441. Thailand congratulated Indonesia on having accepted most recommendations immediately. It thanked Indonesia for accepting both recommendations made by Thailand. It commended the State's integration of the recommendations into its national plan of action.

442. Morocco welcomed the efforts made by Indonesia, particularly to support vulnerable sections of society, and to combat poverty and improve living standards. Morocco particularly thanked Indonesia for its commitments in the national plan of action and the measures taken to promote multiculturalism and religious tolerance. Morocco commended the State's acceptance of so many recommendations, including the two made by Morocco, on ratifying the International Convention for the Protection of All Persons from Enforced Disappearance and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

443. Myanmar stated that Indonesia deserved credit for its active and constructive engagement in the universal periodic review process. It was pleased to note the State's

commitment to cooperation with United Nations human rights mechanisms in bringing domestic laws in to line with international norms and standards. It also noted that the conduct of human rights education and training courses for law enforcement offices was an example of good practices.

444. Sri Lanka commended Indonesia for having accepted 150 recommendations, including those made by Sri Lanka. It was encouraged by the State's assurance that human rights education and training would continue to enjoy the Government's highest level of attention, and that many accepted recommendations were already an integral part of the current national plan of action. Sri Lanka particularly noted the State's acknowledgement of the diversity of its social fabric and commended the implementation of several laws.

445. The Philippines acknowledged the State's ready acceptance of recommendations to consider ratifying the Convention on the Rights of Persons with Disabilities, the Optional Protocol to the Convention against Torture, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, the Rome Statute, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and ILO Convention No. 189, as well as conventions relating to human rights education and the protection of women's rights, especially victims of trafficking in persons. The Philippines welcomed the State's commitment to measures for ensuring the protection and advancement of religious freedom. It encouraged Indonesia to continue its constructive role and contribution to human rights in the South-east Asia region.

446. The Russian Federation noted with satisfaction that Indonesia had accepted most of the recommendations made. It also noted the intention of Indonesia to continue to improve its judicial system, provide police and judges with training on human rights, and combat corruption, as recommended by the Russian Federation.

447. Saudi Arabia referred to the State's positive cooperation with the special procedures and the United Nations system, which reflected its commitment to human rights. Saudi Arabia welcomed the updated information provided and the State's efforts to provide free education to those in impoverished circumstances.

448. Singapore commended the State's constructive approach throughout the universal periodic review process. It noted the large number of recommendations accepted by Indonesia, particularly welcoming the acceptance of those made by Singapore. It looked forward to continuing cooperation with Indonesia in strengthening the promotion of human rights regionally, including through the Intergovernmental Commission on Human Rights of the Association of Southeast Asian Nations (ASEAN).

449. South Africa commended Indonesia, as a multicultural and multi-religious society, for its continuous efforts to promote tolerance among its citizens and to maintain social harmony. It recognized the State's continued support for economic, social and cultural rights, recognized as critical to much of humanity. South Africa applauded the importance that the Government attached to the right to education. It also recognized the delegation's commitment to the work of the Human Rights Council, especially its support for the anti-racism agenda.

450. Pakistan appreciated the cooperative and constructive manner in which Indonesia had engaged with the universal periodic review process. It was pleased to note that Indonesia had accepted 150 of 180 recommendations, which clearly indicated the Government's commitment to and active work towards the protection and promotion of human rights in the country.

451. Viet Nam commended Indonesia for its successful review, tireless efforts and the concrete steps taken to implement all recommendations accepted. It particularly appreciated

the State's acceptance of the three recommendations made by Viet Nam. It encouraged Indonesia to continue its commitment to the promotion and protection of human rights and fundamental freedoms in close cooperation with the States Members of the United Nations, human rights mechanisms, and stakeholders. It acknowledged the responsible manner in which Indonesia had acted during the review process.

3. General comments made by other stakeholders

452. During the adoption of the outcome of the review of Indonesia, 10 other stakeholders made statements.**

453. The Indonesian National Commission on Human Rights (Komnas Ham) appreciated the State's acceptance of 150 recommendations, but regretted its reluctance to accept 30 recommendations on some critical issues. Komnas Ham encouraged Indonesia to pay more attention to impunity, solving issues related to freedom of religion, ending violence in Papua, fair trials, the protection of minorities, vulnerable groups and human rights defenders, the abolition of the death penalty, harmonization of laws with international standards, including through ratification of the Optional Protocol to the Convention against Torture, the Rome Statute and ILO Convention No. 169, and engaging more proactively with human rights mechanisms, including by inviting special procedure mandate holders on the right to food, indigenous peoples, enforced disappearances and freedom of religion and belief. Komnas Ham extended its support to Indonesia for the implementation of the review recommendations accepted, setting indicators of success and timelines, and optimizing consultation with stakeholders in reporting for the next review in 2016.

454. Human Rights Watch welcomed the State's support for a number of important recommendations, including the ratification of treaties and the invitation to three special procedures. It regretted the State's decision not to accept the recommendation on releasing from prison political detainees held in Papua and the Maluku Islands. Continuing to detain and prosecute non-violent activists was contrary to international law. Violence against religious minorities remained a serious problem; the police had consistently failed to conduct adequate investigations into attacks by Islamist groups against religious minorities, and several minority figures were in prison for blasphemy. By keeping Papua closed off, the Government was fostering impunity among military forces and resentment among Papuans, Human Rights Watch therefore urged Indonesia to accept calls to permit access to the provinces to and to invite United Nations human rights experts into those areas.

455. In a joint statement, the Canadian HIV/AIDS Legal Network, International Lesbian and Gay Association (ILGA), Arus Pelangi and the Indonesian LGBTIQ Forum commended Indonesia for the tremendous improvements made in recent years. They expressed, however, particular regret at the State's rejection of a recommendation and its denial that legislation criminalizing same-sex relations existed in Aceh province. They drew attention to sustained discrimination against lesbian, gay, bisexual, transgender and intergender persons in Indonesia and to a local ordinance on adultery passed by the Provincial Legislative Council of Aceh in September 2009, which lacked the signature of the Governor of Aceh. They called upon Indonesia to guarantee that it would nullify any future enactment of such an ordinance. They asked Indonesia to stop intolerant groups from using inflammatory homophobic and transphobic rhetoric, and protect freedom of association and assembly for lesbian, gay, bisexual, transgender and intergender persons.

456. The Asian Forum for Human Rights and Development (Forum-Asia), while welcoming the 150 recommendations accepted, was concerned that particular recommendations on the protection of human rights defenders had not been supported and that the Government did not recognize the application of the concept of indigenous peoples as defined in the relevant United Nations declaration. Forum-Asia called for the immediate implementation of accepted recommendations in response to violent attacks against the

Ahmadiyah. It remained concerned that, pending amendments, the Criminal Code did not criminalize torture, and at the arbitrary use of Code articles against peaceful political activists. Forum-Asia remained disturbed over the unresolved cases of enforced disappearance from 1997-78 and that the recommendation to tackle the climate of impunity in Papua had not been accepted. It maintained its call to reform military courts and to provide civilian criminal court jurisdiction over military personnel responsible for offences against civilians.

457. The Asian Legal Resource Centre referred to the State's rejection of key recommendations on the use of civilian rather than military courts, as the use of military courts had allegedly resulted in disproportionately light sentences or acquittals of perpetrators in many torture cases; and that it revise the blasphemy law and some discriminatory ministerial decrees, which would send a message that religious minorities had an equal right for protection. It called for the adoption of specific measures to address the human rights situation in Papua by granting full access to the region, inviting the Special Rapporteur on indigenous peoples, halting human rights violations, combating impunity, and increasing protection for human rights defenders and respect for freedom of expression.

458. Action Canada for Population and Development welcomed the pledge made by Indonesia on the realization of sexual and reproductive rights. It stated that current sexual education programmes were not relevant to the needs of adolescents, and urged the Government to consider integrating the International Technical Guidance on Sexuality Education developed by UNESCO in to its national programme. It applauded the Government's acceptance of the recommendation on alternative education for single and married pregnant girls. It appealed to Indonesia to show regional leadership by ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and taking all measures necessary to eradicate female genital mutilation.

459. In a joint statement, the International Commission of Jurists and the International Federation of Human Rights welcomed Indonesia's decision to ratify the International Convention for the Protection of All Persons from Enforced Disappearance and its commitment to combat impunity, which had national and regional significance. They supported the call for the Government to set up an ad hoc human rights court to look into the case of 13 pro-democracy activists who "disappeared" in 1997 and 1998. They urged Indonesia to act on its expressed commitment to combat impunity in the country, and to resolve immediately and effectively all cases of enforced disappearance.

460. Amnesty International, while noting the State's acceptance of many recommendations made in May, regretted that many of the recommendations accepted in 2008 had yet to be fully implemented, including with regard to combating impunity and revising the Criminal Code to include a definition of torture consistent with the Convention against Torture. Amnesty International urged the authorities to take seriously the commitments made during the universal periodic review by taking effective measures to guarantee that all religious and other minority groups are not discriminated against and are protected from attacks and intimidation. It was concerned that, in many cases, those responsible for such ongoing attacks had yet to be held to account. Amnesty International regretted the State's rejection of key recommendations to review specific laws and decrees, such as articles 106, 110 and 156 of the Penal Code, and the 2008 Joint Ministerial Decree that restricted the activities of the Ahmadiyah community. Such laws did not comply with the State's obligations under international human rights law and had to be repealed or amended immediately. Amnesty International encouraged Indonesia to brief the Council on progress in its follow-up to the review recommendations.

461. The International NGO Forum on Indonesian Development drew attention to violent religious-based incidents, human rights abuses in Papua and violations against human rights

defenders. While noting the Government's commitment to protect religious minority groups, it stated that their situation was worsening, and referred specifically to an incident on 26 August 2012 against the Shia community in East Java. It expressed deep concern at the ongoing violence in Papua, at how peaceful protesters had been accused of being separatists and charged for treason under provisions of the Criminal Code, and referred to the continuing climate of impunity. Civil society pressure to revise the military court law was ignored and impunity was apparent in the case of the murder of Munir, a prominent human rights defender. The Government was urged to address these issues, to concretely implement the 144 recommendations immediately accepted, to accept the remaining 36 recommendations that required further consultation among stakeholders, and to hold peaceful dialogue with representatives of the Papuan people.

462. Nord-Sud XXI had been encouraged by the State's willingness to consider ratifying a large number of human rights instruments and to enhance its engagement with civil society. It urged Indonesia, as a country affected by climate change, to support the creation of a special procedure on human rights and climate change. It urged Indonesia to study seriously the possibility of a moratorium on the death penalty and to consider freedom of expression, to ensure that it significantly contributed to the development of Indonesia.

Finland

463. The review of Finland was held on 23 May 2012 in conformity with all the relevant provisions contained in relevant Human Rights Council resolutions and decisions, and was based on the following documents:

- (a) The national report submitted by Finland in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/13/FIN/1);
- (b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/13/FIN/2, Corr.1 and Corr.2);
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/13/FIN/3 and Corr.1).

464. At its 20th meeting, on 20 September 2012, the Human Rights Council considered and adopted the outcome of the review of Finland (see section C below).

465. The outcome of the review of Finland comprises the report of the Working Group on the Universal Periodic Review (A/HRC/21/8), the views of Finland concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/21/8/Add.1).

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

466. The delegation of Finland highlighted the fact that the universal periodic review provided an important channel to elaborate on national achievements and challenges in the field of human rights in a constructive and equal manner, based on true dialogue between Member States. The review was not only an interactive peer assessment; it was also about peer learning.

467. The national process with regard to the universal periodic review had been based on consultation and the active role of civil society. The dialogue with non-governmental organizations had offered an opportunity to assess the domestic human rights situation in a self-critical manner, which had facilitated an inventory of developments, good practices and existing obstacles to the full implementation of human rights.

468. The delegation referred to a number of challenges that had been also reflected in the recommendations made during the review, including racist, discriminatory and xenophobic attitudes; violence against women; problems in the full realization of the rights of persons belonging to minorities; lesbian, gay, bisexual, transsexual and intergender persons; asylum seekers; refugees and migrants; and persons deprived of their liberty. In this respect, the delegation expressed its belief that challenges to the implementation of human rights were, at the same time, future priorities. The areas of priority and commitments in the State's human rights policy would be defined in detail in a report to be submitted to Parliament in 2014.

469. The State's efforts in the area of human rights continued to be based on the universality and indivisibility of human rights, the principles of non-discrimination and equal opportunities, and transparency. Sharing experiences and best practices continued to be a key principle.

470. With regard to the implementation of universal periodic review recommendations, the delegation referred to the national plan of action on fundamental and human rights as a specific tool, and the cross-administrative plan of action for the period 2012 – 2013. The delegation also reported that, as pledged during the dialogue, the newly established network of contact persons consisting of representatives of different government ministries would review all recommendations and follow up actively on their implementation. An independent panel of human rights actors, including civil society representatives, would support the network in its work and provide advice. Furthermore, a voluntary interim report on the progress made would be submitted to the Human Rights Council in 2014. The Human Rights Centre would also be playing a significant role in monitoring the implementation of review recommendations.

471. As the Government continued to emphasize the obligatory nature and political importance of economic, social and cultural rights, giving them a status equal to that of civil and political rights, a bill to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights had been submitted to Parliament in August.

472. During the session of the Working Group in May, Finland had immediately accepted 51 of 78 recommendations made, and had rejected only one. Finland had decided to further examine the remaining 26 recommendations. After thorough consideration of the pending recommendations, Finland had accepted 20 recommendations, partially accepted four, and was unable to support only two. In sum, Finland had accepted fully 71 recommendations, partially accepted four and rejected three. Many of the recommendations accepted were being implemented.

473. With regard to two of the partially accepted recommendations, and the one rejected recommendation on human rights education and training, the State's rejection was due to the highly autonomous nature of national higher education institutions. While the Government was firmly committed to human rights-oriented thinking and promoting human rights education and training for all professional groups, higher education institutions decided themselves on the content and nature of education. The Government was therefore not in a position to accept any requirements of a mandatory type imposed on all higher education institutions.

474. The Government's position on the recommendations was presented to civil society in early September. The representatives of non-governmental organizations had emphasized the need for effective follow-up to the recommendations, and also enquired about their future role in this regard. The Government welcomed their participation in and contribution to the implementation process with the view that positive changes could only be achieved by working together.

2. Views expressed by Member States and observers of the Human Rights Council on the review outcome

475. During the adoption of the outcome of the review of Finland, seven delegations made statements.

476. Morocco noted positively the efforts made by Finland, in particular in the area of combating racism and xenophobia. It also welcomed the measures taken to prevent violence against women, to revise review procedures for asylum seeker applications, and to improve the situation of irregular migrants and unaccompanied minors. Morocco noted with satisfaction that Finland had accepted almost all recommendations, which demonstrated the State's commitment to its international human rights obligations and voluntary undertakings.

477. The Philippines welcomed the acceptance by Finland of the recommendation to continue the process of ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and ILO Convention No.189. The State's willingness to join the international community in ratifying universal standards for the protection of migrant workers was of great importance in the global effort to promote and protect migrant workers. The Philippines also acknowledged the State's efforts to continue to ensure a broad participatory process in the implementation of the national plan of action on human rights.

478. Romania stated that the State's preparation for the universal periodic review process represented an example of good practice. Finland had accepted most of the recommendations and made a number of commitments for the second review cycle. Setting up the network for fundamental and human rights had also been a good practice.

479. Thailand noted with satisfaction the State's position towards the recommendations. It welcomed the State's efforts to protect and assist victims of violence against women and human trafficking in practice and by its legislation. Thailand also noted with appreciation the emphasis that Finland had placed on training to enhance the capacity of relevant officials in victim assistance. It expressed its readiness to explore opportunities for cooperation and the exchange of good practices between Finland and Thailand.

480. Algeria commended Finland for accepting the vast majority of the recommendations, which demonstrated its commitment to the advancement of human rights. It also noted with appreciation the voluntary commitment made by Finland to renew its engagement with regard to its objectives in development assistance. Noting the State's readiness to eradicate racism and xenophobia and to sanction racially motivated crimes, Algeria encouraged Finland to ensure a balanced approach to freedom of expression and cases involving the distribution of racist, xenophobic or Islamophobic materials. Algeria expressed regret that Finland had not changed its stance on the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

481. Benin noted with satisfaction the progress made by Finland in the protection and promotion of human rights since the first cycle, including the achievements in the implementation of recommendations made during the first review. It encouraged Finland to continue its reforms to ensure full enjoyment of human rights in accordance with international human rights standards. Benin expressed its wish to have an exchange of experience with Finland on the efforts to advance the protection of human rights.

482. The Islamic Republic of Iran referred to concerns expressed during the review and reflected in some recommendations about existing inequalities and discrimination against women, children, migrant workers and religious minorities, particularly Muslims. It expected the Government to take effective legal and practical measures to address those

concerns. It also expressed its support for the recommendations calling upon Finland to prevent and combat the dissemination of racist and Islamophobic propaganda, in particular in the press and on the Internet.

3. General comments made by other stakeholders

483. During the adoption of the outcome of the review of Finland four other stakeholders made statements.

484. The European Region of the International Lesbian and Gay Federation (ILGA-Europe) commended Finland for accepting recommendation to increase its efforts to combat discrimination on the grounds of sexual orientation and gender identity. It referred to a number of challenges in this area, including discrimination against transgender and intersex persons, including in employment, and bullying against gender non-conforming children in schools. It noted that the national plan of action for human rights had very few references to LGBTI persons, and suggested drafting a comprehensive LGBTI policy action plan, with defined responsibilities for its implementation and monitoring. ILGA-Europe expressed appreciation for the State's constructive dialogue during the universal periodic review process.

485. Amnesty International noted with regret the response of Finland, in which it stated that it had investigated its participation in the renditions programme. The inquiries made by the Ministry of Foreign Affairs in 2011 and 2012 did not qualify as independent, impartial and effective investigation into human rights violations. Furthermore, all previous inquiries did not also conform to the State's legal obligation to investigate human rights violations relating to the renditions programme, as that obligation could be fulfilled only by creating conditions for an investigation that was truly independent of the Government.

486. Save the Children International called upon Finland to prioritize child protection measures and non-discrimination, racism and xenophobia. It expressed concern that children's placement in family-type care should not be influenced by financial motivations and should always respect the best interests of the child. It called upon Finland to establish a system to ensuring that legal guardians were properly coordinated and trained, and could contribute to ensuring the best interests of the child. Save the Children also called upon Finland to strengthen the measures taken to fight all forms of discrimination, including discrimination against children with disabilities, immigrant, refugee and asylum-seeking children, and children from ethnic minorities, and to allocate sufficient resources to these measures.

487. The International Fellowship of Reconciliation expressed its regret that no recommendation had been made to a follow up on the recommendation made during first cycle regarding conscientious objection to military service. For many conscientious objectors, the length of civilian service could be twice the duration of military service. Finland discriminated against conscientious objectors on the basis of religion. While noting the State's leading role in obtaining legal recognition for the right to conscientious objection to military service, it encouraged Finland not to let its own practices lag behind the rapid advances in international standards.

4. Concluding remarks of the State under review

488. The delegation of Finland expressed its appreciation to all those who had participated in the review, and emphasized the role of such constructive dialogue in assessing the extent to which the recommendations made during the first cycle had been implemented.

United Kingdom of Great Britain and Northern Ireland

489. The review of the United Kingdom of Great Britain and Northern Ireland was held on 24 May 2012 in conformity with all relevant provisions contained in relevant Human Rights Council resolutions and decisions, and was based on the following documents:

(a) The national report submitted by the United Kingdom of Great Britain and Northern Ireland in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/13/GBR/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/13/GBR/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/13/GBR/3).

490. At its 22nd meeting, on 20 September 2012, the Human Rights Council considered and adopted the outcome of the review of the United Kingdom of Great Britain and Northern Ireland (see section C below).

491. The outcome of the review of the United Kingdom of Great Britain and Northern Ireland comprises the report of the Working Group on the Universal Periodic Review (A/HRC/21/9), the views of the State concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/21/9/Add.1).

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

492. The United Kingdom of Great Britain and Northern Ireland set out its commitment to secure a successful future for the universal periodic review mechanism as a whole. The first cycle had demonstrated how much it could contribute to the promotion of human rights worldwide. The review had long-term potential, and the United Kingdom of Great Britain and Northern Ireland was committed to playing a key role in realizing this in two ways.

493. First, the United Kingdom would work with others to preserve the core values of the universal periodic review, the most important being its universality. It stressed the fundamental importance of maintaining the universality of the review process as a unique characteristic, and urged all States to participate openly, willingly and honestly in their own reviews. It also emphasized the constructive spirit of the review, which included acknowledging the progress made and being clear about where change was needed. Recommendations should be based on an objective assessment of human rights situations and priorities. Hence, they should be specific, concrete, achievable and measurable. The United Kingdom reiterated its commitment to making clear, realistic and focused recommendations, and making a maximum of two.

494. Second, the United Kingdom approached its own review in a spirit of openness; it therefore welcomed the level of scrutiny received from other Member States. It informed the Human Rights Council that, in the spirit of cooperation, its head delegate to the universal periodic review, Lord McNally, had personally written to ambassadors of those Member States that had raised questions during the interactive dialogue where it had not been able to address their points in full during the session, and not covered in the Working Group recommendations. It had ensured full transparency in its response to the recommendations, and intended to continue to do so.

495. The United Kingdom had conducted consultations with civil society organizations, including national human rights institutions and non-governmental organizations,

immediately after its review on 24 May, which was followed by a round-table meeting in London at the end of July. These meetings had provided an opportunity to understand which recommendations civil society organizations regarded as priorities. Similar exercises had taken place in Scotland, Wales and Northern Ireland. These consultations had been held with the belief that consultation and dialogue, including with non-governmental organizations and national human rights institutions, was a central element to and benefit of the universal periodic review process.

496. The United Kingdom had voluntarily committed to providing a mid-term report, and had been one of the first to do so in the first cycle. Such reports were an important tool to monitor progress. It therefore encouraged all States to consider doing likewise.

497. With regard to the addendum and the annex thereto, which explained the response of the United Kingdom to each recommendation in detail, the United Kingdom expressed hope that the additional annex would help to inform discussions with civil society and serve as a useful tool for Member States to understand its response to their recommendations and to interpret the progress made at the mid-term review in 2014.

498. The United Kingdom had accepted 73 recommendations and partially accepted 18 out of a total of 132 received. It had accepted those recommendations that it agreed with and was able to implement in practice or was already implementing. Its acceptance or partial acceptance was therefore without prejudice to its current compliance with regard to the issues raised in the recommendations.

499. After careful consideration, the United Kingdom had decided not to accept 40 recommendations for three reasons. Firstly, if it could not commit to implementation at this stage, it would only accept the recommendations that it could implement. This was important to the credibility of the universal periodic review mechanism. Secondly, a recommendation could be rejected where a policy review had been concluded and it had been decided that the current policy would be retained. Thirdly, it could be rejected because it disagreed entirely with the assertions made in the recommendation. Nevertheless, it provided assurances that these recommendations would all be kept under close review. Lastly, the United Kingdom considered one recommendation to be outside the scope of the universal periodic review process.

500. The United Kingdom believed that the universal periodic review should be seen as an ongoing process, and that it was the implementation in between each review that had the potential for far-reaching impact. It therefore believed that each subsequent cycle should be seen as building upon past reviews.

2. Views expressed by Member States and observers of the Human Rights Council on the review outcome

501. During the adoption of the outcome of the review of the United Kingdom of Great Britain and Northern Ireland, 12 delegations made statements.

502. Egypt regretted the fact that the United Kingdom regarded cooperation with requesting States to repatriate funds of illicit origin as falling outside the scope of the universal periodic review. Egypt recalled the obligations of States parties to the United Nations Convention against Corruption to prevent, detect and deter the international transfer of funds of illicit origin, and to strengthen international cooperation in asset recovery. With respect to the State's declared commitment to review the Equality Act in 2015, Egypt reiterated its concern about the provisions that allowed public officials to discriminate on the basis of nationality, and ethnic and national origin.

503. The Islamic Republic of Iran urged the United Kingdom to take effective measures to implement fully the provisions of the Convention against Torture and the International

Covenant on Civil and Political Rights in overseas territories under its control. It also urged it to withdraw its reservations to the Convention on the Rights of the Child concerning detained children, refugees and asylum-seeking children. It raised the question of the establishment of immediate means of redress and protection for ethnic and religious minorities and migrants, particularly Muslims. It expected the United Kingdom to respond to concerns relating to secret detention and torture in detention facilities in Iraq and Afghanistan.

504. Morocco praised the efforts made by the United Kingdom to strengthen the rights of the child, including the ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and to withdraw its reservations to the Convention; and to combat violence against women and girls. Morocco also encouraged further efforts to combat discrimination against ethnic and religious minorities, and to improve detention conditions in the context of counter-terrorism.

505. The Philippines welcomed the readiness of the United Kingdom to consider pursuing the ratification of international conventions protecting the human rights of migrant workers, such as the International Convention on the Protection of the Rights of Migrant Workers and Members of Their Families and ILO Convention No. 189.

506. The Russian Federation noted with satisfaction that the United Kingdom had accepted the recommendation on improving detention conditions and limiting custody of suspects without charge of terrorism. While noting the State's partial acceptance of the recommendation on ensuring the realization of the right of detainees to legal assistance, the Russian Federation believed that all measures should be taken to ensure the rights of detainees, without exception. It was disappointed at the State's rejection of the recommendation to withdraw the interpretative statement on the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

507. Thailand congratulated Her Majesty on her golden jubilee and the United Kingdom of Great Britain and Northern Ireland on the successful organization of the Olympic and Para-Olympic Games, noting that the Para-Olympics were testimony to the State's commitment to the promotion of the rights of persons with disabilities. Thailand praised the State's joint initiative in calling upon States to be responsible in their recommendations, and in highlighting the importance of technical cooperation. Thailand welcomed the State's inclusive national review, and expressed the hope that the United Kingdom would conduct prompt and independent investigations into all allegations concerning detention facilities in Iraq and Afghanistan.

508. Algeria regretted the rejection by the United Kingdom of the recommendation on withdrawing the interpretative declaration on article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination and measures for the elimination of racial discrimination and incitement to racial hatred. Algeria encouraged the United Kingdom to take further measures aimed at combating racial discrimination, racism and xenophobia.

509. Belarus regretted the rejection by the United Kingdom of recommendations on considering the possibility of raising the minimum criminal age and on refraining from the practice of keeping children in custody. It expressed the hope that the State would implement these recommendations. Belarus would await the results of investigations into all cases of human rights violations, including secret detention and alleged torture. It noted that, in practice, wearing Christian symbols by workers is prohibited in the United Kingdom, despite its stated commitment to protect the right to freedom of religion and conscience.

510. Botswana was encouraged that the United Kingdom had pledged to keep all recommendations under continuous review and to keep the Human Rights Council updated on recommendations not accepted. Botswana noted that this undertaking, together with the State's ongoing efforts in institutional and legislative reforms in the area of human rights, demonstrated its clear commitment to the promotion and protection of human rights.

511. Cuba was concerned that a significant number of the recommendations had been rejected, and that some others had been only partially accepted. It noted the enormous challenges faced by the United Kingdom, particularly those relating to the protection and promotion of economic, social and cultural rights. Vulnerable groups, such as children, persons with disabilities, women, migrants and minorities, had to benefit from more and improved measures and programmes to reverse their marginalized and disadvantaged situations. Cuba encouraged the United Kingdom to implement the recommendations fully, and also to promote all human rights, including the right to development.

512. Ecuador was concerned that a large number of recommendations had not been accepted, including those relating to the ratification of international human rights conventions. Ecuador regarded as unsatisfactory the explanation by the United Kingdom that domestic legislation provided protection when there were migrant detention centres like Yarl's Wood, where a good number of immigrant women were detained and there were reports of abuse of pregnant women. Ecuador appreciated the opening of an investigation into the participation of officials in rendition flights and the delivery of prisoners to secret prisons, in which there had been reports of torture and inhuman and degrading punishment. Ecuador hoped that the investigation would be conducted independently as soon as possible, and that responsibilities, penalties and compensation for victims be established. Moreover, it was concerned about the potential impact of the economic crisis and austerity measures on the most vulnerable.

3. General comments made by other stakeholders

513. During the adoption of the outcome of the review of the United Kingdom of Great Britain and Northern Ireland, 11 other stakeholders made statements.**

514. In a joint statement submitted by the Equality and Human Rights Commission, the Northern Ireland Human Rights Commission and the Scottish Human Rights Commission, British A-status national human rights institutions called upon the United Kingdom of Great Britain and Northern Ireland to work with national human rights institutions, civil society and others to develop an outcome-focused universal periodic review implementation plan, which should set out clearly expected actions and indicators to measure progress against the recommendations. They recommended retaining the 1998 Human Rights Act, and called for the development of a bill of rights for Northern Ireland and for giving effect to United Nations treaty obligations through incorporation and other measures. They also expressed concern about the effect of the economic crisis and austerity measures on the enjoyment of human rights in the United Kingdom, particularly the potential effects on women, children, ethnic minorities and disabled persons. The Northern Ireland Human Rights Commission expressed grave concern at the State's failure to respond to recommendations raised during the review of the situation in Northern Ireland.

515. The European Region of the International Lesbian and Gay Federation was pleased with the recognition by the United Kingdom of sexual orientation and gender identity persecution as grounds for seeking asylum. It encouraged the State to implement

** The statements of the delegations that were unable to deliver them owing to time constraints are posted, if available, on the extranet of the Human Rights Council, at <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/21stSession/Pages/Calendar.aspx>.

transgender awareness training for British border agency staff. It noted that, at present, the United Kingdom did not affirm intersex health-care protocols, and urged it to create them. It also expressed concern at the continuing imposition of various requirements on transgender persons wishing to receive legal gender recognition.

516. Human Rights Watch acknowledged recent counter-terrorism reforms. It had noted, however, that the Government had tabled draft legislation that would allow for enhanced control measures in exceptional circumstances, and that secret evidence could still be used to impose control orders. The legislation enacted in 2012 reduced pre-charge detention in terrorism cases to 14 days, which was a positive step, but still far longer than the 96-hour period allowed for other serious crimes, with a bill before the Parliament would expand the use of secret evidence in civil court proceedings on national security grounds. It regretted the State's rejection of the recommendation on abandoning its policy of deportation of foreign terrorism suspects with diplomatic assurances. It welcomed the State's plan to investigate arbitrary detention and torture in the fight against terrorism, and encouraged swift action to establish a credible, judge-led inquiry into the policy framework and the failures that may have led to the State's involvement in torture and rendition. It also welcomed the signature by the United Kingdom of the Council of Europe Convention on preventing and combating violence against women and domestic violence. It regretted the State's rejection of the recommendations to sign ILO Convention No. 189 and to avoid detention under the fast-track asylum procedure.

517. Action Canada for Population and Development expressed its concern at the rejection by the United Kingdom of the recommendation on ensuring by legislative and other measures that women in Northern Ireland are entitled to safe and legal abortion on an equal basis with women living in other parts of the country. Women from Northern Ireland were being discriminated against, as they were not entitled to free, safe and legal abortions under the National Health Service in Northern Ireland or any other region of the United Kingdom, despite being British citizens.

518. Amnesty International welcomed the acceptance by the United Kingdom of the recommendation on investigating allegations of its complicity in renditions and secret detention programmes operated by the United States of America, and of mistreatment by armed forces. It hoped that the investigation would be independent, impartial, thorough and effective, in conformity with the international legal obligations of the United Kingdom. It noted the insufficient progress made in ensuring that counter-terrorism measures did not undermine human rights protection. It was deeply disappointed with the State's rejection of the recommendation on ending the use of diplomatic assurances, and that it had not committed fully to the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance.

519. Save the Children International welcomed the acceptance by the United Kingdom of the recommendations relating to child poverty. It emphasized that ending child poverty by 2020 remained an achievable goal, and urged the United Kingdom and devolved Governments to make every effort to ensure that children's right to an adequate standard of living was realized. It was disappointed by the State's rejection of the recommendation to incorporate the Convention on the Rights of the Child fully, urging the United Kingdom to move decisively to incorporate the Convention into law through comprehensive children's rights legislation. It also urged the Government of Scotland to make full use of the opportunity presented by the forthcoming children and young people's bill to incorporate the Convention into Scottish law.

520. Nord-Sud XXI praised the broad engagement of civil society in the preparation of the universal periodic review report, but expressed concern at the level of poverty of children. It referred to reports that almost one third of children in the country lived in poverty. While welcoming the State's commitment to ending child poverty by 2020, it

regretted the absence of any concrete plan containing specific steps to achieve that goal. It was also concerned about the increasing incidents of discrimination based on religion or race, and urged the Government to ensure that steps were taken to change public attitudes towards minority groups and to foster an environment of mutual respect.

521. The Maryam Ghasemi Education Charity Institute referred to incidents of hatred or irrational fear of Islam and Muslims, and stated that Islamophobia had led to the practice of discrimination against Muslims by excluding them from the economic, social and public life of the nation. It urged the United Kingdom to intensify its efforts to promote multiculturalism at all levels, and to introduce general anti-discrimination laws. It also expressed its alarm at reports of the State's complicity in secret detention and torture in detention facilities in Iraq and Afghanistan.

522. The International Humanist and Ethical Union stated that the Government of the United Kingdom had consistently stonewalled the triggering of its enabling power in the 2010 Equality Act, which would allow caste to be added to the list of protected characteristics. It stated that objections by potential oppressors were an unacceptable justification for delaying further the implementation of legislation against caste discrimination.

523. Edmund Rice International noted that asylum seekers received limited support in the United Kingdom, and urged implementation of universal periodic review recommendations relating to the human rights of asylum seekers. It also urged the State to grant temporary renewable protection and continuing accommodation, as well as financial support to all asylum seekers whose application had been rejected. It urged also that it provide free access to primary and secondary health care to all asylum seekers until removal, voluntary return or the granting of leave to remain.

524. The International Federation of Human Rights Leagues noted that the Scottish Human Rights Commission had been unable to undertake individual cases. It also noted that welfare reforms were having a very negative impact on vulnerable groups, in particular on persons with disabilities.

4. Concluding remarks of the State under review

525. The United Kingdom of Great Britain and Northern Ireland welcomed all the contributions made, stating that, while the annex to the addendum set out in detail its approach to all recommendations received, it would be willing to engage further with any delegation as needed. In response to the comments made, it explained that some recommendations had been rejected because it did not share the assumptions they contained. It also clarified that it had consulted openly with the devolved administrations of Scotland, Wales and Northern Ireland, including by writing to them and inviting them to contribute to the responses to the recommendations. It was committed to continuing such transparent consultation as it moved ahead with implementation.

526. Responding to some issues raised, the United Kingdom clarified that it had robust domestic legislation to protect the rights of migrants. It had withdrawn its remaining reservation to the Convention on the Rights of the Child in 2008. With regard to the questions on detention and torture, the Government had set out its strong stance against torture; torture was not and would not be tolerated. Regarding specific questions on an inquiry in this area, this had been subsumed or halted owing to ongoing independent police investigations. It added that the Convention against Torture had already been extended to all British Overseas Territories. With regard to questions about conditions in detention facilities, it confirmed that it was working closely with independent human rights groups and international organizations on this matter. On the issue of deportations with assurances,

the greatest possible care was taken when securing diplomatic assurances from other countries.

527. The United Kingdom of Great Britain and Northern Ireland closed by re-emphasizing its commitment to engaging civil society and assuring the Human Rights Council that working for a successful universal periodic review would be a crucial part of the contribution made by the United Kingdom of Great Britain and Northern Ireland should it be re-elected to the Council for the term 2014-16.

India

528. The review of India was held on 24 May 2012 in conformity with all the relevant provisions contained in relevant Human Rights Council resolutions and decisions, and was based on the following documents:

(a) The national report submitted by India in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/13/IND/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/13/IND/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/13/IND/3 and Corr.1).

529. At its 22nd meeting, on 20 September 2012, the Human Rights Council considered and adopted the outcome of the review of India (see section C below).

530. The outcome of the review of India comprises the report of the Working Group on the Universal Periodic Review (A/HRC/21/10), the views of India concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/21/10/Add.1).

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

531. The Permanent Representative of India stated that it was a privilege to lead the delegation of India at the adoption of the outcome of the state's second universal periodic review. The deliberations during the session had marked the culmination of a productive process that had benefited India tremendously. India had had an opportunity to understand how its efforts to realize human rights for its own people were viewed by Member States. It was a matter of great satisfaction that there had been positive recognition of the State's efforts and that many of the initiatives launched by India were viewed as examples of best practices.

532. A number of recommendations were made by various delegations during the interactive dialogue, which were recorded in the report of the Working Group. India had examined these recommendations carefully in consultation with its ministries and departments. A response to these recommendations was submitted to OHCHR, which had circulated it and made it available in the form of an official document.

533. India regarded the universal periodic review as a continuous process, not a one-time exercise. The second phase of the review cycle had commenced. During that phase, India would pursue the implementation of the recommendations accepted. The State's commitments were, however, not limited to the recommendations.

534. India had accepted all positive suggestions and constructive criticism made in the right spirit. It saw this process as one of constructive engagement. The promotion of human rights was a continuing endeavour to improve the quality of life of India's people.

535. The fundamental rights enshrined in the Constitution of India and in the various laws enacted by Parliament formed the bedrock of human rights in India. Over the decades, these human rights had been strengthened through judicial pronouncements and government policies that sought to empower further the people of India.

536. A range of administrative and legislative measures had been taken to improve all aspects of human life. The State's vibrant democratic polity required it to continuously pursue higher norms and standards, be it in the area of human rights or social and economic development.

537. It was equally important to have in place an effective institutional framework to protect the human rights guaranteed by law. India's democratic polity, with an independent and impartial judiciary, free and independent press, a vibrant civil society and an independent national human rights commission, provided the requisite framework for the promotion and protection of human rights.

538. While the universal periodic review was primarily an intergovernmental process, it had been designed to facilitate the effective participation of non-governmental organizations and national institutions. India looked forward to listening to their views at the session.

2. Views expressed by Member States and observers of the Human Rights Council on the review outcome

539. During the adoption of the outcome of the review of India, 13 delegations made statements.**

540. Indonesia welcomed the State's acceptance of 83 recommendations, which reflected its commitment to the universal periodic review mechanism. Indonesia commended the State's robust legislative and regulatory measures, including the enactment of the National Green Tribunal Act, and thanked India for accepting its recommendation on accelerating the ratification of the Convention against Torture. Its recommendation on the enhancement of effective coordination between central and State governments would enable progress in the implementation of the Right of Children to Free and Compulsory Education Act of 2010.

541. The Islamic Republic of Iran had made five recommendations, and expressed its appreciation to India for having accepted a significant number of recommendations.

542. Thailand welcomed, inter alia, the State's dedication to the promotion of equal access to justice, and thanked India for accepting its recommendation thereon. It hoped that India would continue its efforts to eliminate discrimination against and empower marginalized and vulnerable groups.

543. Kyrgyzstan commended India for its committed and determined approach to its human rights obligations. It expressed appreciation for the State's efforts to eliminate discrimination against and empower marginalized groups, and noted its enactment of laws aimed at achieving the Millennium Development Goals.

544. The Lao People's Democratic Republic was pleased to note that India had accepted a large number of recommendations and had taken steps to implement them. It also noted that India had taken important initiatives to secure human rights, such as the enactment of the National Green Tribunal Act.

545. Malaysia expressed its appreciation for the State's constructive engagement in the universal periodic review process. It applauded the efforts made by India in the field of human rights, and was encouraged by the significant developments that had taken place, which reflected the State's will to further the cause of human rights. Malaysia took note of the State's acceptance of its recommendations, and was confident that India would take appropriate measures to implement all recommendations accepted.

546. Cuba commended India for the spirit and commitment shown throughout its participation in its review. It highlighted the progress made by India in providing free and compulsory education for children between the ages of six and 14. It also highlighted the State's progress in the areas of food, social security and poverty eradication, and in relation to the rights of children, women and disabled persons. Such progress demonstrated the State's commitment to the promotion and protection of human rights. It welcomed the State's acceptance of many recommendations, including those made by Cuba.

547. Morocco congratulated India on the tangible action taken, which encompassed different areas of human rights, particularly those relating to women and children, and for the progress made in the areas of education, employment and the environment. Morocco noted the legislative provisions introduced to protect human rights defenders, and the measures taken to eliminate discrimination against marginalized and vulnerable groups, to combat exploitation of children and to assist women.

548. Myanmar commended India for its constructive engagement in the universal periodic review process and for its acceptance of the vast majority of recommendations, including the recommendations made by Myanmar. It was pleased that India had realized the concept of good governance through legislative measures and that it had already embarked on the implementation of a number of the recommendations accepted. Myanmar also welcomed the State's efforts to strengthen institutional mechanisms further.

549. The Philippines noted that, in India, religious freedom was practiced without discrimination, and that the caring and humane treatment of refugees and minorities had been a standard practice. It welcomed the consistent efforts of India to achieve the Millennium Development Goals, and had taken particular note of education being elevated to the status of a fundamental right. The Philippines was pleased with the State's affirmative actions to address poverty.

550. The Russian Federation stated that the information provided by India attested clearly to the significant work done by the Government in implementing the recommendations made during the first universal periodic review cycle. It welcomed the measures taken to ensure civil and political rights and to address issues of gender equality, in relation to the rights of ethnic and national minorities, and the overall improvements in its situation of human rights. The Russian Federation noted with satisfaction that India had accepted a significant number of recommendations.

551. South Africa commended India for its commitment to the universal periodic review process and for its constructive engagement throughout it. It appreciated the progress achieved in ensuring that citizens enjoyed their economic, social and cultural rights, and the candid manner in which India had outlined not only its achievements and progress but also its challenges in promoting human rights. Real progress had been achieved in the areas of the protection of women, the right to live in dignity in a healthy environment and the right to education.

552. Sri Lanka commended India for its acceptance of 67 recommendations, which included its own recommendations. It noted that many of these recommendations had already been implemented or were being implemented. It also noted the State's commitment to the promotion and protection of economic, social and cultural rights, which had, *inter alia*, resulted in the reduction of poverty. Sri Lanka commended India for the

progress made towards achieving the Millennium Development Goals. It also commended India for its efforts in such areas as the empowerment of women.

3. General comments made by other stakeholders

553. During the adoption of the outcome of the review of India, 10 other stakeholders made statements.

554. The National Human Rights Commission stated that the challenges of promoting and protecting human rights in a country with the size and diversity of India was unique, and therefore not easy for others to grasp or to make relevant recommendations. The Members of the Human Rights Council had nonetheless made that effort. The Commission would disseminate the outcome of the review and monitor the implementation of the recommendations accepted. The Government's record on the implementation of the outcome from the first cycle was not particularly good. The Commission would attempt to make progress through its own work and discussions with the Government on the recommendations rejected, which the Commission considered important. The recommendations specific to women, children and disadvantaged sections of society would be brought to the attention of relevant national commissions. Laws were routinely flouted and a huge percentage of funds budgeted for social welfare programmes did not reach the intended beneficiaries.

555. Human Rights Watch was encouraged by the recent positive steps taken by the Government, such as its decision to support the decriminalization of homosexuality and to extend invitations to special procedure mandate holders. India had failed to address comprehensively the recommendations calling for an end to impunity and the repealing of laws. Enacting laws would not be effective because of the State's consistent failure to implement them. The Government had not amended laws giving immunity to military and paramilitary personnel: it had failed to accept the recommendation to review the Armed Forces Special Powers Act; and it had not addressed concerns about limitations on the freedom of expression. Human Rights Watch hoped that India would act on recommendations to institute a national plan of action to eradicate discrimination and to enforce training and sensitization to address caste, ethnic, religious or sectarian discriminatory practice of law enforcement officials, and monitor measures to reduce the high levels of maternal and child mortality. India should prioritize the enactment of the prevention of torture law, ratify the Convention against Torture and invite the Special Rapporteur on torture. It expressed disappointment that India had failed to accept the recommendation on calling a moratorium on capital punishment.

556. The Asia Forum for Human Rights and Development in association with Working Group on Human Rights in India and the United Nations (FORUM-ASIA) stated that no consultations had been held; of the 169 recommendations made at the review, India had hastily produced a list of 67 accepted recommendations. Many recommendations were a repeat of those made at the first cycle review, which indicated that implementation was poor. Referring to the recommendation on addressing communal violence, FORUM-ASIA stated that the recent incidents in Assam, which required immediate attention, exemplified the gap in national standards and the lack of institutional responsibility. It was concerned that recommendations in relation to the repealing of the Armed Forces (Special Powers) Act and the imposition of a moratorium on the death penalty had not been accepted, and urged the Human Rights Council to remain seized of these matters. While many States had commended India on its food security policies, concerns remained, because the public distribution system operated on the basis of an unrealistic poverty line, and poor households in genuine need were excluded. Positive developments, such as the enactment of the Protection of Children from Sexual Offences Act, were welcome.

557. Franciscans International expressed concern at the State's failure to provide effective protection for the enjoyment of human rights of vulnerable groups, especially children, women, scheduled castes and tribes, as they continued to face discrimination. It regretted the State's refusal to accept the recommendations to ratify the third Optional Protocol of the Convention on the Rights of the Child, ILO Conventions No.138 and 182, and the Optional Protocol to the Convention on the Elimination of Discrimination against Women. Franciscans International demanded that concrete action be taken immediately to implement policies relating to Dalit and tribal communities.

558. Sudwind stated that, in the addendum to the report of the Working Group, India had only provided a list of accepted recommendations and not made any reference to the recommendations as numbered in the main report. It was disappointed that India had not accepted the recommendation to ratify the Rome Statute of the International Criminal Court or the Optional Protocol to the Convention on the Elimination of Discrimination against Women. It recommended that India should reconsider the recommendations that it had not accepted.

559. Action Canada for Population Development, speaking also on behalf of Sexual Rights Initiative, welcomed the State's commitment to increase access to reproductive health services and to implement mechanisms for safe abortion and contraceptives, and to reduce gender discrimination and introduce a gender perspective to policies and programmes. It expressed concern that the Criminal Law (Amendment) Bill 2012 approved by Cabinet retained section 377 of the Penal Code, which criminalized consensual same-sex relationships. It urged India to repeal section 377 of the Code and to decriminalize consensual same-sex relations; to address trafficking holistically and consider multiple forms of trafficking and not associate sex work with trafficking; to amend the Immoral Trafficking Prevention Act of 1946; and to decriminalize sex work and all its forms.

560. The International Commission of Jurists stated that, although 15 years had passed since India signed the Convention against Torture, it had still not been ratified, and torture, as defined by the Convention, was not criminalized under domestic law. It urged India to accept the recommendations to expedite the ratification of the Convention against Torture. National legislation prohibiting torture had to comply with the obligations laid down by the Convention, customary international law and the International Covenant on Civil and Political Rights. Also, the death penalty should not be introduced in any legislation prohibiting torture.

561. Amnesty International regretted the apparent lack of support shown by India for the recommendations on holding the security forces to account for human rights violations. It expressed concern for the continued application of the Armed Forces Special Powers Act, and urged India to repeal it. Amnesty International regretted the State's rejection of recommendations to allow the visit by the Special Rapporteur on torture, which had been pending since 1993, and its apparent lack of support for recommendations that it adopt ILO Convention No. 169.

562. Save the Children and World Vision welcomed the State's efforts to protect children's rights, although additional initiatives had to be taken to secure the well-being of children. Eighteen universal periodic review recommendations related to the welfare of women and children. India had to redouble its efforts and operationalize these recommendations by appointing equitably distributed, adequately motivated and better equipped health workers in order to achieve Millennium Development Goals 4 and 5. Several recommendations called for an increase in budget allocations for health. The first step in addressing child and maternal mortality was to increase public expenditure to 5 per cent of GDP by 2017.

563. The World Evangelical Alliance expressed its regret that India had not accepted recommendations for the creation of a comprehensive framework to address communal or targeted violence. It recalled that, during the review, India had stated that communal violence was only sporadic and was disputable, as religious minorities continued to suffer violent attacks in a number of States on a regular basis. It also regretted the fact that those recommendations calling for the reconsideration of the anti-conversion legislation currently enacted in six States had not been accepted. It requested India to make available a list of the recommendations it rejected.

4. Concluding remarks of the State under review

564. The delegation thanked everyone for their presence and participation in the adoption of the outcome. In particular, it thanked the participants for their expressions of friendship and goodwill towards India. India reciprocated these sentiments.

565. India was conscious of its human rights challenges and had persevered diligently to address them. It remained open to advice and suggestions. In this regard, India had carefully noted the observations and suggestions made by participants during discussions at the session, and would give them full consideration with an open mind.

566. The fact that India had not accepted some recommendations did not in any way mean that it did not recognize or value them; it had taken note of all recommendations. In fact, India had pledged to work assiduously on all the issues highlighted during the review. Furthermore, non-acceptance of a recommendation did not mean that India did not have adequate or necessary regulation or legislation in place to address issues pertaining to that recommendation. In most cases, India had its own regulations in place, though it acknowledged that there was room for improvement.

567. On certain issues, which were the subject of some recommendations, parliamentary and other consideration was required. While India may not have accepted all recommendations, it continued to pursue the effective implementation of provisions already on its statutes.

568. In conclusion, the delegation thanked everyone for their participation in and contribution to the review. India has benefited immensely from this constructive engagement with the Human Rights Council, and considered it a positive experience. India was committed to follow up on the recommendations made in an inclusive manner. The delegation also conveyed its appreciation to the troika, and thanked the universal periodic review team of OHCHR for the excellent organization of and support shown during this process. India looked forward to returning to the Council at the next cycle to report on the progress made in its pursuit of human rights.

Brazil

569. The review of Brazil was held on 25 May 2012 in conformity with all the relevant provisions contained in relevant Human Rights Council resolutions and decisions, and was based on the following documents:

(a) The national report submitted by Brazil in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/13/BRA/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/13/BRA/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/13/BRA/3).

570. At its 22nd meeting, on 20 September 2012, the Human Rights Council considered and adopted the outcome of the review of Brazil (see section C below).

571. The outcome of the review of Brazil comprises the report of the Working Group on the Universal Periodic Review (A/HRC/21/11), the views of Brazil concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/21/11/Add.1).

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

572. The delegation of Brazil reiterated its support for the international human rights system. The adoption of the report of the Working Group was the culmination of a much work, which had included consultations with governmental bodies and civil society, as well as discussions with special procedures, OHCHR and other delegations.

573. Brazil had received international recognition for the results achieved by public policies for the realization of human rights. Nearly a third of the recommendations used the expression “to continue its efforts” and a number of them referred to sharing with other countries its good practices and the progress made.

574. During the past few months, a careful examination of the universal periodic review recommendations had been undertaken from legal, political and institutional points of view. Some 15 ministries had been involved, in partnership with the legislative and the judiciary branches, and with civil society.

575. As explained in the addendum to the report of the Working Group, the Government had accepted 159 of 170 recommendations received during the review. Some 10 recommendations the content of which faced institutional constraints enjoyed the State’s partial support. Only one recommendation did not enjoy the State’s support, because it was inconsistent with the its constitutional and legal principles.

576. The delegation proceeded with an explanation of the State’s partial acceptance of 10 recommendations and rejection of one.

577. With regard to recommendation 119.127, partly accepted, the Federal Constitution provided for State protection of the family, which was the basis of society. However, Brazilian institutions recognized other family arrangements as also being eligible for protection.

578. With regard to recommendation 119.3, partly accepted, the State had ratified nearly all international human rights treaties. Regarding the second Optional Protocol to the International Covenant on Civil and Political Rights, signed by Brazil, the reservation mentioned in the recommendation was fundamental to the consensus needed for the celebration of the instrument, and was provided for in its article 2 (1).

579. With regard to recommendation 119.9, partly accepted, the State attached great importance to the promotion and protection of economic, social and cultural rights. Nevertheless, ratification of the protocol had to be preceded by discussions among the different bodies and national councils responsible for public policies affecting the said rights.

580. With regard to recommendation 119.10, partly accepted, the Ministry of Labour had created, in 2012, a tripartite commission on domestic work responsible for examining ILO Convention No. 189. With regard to ILO Convention No. 87, Brazil recognized the right to

freedom of professional or union association, in accordance with article 8 of the Federal Constitution, observing the principle of union unity.

581. With regard to recommendation 119.79, partly accepted, the Federal Constitution had been amended in 2004 to allow the Attorney-General to request the Supreme Federal Court the transfer of cases involving serious human rights violations to the jurisdiction of federal courts.

582. With regard to recommendation 119.12, partly accepted, the executive had drafted a bill, under discussion in Congress, that ensured the independence and autonomy of the members of the national mechanism for the prevention of and fight against torture, in accordance with the Optional Protocol to the Convention against Torture.

583. Recommendation 119.60 did not enjoy the support of Brazil owing to the constitutional provision on the existence of civilian and military police forces. Civilian police forces were responsible for the tasks of the judiciary police and the investigation of criminal offences. Military police forces were responsible for policing and for the preservation of public order. Furthermore, Brazil had taken measures to improve control over the actions of public safety professionals.

584. With regard to recommendation 119.62, partly accepted, the Government had violence-reduction policies aimed at the security of the general public. The extension to other federal States of any action depended on the specificity of each location and on its acceptance. The model of proximity policing was indeed encouraged by the Government in other States of the federation.

585. With regard to recommendation 119.24, partly accepted, the civil union of persons of the same sex was already legally recognized in Brazil as a result of a decision of the Supreme Federal Court.

586. With regard to recommendation 119.149, partly accepted, the State provided access to health services in cases of the termination of pregnancy allowed by the legislation and by decision of the Supreme Court.

587. Recommendation 119.156 was partly accepted on the understanding that the Federal Constitution and Federal Law No. 9.394/2006 provided for religious education, with optional enrolment, at primary public schools, while ensuring respect for cultural and religious diversity and forbidding all forms of proselytism. Therefore, in accordance with the secular nature of the State, religious education in Brazil did not constitute confessional or inter-confessional teaching of faith.

588. Regarding one accepted recommendation (119.167), the delegation highlighted the fact that the State had already acted in accordance with the recommendation. The Federal Constitution provided that indigenous communities should be heeded, and that the Congress issue an authorization for the use of water resources, research and the mining of mineral resources in indigenous lands. Moreover, ILO Convention No. 169, enacted by Brazil in 2004, provided for prior consultations with indigenous peoples.

2. Views expressed by Member States and observers of the Human Rights Council on the review outcome

589. During the adoption of the outcome of the review of Brazil, 13 delegations made statements.**

590. The Russian Federation stated that the State's second review demonstrated again that the Government had taken all possible measures to improve national human rights mechanisms by involving civil society in those processes, and to develop various political and economic programmes. It noted with satisfaction that Brazil had accepted most

recommendations made by States during the review, yet another indication of the State's readiness to strengthen its capacity in the protection and promotion of human rights.

591. South Africa valued its bilateral relations with Brazil. It appreciated the State's ongoing efforts to implement the rights to adequate food, health, education and housing, and commended the progress made in this regard through various social programmes. It also commended the State's commitment to the Human Rights Council, in particular its engagement with its anti-racism agenda and on Afro-descendant issues. It acknowledged its national initiatives, such as the Statute of Racial Equality and the establishment of the Special Secretariat for the Promotion of Racial Equality.

592. Sri Lanka acknowledged the State's constructive engagement with the universal periodic review. It commended the Government for having accepted 159 recommendations, including those made by Sri Lanka, and for the partial acceptance of 10 others. It congratulated Brazil on its progress in the implementation of the Millennium Development Goals, and took note of the national plan to eradicate extreme poverty, especially among children and adolescents, as well as its efforts to achieve food security among vulnerable groups. It praised the State's efforts to combat sexual exploitation and the abuse of women and children.

593. Thailand commended Brazil for aiming to eradicate poverty by 2014, and shared its view that human rights and development were mutually reinforcing. Thailand encouraged Brazil to continue to promote equal access to opportunities for all, especially vulnerable groups, and to enhance the condition of women prisoners, in accordance with the United Nations Rules, for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders.

594. The Bolivarian Republic of Venezuela was pleased by the information that Brazil had presented during the universal periodic review, which had resulted in a constructive dialogue on human rights achievements and challenges. It highlighted the will of the State to pursue development with due regard for social inclusion. It welcomed the plan aimed at eradicating extreme poverty by 2014, and acknowledged the efforts made by the Government to follow the recommendations accepted during the first review cycle. It commended Brazil for having accepted most of the recommendations made at the second cycle.

595. Viet Nam commended Brazil for its second successful review and its efforts to implement all accepted recommendations, including those made by the delegation of Viet Nam. It noted that, in Brazil, human rights and socioeconomic development were mutually complementary, as shown by a number of policies and programmes, such as the implementation of the Millennium Development Goals, its health-care strategy, its education programme, and its approach to gender equality and the advancement of women and children.

596. Algeria acknowledged the presentation made by the delegation, which had enabled the Human Rights Council to see the efforts made by the State in the area of human rights. The delegation of Algeria had participated in the review and noted the resolve of the Government to implement the enjoyment of civil, political, economic, social and cultural rights. It praised the State's socioeconomic policies and programmes to improve human development and eradicate poverty. It also valued the State's acceptance of most recommendations, including those made by Algeria.

597. Benin noted the extensive progress made by Brazil in the promotion and protection of human rights. It noted the fulfilment of the recommendations made during the first review at the legal and institutional levels, as well as in the enjoyment of the human rights of the Brazilian people. In its second national report, Brazil had reiterated its commitment to human rights. Benin encouraged the Government to continue the reforms that would

enhance the enjoyment of human rights, and looked forward to exchanging experiences with Brazil in that area.

598. Bhutan appreciated the open manner in which Brazil had engaged in the universal periodic review. It was encouraged to note that Brazil had accepted the majority of the recommendations, while providing detailed responses to others. It welcomed the State's realistic approach to the implementation of the recommendations in a progressive manner, and its comprehensive approach towards the promotion and protection of human rights.

599. Botswana commended the Government for its positive participation in the universal periodic review. The acceptance of most recommendations demonstrated the State's commitment to the promotion and protection of the human rights. Botswana noted the efforts made at the highest political level for the eradication of extreme poverty by 2014, and the development projects undertaken to create a balance between economic growth and social inclusion for the whole population.

600. Bulgaria acknowledged Brazil's acceptance of nearly all of the recommendations. It noted that Brazil had accepted to align its legislation with the Statute of the International Criminal Court; to expedite the implementation of a national preventive mechanism in accordance with the Optional Protocol to the Convention against Torture; to create a national council for human rights; and to continue its efforts to eliminate extreme poverty and include in its social policies those who were most vulnerable, especially women, children, Afro-descendants, indigenous peoples, the elderly and persons with disabilities.

601. China thanked the delegation for its feedback on the conclusions and recommendation, and appreciated the constructive attitude with which Brazil had participated in the universal periodic review. It welcomed the State's commitment to implement actively the recommendations accepted and its efforts to promote and protect human rights. Brazil attached great importance to the right to development and the promotion of sustainable and inclusive development, and had made remarkable achievements in poverty alleviation. China was confident that Brazil would achieve new progress in socioeconomic development and human rights.

602. Cuba was not surprised at the State's positive results in the area of human rights. Brazil was genuinely committed to human rights and an important international actor. Brazil promoted the rights of developing peoples from a human rights perspective. The Rousseff and Lula Governments had done a great deal to eradicate poverty and in the areas of economic, social, cultural, participation and political rights. It was therefore not a surprise that Brazil had accepted the majority of recommendations; it was consistent with its commitment to human rights.

3. General comments made by other stakeholders

603. During the adoption of the outcome of the review of Brazil, nine other stakeholders made statements.**

604. Human Rights Watch urged Brazil to take concrete steps to address serious concerns raised during the review, including impunity for police officers who broke the law, chronic torture and overcrowding in detention centres. Violence by criminal gangs and unlawful killings by police remained serious, despite the recommendations made on these issues and accepted by Brazil at its first review. It welcomed the fact that Brazil had again accepted recommendations on torture and detention conditions. Brazil should swiftly create a national system to prevent and combat torture.

605. The International Commission of Jurists welcomed the State's acceptance of recommendations relating to access to justice and human rights defenders. It also noted that Brazil had accepted the recommendations to consider ratifying the International Convention

on the Protection of the Rights of All Migrant Workers and Members of Their Families, but regretted that it had only partially accepted the ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. It also regretted that Brazil seemed to only partially support the recommendations relating to the right of indigenous peoples to be consulted. It called upon Brazil to reconsider its position in this regard, and to bring its legislation into full compliance with article 6(2) of ILO Convention No. 169.

606. Amnesty International welcomed the Government's support for investigations in to human rights violations committed by law enforcement officials and for holding those responsible to account. It was concerned at the absence of enhanced protection from racism-related violence and at the indifference towards the violent death of youths. From 1981 to 2010, more than 176,000 people under the age of 19 had been killed in Brazil, most of them poor, black males. Amnesty International urged the Government to take action to end these violations. It noted the State's support for the establishment of a national human rights institution.

607. The Foodfirst Information and Action Network recalled that Brazil had received a number of recommendations relating to the right of indigenous peoples, and requested the Government to accept all of them. In Mato Grosso do Sul, the worst rates of land demarcation had been identified, even though this area had the second-largest indigenous population in the country. Several Guarani leaders had participated in the national programme for the protection of human rights defenders, but subsequently stated that protection was inadequate. To enact legislation on the programme would be an important step.

608. Nord-Sud XXI noted that Brazil had been a leading example of poverty alleviation good practices, particularly relating to the right to health. Brazil had the right to health recognized in its Constitution and had recently established a special secretariat for indigenous health, which had already had an impact on the improvement of the health of some of the most vulnerable people. It acknowledged the State's increasing international influence, and looked forward to Brazil fostering an environment of solidarity and cooperation with its partners and the international community in general.

609. The International Lesbian and Gay Association welcomed the State's response to a recommendation made by the Holy See requesting the protection of the natural family. Brazilian institutions had already recognized the eligibility for protection of other family arrangements, such as women raising children alone and same-sex couples, as family units. It also noted the State's support for a recommendation made by Finland relating to addressing homo- and trans-phobic crimes. It urged Brazil to fulfil this commitment by taking the measures necessary to overcome prevailing impunity in relation to this type of crime.

610. VIDES, Association Points-Coeur and Istituto Internazionale Maria Ausiliatrice welcomed the State's constructive participation in the universal periodic review, but noted that difficulties persisted in the full implementation of the right to education for all. While education had become widely more accessible, illiteracy and repetition rates were still high, the special needs of children with disabilities were not being met, and education in rural areas was of a poor quality. Indigenous children were particularly discriminated against. In addition, indigenous people were often victims of discrimination because of their socio cultural status and physical characteristics.

611. Rencontre africaine pour la défense des droits de l'homme acknowledged the State's efforts to tackle poverty and to ensure that everyone had adequate standards of housing. Despite its commitment to the Durban Programme of Action, there were still several challenges to overcome disparities between Afro-Brazilians and other Brazilians. It hoped

that the Government's programmes against poverty would create new opportunities for Afro-Brazilians, indigenous peoples, *quilombos* and, in particular, women and children living in favelas. It was concerned at the conditions of overcrowding and violence in the penitentiary system. It hoped that tolerance and respect would be upheld during the Olympics and the World Football Cup.

612. The Association for the Prevention of Torture stated that torture and other ill-treatment continued to be widespread in places of detention, and that such acts remained unpunished, as highlighted by the Subcommittee on the Prevention of Torture. During the review, more than 20 States had made recommendations relating to torture and ill-treatment. Among them, it recalled a recommendation to establish a national system to prevent torture. It welcomed the decision of Brazil to publish the report of the Subcommittee, an important yet insufficient step, and called upon the Government to implement all of the recommendations made in that report.

4. Concluding remarks of the State under review

613. The representative of Brazil acknowledged the statements delivered by delegations and non-governmental organizations. The Government attached great importance to the implementation of recommendations, and hoped to cooperate with them and with OHCHR, including its regional office, in that regard.

614. Brazil would integrate all accepted recommendations into its national human rights policy, which would help to ensure that the universal periodic review was implemented as a core commitment of the Government.

615. In conclusion, the Human Rights Council could count on Brazil's openness to continue its discussion open with all partners.

Philippines

616. The review of the Philippines was held on 29 May 2012 in conformity with all the relevant provisions contained in relevant Human Rights Council resolutions and decisions, and was based on the following documents:

(a) The national report submitted by the Philippines in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/13/PHL/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/13/PHL/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/13/PHL/3).

617. At its 24th meeting, on 20 September 2012, the Human Rights Council considered and adopted the outcome of the review of the Philippines (see section C below).

618. The outcome of the review of the Philippines comprises the report of the Working Group on the Universal Periodic Review (A/HRC/21/12), the views of the Philippines concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/21/12/Add.1 and Corr. 1).

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

619. The head of the delegation reiterated the strong commitment of the Philippines to make good on all 53 recommendations it accepted early on during its review, and the nine others that it had accepted after the multi stakeholder consultations held in Manila.

620. The Philippines had accepted the following recommendations:

(a) 131.3. and 131.4. ILO Convention No. 189 was ratified on 6 August 2012. The Philippines would further study the recommendation to accede to the International Convention for the Protection of All Persons from Enforced Disappearance and ILO Convention No.169;

(b) 131.5. The Philippines has been intensifying its efforts to address the problem on the worst forms of child labour;

(c) 131.13, on the institutional strengthening of the national Commission on Human Rights;

(d) 131.19, as such was also provided for in the Implementing Rules and Regulations of the Anti-Torture Act;

(e) 131.22, on ensuring fair trial and punishment for those responsible for extrajudicial executions;

(f) 131.23, on updating the Human Rights Council within the context of the universal periodic review;

(g) 131.28, since the Philippines was addressing the situation of children in detention through strong policy measures provided under the Juvenile Justice and Welfare Act of 2006;

(h) 131.32, as it pertained to measures to end extrajudicial killings and enforced disappearances, and to investigating all cases and bringing those responsible to justice. The Philippines noted the first part of the recommendation, and would issue invitations for country visits of mandate holders on a case-by-case basis.

621. The Philippines had created a tripartite universal periodic review monitoring group, which was had been facilitated by the Presidential Human Rights Committee, in partnership with the Commission on Human Rights of the Philippines and representatives from non-governmental organizations and civil society groups and alliances. Under the mechanism, the Philippines would strive to ensure that the review recommendations were translated into concrete actions.

622. The Philippines had accepted a total of 62 recommendations of the 88 made, and 25 recommendations were being further studied, given that there were ongoing legislative and judicial processes on them.

623. With regard to extrajudicial killings, the Philippines had committed to report, under the universal periodic review mechanism, the results of the work of a national monitoring mechanism that would examine the progress of cases involving extrajudicial killings and cases of enforced disappearance and torture.

624. The Philippines had accepted the recommendation pertaining to the promotion of accountability through measures that would end extrajudicial killings and enforced disappearances. It was committed to investigate all cases that had allegedly occurred under the current administration, as well as those committed under the previous regime, and for validated cases, to bring those responsible to justice.

625. With regard to the issue of enforced disappearances, Senate Bill No. 2817 entitled “Enforced or Involuntary Disappearance Act of 2011” had been approved by both houses of Congress. The measure sought to criminalize enforced disappearance with reference, where relevant, to the International Convention for the Protection of All Persons from Enforced Disappearance.

626. The Government had facilitated the turnover of records of cases of enforced disappearance in the possession of civil society and non-governmental organizations to the Philippine National Police for review. The initial results of the review had identified the need for thorough case profiling, additional information for building cases, and the identification and securing of witnesses.

627. On labour protection, the Philippines had ratified the Maritime Labour Convention and ILO Convention No. 189 ensuring the protection of the basic rights of seafarers and domestic workers, respectively. The Domestic Workers’ Bill, which was the enabling law for ILO Convention No.189, was up for consideration by the Bilateral Committee of Congress.

628. With regard to special procedures, the Philippines had accepted the request for the visit of the Special Rapporteur on trafficking in persons in November 2012 and of the Special Rapporteur on internally displaced persons in the first quarter of 2013. It would continue to accept requests for visits of mandate holders on a case-by-case basis.

629. With regard to the ratification of human rights conventions, the Philippines asked for some leeway to embrace reservations on certain treaties and optional protocols, to ensure that the level of its commitment was whole and unconditional, especially in harmonizing the substance and spirit of these treaties with its domestic laws. As a follow-through to the ratification of the Optional Protocol to the Convention against Torture, work on the establishment of a national preventive mechanism had started.

630. With regard to private armed groups, President Aquino had taken a strong stand against private armies and given orders to the Philippine National Police and the Armed Forces of the Philippines to make every effort to dismantle armed groups believed to be protected by local leaders and politicians. To date, some 92 members of these groups had been arrested and 132 firearms confiscated.

631. With regard to maternal and child health, the Department of Health allocated at least 11 per cent of its annual budget to women’s health under the maternal, newborn and child health and nutrition programme. Rural health units were being furnished with up-to-date medical equipment to ensure safe conditions for women giving birth. These developments were in accordance with the Magna Carta of Women.

632. With regard to the protection of children, the Philippines was implementing a programme against child labour and pursuing the Rescue Child Labourers programme to respond to cases of child labour. It had also adopted the second national plan of action for children, which aimed to protect children from all forms of abuse, including grave violations of children’s rights in armed conflict.

633. With regard to non-discrimination, the Senate had passed bill No. 2814, known as the “anti-discrimination act of 2011”, which sought to penalize all forms of discrimination, such as discrimination in employment, education, the delivery of goods, facilities and services, accommodation, transportation, the media and in search and investigatory activities.

634. With regard to economic and social rights, the Philippines was attentive to the needs of its people for adequate food, shelter, education, health services, employment, water and electricity. These rights would be fulfilled as affirmative obligations under the development plan of action, which emphasized anti-corruption measures and good governance.

635. In ASEAN, the Philippines was at the forefront in the promotion and protection of human rights. The Philippines had played host to a region-wide consultation of civil society organizations for the submission of inputs for the ASEAN Human Rights Declaration. The Declaration was one of the expected outcomes of the ASEAN summit to be held in November 2013, and which the Philippines strongly supported.

636. The Philippines completed its review proud of what it had achieved, and determined to do more to advance the cause of human rights at the local and international levels. It was confident that what it had done, what it was doing and what it sought to do further reflected how high it valued human rights.

2. Views expressed by Member States and observers of the Human Rights Council on the review outcome

637. During the adoption of the outcome of the review of the Philippines, 15 delegations made statements.**

638. Malaysia was encouraged by the measures taken to implement the recommendations accepted and the voluntary commitments made by the Philippines. It was aware of the need to be given ample time and space to continue to make improvements to the promotion and protection of human rights, and wished the Philippines the very best as it continued to embark on the implementation of recommendations.

639. Morocco noted the importance that the Philippines attached to economic, social and cultural rights. It viewed favourably the State's open-minded approach to constructive dialogue and cooperation with international human rights mechanisms, as indicated by the large number of recommendations accepted, including the one made by Morocco on the promotion of human rights education for the capacity-building of law enforcement officials.

640. Myanmar stated that the Philippines had engaged in an open and constructive manner in the universal periodic review process, and had accepted the vast majority of recommendations, including those made by Myanmar. It shared and admired the notion that all growth must be inclusive, and that the benefits of a growing economy must be felt by each and every citizen.

641. The Russian Federation stated that the national human rights protection system in the Philippines was developing and improving further. It noted with satisfaction that the Philippines had accepted most recommendations, including those that it had made, which attested to the readiness of the authorities to strengthen potential in the promotion and protection of human rights, including by means of social and economic reforms.

642. Saudi Arabia stated that the interest of the Philippines in human rights was demonstrated by the respect of these rights on the ground, which could be seen in its numerous legislative and institutional initiatives, its readiness to pursue international cooperation and its cooperation with the special procedures. Saudi Arabia appreciated the efforts made and called upon the Philippines to pursue them, particularly to fight against poverty, improve living conditions and develop labour regulations further.

643. Singapore welcomed the positive response of the Philippines to the recommendations, including the acceptance of its own two. Singapore would continue its cooperation with the Philippines to promote human rights in the region, including through ASEAN initiatives.

** The statements of the delegations that were unable to deliver them owing to time constraints are posted, if available, on the extranet of the Human Rights Council, at <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/21stSession/Pages/Calendar.aspx>.

644. Sri Lanka congratulated the Philippines on having accepted the majority of the recommendations made, including the one by Sri Lanka. It took particular note of the State's commitment to upholding labour standards and protecting the rights of workers. It commended the efforts made to improve health standards, particularly the progress made in improving maternal, infant and child health care and nutrition.

645. Thailand appreciated the support of the Philippines for its recommendations to further promote gender equality, maternal care and the rights of vulnerable groups. It looked forward to working closely with the Philippines in the process of the adoption of the ASEAN human rights declaration.

646. Indonesia welcomed the measures taken by the Philippines to address cases of past incidents of extrajudicial killings, enforced disappearances and torture, and noted the State's success in bringing perpetrators to justice and providing assistance to victims. It appreciated the State's acceptance of its recommendation to continue efforts to address such cases. It commended the efforts made by the Philippines to promote and protect migrant workers at the national level.

647. Viet Nam welcomed the proactive efforts made by the Philippines to implement a large number of recommendations, including its own two. It appreciated the State's commitment to strengthen overall achievements, particularly in poverty reduction, education, health care and social pension programmes.

648. Brunei Darussalam appreciated the cooperation of the Philippines during the review process, and its constructive approach to the recommendations. It welcomed the State's continued efforts to protect the rights of women, children and other vulnerable groups. It looked forward to continuing to work closely with the Philippines in the regional frameworks in ASEAN.

649. Cambodia recognized the efforts made by the Philippines to address challenges, particularly in legislative processes and measures. It encouraged the Philippines to continue its efforts to implement all the recommendations accepted, particularly those relating to the advancement of gender equality and the rights of vulnerable groups. It looked forward to working closely with the Philippines in the regional framework, such as the ASEAN Intergovernmental Commission on Human Rights.

650. Cuba praised the efforts made by the Philippines to push through new measures in the normative and legislative sphere, which would have a great impact on the enjoyment of human rights for women and children. Cuba also recognized the progress made by the Philippines in its work to combat poverty, and congratulated the Philippines on having accepted most recommendations, including those made by Cuba.

651. Ecuador joined the words of recognition that had been addressed to the Philippines for the efforts made to implement the recommendations, and recommended that the report be adopted.

652. Venezuela (Bolivarian Republic of) appreciated the responses made by the Philippines, in particular those regarding the progressive orientation towards development, which indicated that development should be inclusive of all and that all citizens should benefit from the growing economy. It recognized the efforts made, particularly the actions taken to align normative institutional frameworks within the country in order to achieve that goal.

3. General comments made by other stakeholders

653. During the adoption of the outcome of the review of the Philippines, 10 other stakeholders made statements.

654. The Commission on Human Rights of the Philippines stated that many victims and their kin were still awaiting the passage of the compensation law for human rights violations committed during the dictatorship, and urged action on the passage of legislation on extrajudicial killings, enforced disappearance, internal displacement and discrimination, and the enactment of the Commission's Charter so that it could effectively play its role as the national human rights institution. It also recommended the adoption of the national human rights action of plan and the implementation of the Philippine Development Plan.

655. Human Rights Watch regretted that the commitment of the Philippines to eliminate extrajudicial killings and enforced disappearance by members of the State security forces had not resulted in the successful prosecution of perpetrators. No one had been convicted in any case of extrajudicial killing. It called upon the administration to prosecute these cases to break this long-standing situation of impunity. A serious concern was the targeting of anti-mining activists, particularly tribal leaders. Furthermore, the Philippines had rejected the recommendation to disband paramilitary forces, which over the years had perpetrated many serious abuses.

656. Federatie van Nederlandse Verenigingen tot Integratie van Homoseksualiteit – COC Nederland made a statement also on behalf of the coalition of the organizations in the Philippines advocating for the rights of lesbian, gay, bisexual and transgender (LGBT) persons. They were concerned that the Philippines lacked the political will to enact laws to protect the welfare of the lives of LGBT Filipinos. The anti-discrimination bill had been languishing in the lower house for more than a decade. It urged the Philippines to take immediate steps to address human rights violations, and enact and implement the pending anti-discrimination bill, which would include and ensure the equality of all people regardless of their sexual orientation, gender identity and gender expression.

657. The Asian Forum for Human Rights and Development made a statement in association with its member organization, the Philippine Alliance of Human Rights Advocates. They appreciated the recommendation to address cases of past incidents of extrajudicial executions, torture and enforced disappearance, and urged that justice be brought for the human rights abuses committed during the martial law years. They noted that the Philippines had not elaborated any further measures to provide adequate protection to journalists and human rights defenders, and urged the Philippines to respond to the visit request by the Special Rapporteur on the situation of human rights defenders.

658. The Asian Legal Resource Centre expressed serious doubts about whether the Philippines would effectively implement many of the recommendations, and called upon all States that had made recommendations to follow up with the State. Targeted attacks against human rights and political activists were ongoing. The lack of investigations was preventing any hope of effective prosecutions, justice and remedies for grave violations. It regretted the Government's failure to accept key recommendations concerning reforms to justice delivery mechanisms and urged that such reforms be made.

659. Amnesty International stated that impunity for torture, enforced disappearances and extrajudicial executions persisted. Almost no perpetrators had been convicted. It urged the Philippines to repeal Executive Order 546, as recommended during the universal periodic review. It was concerned that members and auxiliaries of both the military and the police continued to practice or to be complicit in torture and other ill-treatment. It called for the adoption of a national human rights plan of action and urged the passage of legislation to protect the right of women and girls to life and reproductive health.

660. Save the Children and the Philippine NGO Coalition on the UN CRC called upon the Philippines to strengthen further the national policy framework to align it with international human rights standards, by ratifying the third Optional Protocol to the Convention on the Rights of the Child. They also called on the Philippines not to lower the

age of criminal responsibility, and to adopt the specific recommendations made in the Human Rights Council resolution on the rights of the child in implementing the Juvenile Justice and Welfare Act.

661. The joint statement of the World Council of Churches, the Commission of the Churches on International Affairs, the General Board of Church and Society of the United Methodist Church and the Indian Council of South America noted that the report of the Philippines failed to mention essential issues, such as the conviction rate of perpetrators of human rights abuses, which was close to zero; the failure to press charges and arrest suspects; and the continuing repressive effects of the Government's counter-insurgency programme on the Filipino people. In less than two years, four church people were among the 99 victims of extrajudicial killings, each of whom was a visible advocate for environmental justice, in particular, their defence of indigenous peoples' rights and solidarity against mining and aggressive development projects.

662. CIVICUS – World Alliance for Citizen Participation stated that extrajudicial executions, disappearances and other human rights violations persisted. In the two years of the current administration, Karapatan had documented 99 victims of extrajudicial executions. It called upon the Human Rights Council to continue to monitor the human rights situation in the Philippines. It also urged the Philippines to consider the plight of the majority of the poor, especially indigenous peoples.

663. Nord-Sud XXI welcomed the leadership of the Philippines in the resolutions on human rights and climate change, and encouraged it to maintain that leadership and to broaden the list of co-sponsoring States with a view to presenting a strong resolution to create the mandate of special rapporteur on human rights and climate change.

4. Concluding remarks of the State under review

664. The delegation of the Philippines expressed its appreciation to the States Members of the Human Rights Council and to all those who had participated in the session. It had taken keen interest in the statements delivered by them and would keep them in mind as it fine-tuned its policies and programmes on human rights. The Philippines would continue its unwavering commitment to defend, protect and fulfil human rights.

Algeria

665. The review of Algeria was held on 29 May 2012 in conformity with all the relevant provisions contained in relevant Human Rights Council resolutions and decisions, and was based on the following documents:

(a) The national report submitted by Algeria in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/13/DZA/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/13/DZA/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/13/DZA/3).

666. At its 24th meeting, on 20 September 2012, the Human Rights Council considered and adopted the outcome of the review of Algeria (see section C below).

667. The outcome of the review of Algeria comprises the report of the Working Group on the Universal Periodic Review (A/HRC/21/13), the views of Algeria concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not

sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/21/13/Add.1).

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

668. The delegation of Algeria was represented by the Director for Human Rights, Social Development, Cultural and Scientific Affairs at the Ministry for Foreign Affairs. The Director welcomed the fact that the session coincided with the first visit of a High Commissioner for Human Rights to Algeria, attesting to the good cooperation between Algeria and OHCHR. The delegation also mentioned the launching of the new local assemblies and their elections on 29 November 2012 in the context of the reforms of April 2011.

669. Algeria had accepted the majority of the 112 recommendations, including some that had already been implemented. Some recommendations required further study.

670. Recommendation 129.11 relating to the implementation of the recommendations made by the Special Rapporteur on the right or freedom of opinion and expression had already been implemented in the context of the mandate of the Special Rapporteur.

671. Algeria explained that it would also accept recommendations 129.13,20, 26, 27,29, 33to 37, 39 to 41,44 to 67, 70 to 82, 89, 96 to 103, 106, 109, 110 and 111. Recommendations 129.10, 16, 18, 24, 28, 32, 42, 105 and 108 had already been implemented.

672. Recommendation 129.8 was partially implemented, as Algeria was already a party to ILO Convention No.189. Recommendation 129.9 referred to accession to new international instruments that Algeria was considering, taking into account the implications of the ratification, the harmonization with its domestic law and financial implications. Algeria stressed that it had been a party to the International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families since 2005.

673. With regard to recommendation 129.21, no one was currently incarcerated in Algeria for having expressed an opinion. With regard to recommendation 129.25, there were no laws criminalizing the right to freedom of worship.

674. On recommendation 129.31, the delegation reiterated that equality between all citizens was a fundamental principle enshrined in the Constitution of Algeria.

675. With regard to recommendation 129.69, the new law 12/06 on association strengthened the right to freedom of association to fill the previous legal void by binding the administration to precise deadlines for an agreement, bearing in mind that silence from the administration meant consent, and any rejection by it could be appealed. The law submitted associations to a number of obligations that were universally accepted, such as the probity of their leaders, transparency in the management of their funds, and the respect of their statutes and their sphere of activities. Algerian law had never prohibited foreign funding; indeed, it encouraged transparent partnerships.

676. Recommendation 129.95 had also been partially accepted, as the visit of the Working Group on Enforced or Involuntary Disappearances and the collaboration between Working Group and Algeria were proceeding.

677. Algeria had noted recommendations 129.1, 2, 7, 15, 19, 22, 30, 68, 83 to 85, 107 and 112. It referred recommendations 129.3 and 129.4 to the comments made for recommendation 129.9, as Algeria was a party to most international human rights instruments. Algeria accepted recommendations 129.5 and 129.6. Recommendations 129.12, 14, 17 and 23 related to the state of emergency that had been lifted in February

2011 throughout the territory. The specific measures of the *wilaya* of Algiers concerned demonstrations, but they were not intended to curtail the right to freedom of demonstration and expression. Gatherings and sit-ins were regularly held without any authorization. The security services never used force to disperse the crowd, and followed strict instructions given by their hierarchy.

678. Algeria had accepted recommendation 129.43 with regard to criminalizing violence against women.

679. With regard to recommendations 129.86, 87, 88 and 104, Algeria fully cooperated with the special procedures. It had invited seven mandate holders. Three visits had already been held, and four more were pending. Following these visits, Algeria consider invitations for other mandate holders.

680. On recommendations 129.90, 91 and 92 Algeria had observed a de facto moratorium on death penalty since September 1993, and had voted since 2007 for the European Union resolution on the death penalty as a member of the Support Group for the International Commission against the Death Penalty. Algeria would vote favourably for this proposal at the sixty-seventh session of the General Assembly.

681. Recommendations 129.93 and 94 related to the complex situation of the internal crisis endured by Algeria in the 1990s. Since then, Algeria had opted for a national internal mechanism by referendum; the Charter for Peace and Reconciliation aimed at restoring social cohesion and healing the deep wounds suffered by the population through terrorism. This was a major challenge that required a collective effort to heal the deep wounds of the past not only for the victims but for the whole of society. In its quest for peace and reconciliation, Algeria had included two elements – truth and justice – in a broader dimension in order to rule out any attempt to perpetuate former forms of conflict. National reconciliation was not an excuse to forgive and forget, leaving impunity in place. This was a democratic process to put an end to the bloodbath, to install durable peace and to open the Algerian people to solidarity and forgiveness, to build the country for future generations.

682. Recommendation 129.95 had been implemented partially, as Algeria had not received any request for a visit by the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, and invitations were still outstanding.

2. Views expressed by Member States and observers of the Human Rights Council on the review outcome

683. During the adoption of the outcome of the review of Algeria, 13 delegations made statements.**

684. Kenya noted the considerable progress made by Algeria in expanding freedom and increasing respect for human rights. The comprehensive programme to raise awareness of the importance of human rights had resulted in an increase in the number of women elected to the National Assembly, the promotion of the rights of women and children and progress in achieving the Millennium Development Goals. It welcomed the State's decision to lift the state of emergency, and its efforts to combat terrorism and to criminalize human trafficking, in addition to instituting reforms in law enforcement institutions. It praised its cooperation with OHCHR, the treaty bodies and the special procedures.

685. Kuwait thanked Algeria for its efforts to implement its international human rights commitments. It commended the acceptance of the majority of the recommendations in order to enforce and protect all human rights, and particularly for accepting the recommendation made by Kuwait regarding the strengthening and the protection of the rights of women and children. Kuwait noted the State's cooperation with the human rights system.

686. Lebanon welcomed the positive policy adopted by Algeria in the promotion of human rights. It congratulated Algeria on having accepted most of the recommendations made by the Working Group, especially as it had acceded to most international treaties and human rights conventions. Lebanon noted the new legislation enacted in 2012, which guaranteed freedom of assembly and association, and also referred to the State's ongoing efforts to ensure the empowerment of women in the political and economic spheres.

687. Libya noted that the acceptance of 80 recommendations by Algeria demonstrated its eagerness to abide by its obligations under the universal periodic review. It commended the constitutional reforms and legislative amendments undertaken, especially regarding the empowerment of women and the fight against domestic violence, in addition to the national plan of action for children's rights. Libya acknowledged the progress achieved towards the realization of the Millennium Development Goals, and also with regard to the prevention of torture and the improvement of detention conditions. It also noted that trafficking had been criminalized through an amendment to the Penal Code.

688. Malaysia noted that, during its universal periodic review, Algeria had answered all questions asked and recommendations made. It appreciated the fact that many recommendations, including those made by Malaysia, had been viewed positively by Algeria. It was confident that Algeria would take appropriate measures to address the recommendations accepted. It noted that significant developments were taking place in Algeria to further the promotion and protection of human rights.

689. Mauritania commended Algeria for its efforts in working to achieve the highest standards of human rights, a model that could be followed. It commended the government initiatives and achievements in promoting and protecting human rights in all facets of life, which in turn reflected on the daily life of the citizens in guaranteeing all political, civil, social and cultural rights. It highlighted the effective contribution made to the dissemination of the values of equality, justice and freedom at all levels; for example, the recent elections had been held in accordance with the law and the highest international standards.

690. Oman noted that the transparency and positive spirit displayed by Algeria in the universal periodic review process, and its acceptance of many recommendations, showed its desire to promote human rights and fundamental freedoms. The review had been a useful opportunity to learn about the efforts made by Algeria to develop further its legislative and institutional framework in the area of human rights. Oman appreciated these efforts and the achievements made by Algeria, and encouraged it to continue on this path.

691. Pakistan thanked Algeria for providing an update about the human rights situation since its review during the second cycle, in May 2012. It appreciated the cooperative and constructive engagement of Algeria with the universal periodic review process. It noted with satisfaction that Algeria had accepted 80 of 112 recommendations, and taken note of the 32 remaining ones, which demonstrated its commitment to work towards the protection and promotion of human rights. It was pleased that Algeria had accepted all recommendations made by Pakistan.

692. Palestine valued the State's efforts in the promotion of and respect for human rights, which reflected its sincere will to cooperate positively and constructively with the Human Rights Council, United Nations mechanisms and the international community. Algeria had accepted 80 recommendations of 112, including those made by Palestine on enhancing the role and participation of women in the society and in decision-making, in addition to the recommendation that it continue to implement its programmes relating to health services and to promoting economic, social and cultural rights.

693. Qatar expressed its appreciation for the measures taken by Algeria to comply with its human rights obligations, despite the challenges it faced. It also appreciated the visit made by the United Nations High Commissioner of Human Rights to the country and her

meeting with the President, which demonstrated the importance accorded to human rights by the Algerian leadership. Qatar appreciated the fact that Algeria had accepted the recommendations made by Qatar. It encouraged Algeria to continue its efforts to realize the Millennium Development Goals, and expressed its support for the positive steps taken by Algeria, especially with regard to the rights of women and children and in the areas of health and education.

694. The Russian Federation noted the significant progress made by Algeria in the protection and promotion of human rights, the improvement of conditions for Algerians to enjoy their rights, and the State's willingness to build up the potential of human rights, including through socioeconomic reforms. It commended Algeria for accepting most of the recommendations, including those made by the Russian Federation. It expressed solidarity with Algeria in its fight against terrorism, and appreciated its efforts to ensure the respect of human rights while combating terrorism.

695. Saudi Arabia noted the State's readiness to engage cooperatively with all human rights mechanisms and to continue its international cooperation and dialogue on human rights, which demonstrated its commitment to human rights and their realization in practice. Algeria had laid out in its national report the efforts it had made to promote human rights, including by developing the relevant institutional and legislative framework, ratifying international treaties and lifting the state of emergency. Saudi Arabia appreciated these efforts and encouraged Algeria to continue them.

696. Sri Lanka congratulated Algeria on having accepted the majority of the recommendations. It took note of the 2010-2014 national plan for the advancement and integration of women and the national plan entitled "Algeria worthy of its children", which aimed at providing for the well-being, education and protection of children. It commended Algeria for combating and criminalizing human trafficking and for initiating a process of national unity and reform of the legal system to reinforce freedom and security while combating terrorism.

3. General comments made by other stakeholders

697. During the adoption of the outcome of the review of Algeria, six other stakeholders made statements.

698. The International Federation for Human Rights League and Collectif des familles de disparus en Algérie noted that Algeria had accepted 63 of 112 recommendations. They regretted that the key recommendations related to the de jure and de facto lifting of the state of emergency, the investigation of cases of enforced disappearance, and freedoms of association, assembly and information had not been accepted. They referred to the impact of the state of emergency on domestic laws, including the Criminal Code, the Criminal Procedure Code and the Military Justice Code. They also criticized the 2012 laws on freedom of information and non-governmental organizations, and called for their repeal. They also regretted that Algeria had refused to assume its responsibility with regard to the atrocities committed in 1990, and that Algeria had not withdrawn its reservations to the Convention on the Elimination of All Forms of Discrimination against Women.

699. The Cairo Institute for Human Rights Studies stressed that, despite the lifting of the state of emergency, the repression of fundamental freedoms and rights continued. It criticized the army's additional powers and the 2012 laws that would bring human right defenders, civil society and media further under permanent State control. It referred to the current trial of four human rights defenders for having peacefully exercised their right to association. It called upon Algeria to accept and implement all recommendations, particularly those related to ending torture and impunity, releasing all prisoners held for exercising their basic rights ensuring freedoms of expression, assembly and association, and

bringing all legislation into conformity with international standards, including to lift the restrictions imposed by the new laws governing the work of civil society and the media.

700. Nord-Sud XXI welcomed the State's commitment to respect human rights while ensuring national security. It also welcomed the decision made by Algeria to revoke national security laws. It noted the State's commitment to promote the right to self-determination and the right to development, and its efforts to combat poverty. It also noted the commitment to promote education and health. It urged Algeria to increase efforts to encourage cooperation with civil society.

701. Rencontre africaine pour la défense des droits de l'homme welcomed the State's decision to lift the state of emergency, and the progress made in strengthening its democratic institutions. It commended Algeria for observing the moratorium on the death penalty, reforming the Penal Code and criminalizing torture and all forms of trafficking in persons. It urged Algeria to strengthen further its laws to promote and protect the freedoms of expression, association and assembly, and freedom of religion and belief. It encouraged Algeria to ratify all the instruments to which it was not yet a party, to continue to address and uphold women rights, and to implement policies of equal distribution of wealth from national resources to alleviate youth unemployment and combat poverty.

702. The Association for the Prevention of Torture noted the list of measures to prevent and punish acts of torture provided by Algeria in its report. While taking note of the State's response to the recommendation to ratify the Optional Protocol to the Convention against Torture, it regretted that Algeria had not clearly and officially supported this recommendation. It referred to the High Commissioner's visit to Algeria and her views on the advantages that the Optional Protocol could offer to Member States, and urged Algeria to consider ratifying it.

703. The Arab Commission for Human Rights welcomed the State's readiness to ratify the Optional Protocol to the Convention Against Torture and the International Convention for the Protection of All Persons from Enforced Disappearance. It highlighted the remaining ambiguities in paragraphs 129.4 and 129.5, both in the addendum and the oral statement. It expressed concern at the continuing trend of forced disappearances and harassment of human rights defenders. It highlighted the necessity to combat impunity in order to avoid recurrence.

4. Concluding remarks of the State under review

704. Algeria thanked States and stakeholders for their comments. It referred to the upcoming fiftieth anniversary of Algeria's independence and its adherence to the United Nations. Algeria, having had a long history of fighting for freedom, dignity and justice, was in a privileged position to promote and protect human rights and universal norms.

705. The head of the delegation explained that Algeria had not rejected the recommendations on international human rights treaties but would consider accession at the appropriate time. Reservations such as those to the Convention on the Elimination of All Forms of Discrimination against Women reflected the cultural context and the public view.

706. With regard to the conditions of detention and the practice of torture, the visits by ICRC and the National Commission of Human Rights and other human rights institutions since 1999 had borne fruit and improved conditions, especially in preventing torture, in accordance with international human rights standards.

707. The delegation highlighted the advances made in women's rights, in particular their increasing participation in political life and in the professional sphere.

708. In conclusion, the visit of the High Commissioner had been a positive step towards closer cooperation with the United Nations system, and strengthened the State's commitment to the implementation of the recommendations accepted.

Poland

709. The review of Poland was held on 4 June 2012 in conformity with all the relevant provisions contained in relevant Human Rights Council resolutions and decisions, and was based on the following documents:

(a) The national report submitted by Poland in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/13/POL/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/13/POL/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/13/POL/3).

710. At its 21st meeting, on 20 September 2012, the Human Rights Council considered and adopted the outcome of the review of Poland (see section C below).

711. The outcome of the review of Poland comprises the report of the Working Group on the Universal Periodic Review (A/HRC/21/14), the views of Poland concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/21/14/Add.1).

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

712. The Permanent Representative of Poland, expressed the State's great appreciation of the universal periodic review mechanism, and thanked all States for their valuable comments, questions and recommendations received. In particular, Poland thanked those countries that had actively participated in the discussion of the State party report.

713. While preparing its national report, the Government of Poland had engaged in a broad consultation process with all relevant ministries and national bodies. With equal thoroughness and diligence, it had studied and considered all the comments and recommendations made.

714. Recommendations covered a broad spectrum of issues. At the previous session of the Working Group, Poland had shared its preliminary views on them. Of the 124 recommendations received, Poland supported 105, did not support six and took note of all the others (see A/HRC/21/14/Add.1). Poland was pleased to announce that it had already taken action to implement some of the recommendations, and made every effort to explain those few that Poland could not support.

715. In recent years, the Government of Poland had taken steps to ensure continued progress towards the adoption of further international human rights instruments. In its human rights agenda, the rights of members of the most vulnerable groups, including women, children and persons with disabilities, were the ones to which it paid particular attention.

716. The representative of Poland was pleased to inform the Council that, since the Working Group's discussion, the process of ratification of the Convention on the Rights of Persons with Disabilities had been completed and the ratification instrument would be deposited with the United Nations later that month. Meanwhile, the legislative works

continued; Poland would soon sign the International Convention for the Protection of All Persons from Enforced Disappearance and withdraw its reservations to the Convention on the Rights of the Child.

717. Despite the obvious progress, the State was far from complacent. In order to address the remaining challenges, including those referred to in the recommendations made by international monitoring bodies, Poland had been putting particular emphasis on the improvement of conditions in prison and detention centres, reducing the length of court proceedings and pretrial detentions, providing human rights training for law enforcement officials, combating discrimination against minorities and promoting gender equality.

718. The representative reaffirmed the State's commitment to cooperate with the Human Rights Council and all its mechanisms. The universal periodic review was a valuable tool, and the second cycle had clearly shown that Member States had come to appreciate it and tried to utilize fully its potential and the opportunities it offered for the advancement of human rights. Poland also valued and supported the work of the special procedures and, therefore, had issued a standing invitation to all mandate holders to visit the country.

719. The representative of Poland was pleased to note that, in the discussions held, the many efforts made by Poland had been positively recognized. Poland sincerely hoped that the lessons that it had learned, and the good practices that it had shared in the process, would also serve as an inspiration for others.

2. Views expressed by Member States and observers of the Human Rights Council on the review outcome

720. During the adoption of the outcome of the review of Poland, eight delegations made statements.

721. Morocco commended the progress made by Poland in the promotion and protection of human rights and, in particular, its attention to vulnerable groups. It welcomed the qualitative measures taken by Poland to promote equality through the establishment of the Council to combat racial, xenophobia and discrimination. Poland was determined to protect the rights of vulnerable groups, including migrants. Morocco thanked it for the clarifications provided regarding the funding of the national human rights institution. Morocco also saluted the importance that Poland attached to cooperation with the Human Rights Council, and its interaction with the universal periodic review.

722. The Philippines was encouraged by the State's progress towards ratifying international conventions on human rights, notably the Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance. The Philippines also acknowledged that vulnerable groups, such as women, children and persons with disabilities, were given most attention in the human rights agenda. It also appreciated the State's commitment to ratifying the International Convention on the Protection of the Rights of Migrant Workers and Members of Their Families and ILO Convention No.189 concerning decent work for domestic workers. The Philippines hoped that Poland would continue to implement measures to promote, protect and fulfil human rights.

723. Romania appreciated the participation of Poland in the universal periodic review exercise. Poland was committed to improving further the human rights situation. Romania welcomed the fact that Poland had accepted most of the recommendations with respect to the participation of women in public and political life. It thanked Poland for the explanations given with regard to those recommendations. Romania hoped that Poland would consider presenting a mid-term report in two years' time.

724. The Russian Federation was pleased to learn that Poland had accepted most of the recommendations, including the ones it had made. It had studied the State's accepted position with regard to the recommendation to improve detention conditions of children of foreigners who sought to receive the status of refugees and who lived in the territory of Poland in closed facilities. The Russian Federation noted that Poland was preparing to prohibit detention in closed facilities for children under 13 years of age. Nevertheless, it believed that Poland should take measures in the case of other children held in closed facilities with their parents, in accordance with the Convention on the Rights of the Child.

725. Belarus noted the wide spectrum of obligations adopted by Poland in the universal periodic review process. Belarus hoped that concrete measures would be taken to implement the recommendations. In the light of the standing invitation extended by Poland, Belarus would be following the organization of a focus visit by the Special Rapporteur on torture and the Working Group on Enforced or Involuntary Disappearances. Poland should show a serious attitude towards the appeal made by the European Court of Human Rights concerning an independent investigation into secret CIA prisons in Poland. Belarus was concerned that the situation of the rights of minorities had worsened, and this was shown by many acts of racism, anti-Semitism and Islamophobia. Belarus also expressed its concern at acts that had led to the elimination of regional television channels broadcasting in minority languages.

726. Bulgaria appreciated the State's cooperation with United Nations human rights mechanisms, and its constructive approach to the recommendations made by the Working Group. It acknowledged its decision to accept a significant number of the recommendations. It also appreciated the detailed position and comments provided by Poland in the addendum to the report of the Working Group. Bulgaria noted with appreciation that Poland had accepted many recommendations, such as reviewing its legislation with a view to signing the Convention for the Protection of All Persons from Enforced Disappearance, ratifying the second Optional Protocol to the International Covenant on Civil and Political Rights, abolishing the death penalty and continuing to strengthen its efforts to ratify the Convention on the Rights of Persons with Disabilities. Bulgaria welcomed the endorsement by Poland of the recommendations to continue to promote women's participation in public and political life.

727. Cuba welcomed the fact that Poland had accepted many of the recommendations made. It insisted on the need for Poland to carry out a comprehensive, independent and effective investigation of its involvement in the CIA programme of extra judicial renditions and secret detentions, to publish the findings of the inquiry and to prosecute the culprits. Significant efforts should also be made to eradicate the excessive use of force by law enforcement bodies, and also to combat racism and xenophobia. Cuba also noted that progress had to be made in improving penitentiary conditions and reducing overcrowding in prisons. Others challenges included reducing gender inequality, child poverty and child labour, as well as prostitution. Cuba encouraged Poland to show real commitment to promoting and protecting all human rights, including the right to development and to mainstream international cooperation and solidarity.

728. The Islamic Republic of Iran, referring to its concerns at a number of human rights issues, requested Poland to elaborate on the measures taken to address effectively the recommendations, inter alia, developing a comprehensive strategy in areas such as housing, education, employment and health care to improve the situation of Roma and migrants; harmonizing criminal law with the standards described in relevant international human rights instruments on children to eradicate sexual exploitation, and prosecute and impose appropriate sanctions on any perpetrator of violations; and undertaking a comprehensive set of measures to tackle racism and racial discrimination, and to combat all its forms and manifestations, particularly racism, Islamophobia and xenophobic political platforms.

3. General comments made by other stakeholders

729. During the adoption of the outcome of the review of Poland, six other stakeholders made statements.

730. The European Region of the International Lesbian and Gay Federation (ILGA Europe) recognized the efforts made by the State Secretary for Equal Treatment to mainstream LGBT issues, and noted that, for the first time, LGTB needs had been included in a national equality programme. Nonetheless, homophobic and transphobic hate speech and hate crimes were common and threatened individuals, their families and the whole community. It pointed out that the anti-discrimination act did not ensure equal treatment, as LGBT individuals were excluded. It added that transgender persons had been neglected and they were subjected to violence. ILGA Europe urged Poland to adopt, inter alia, hate crime and hate speech laws, pointing specifically to sexual orientation and gender identity as motives of crime; to amend the anti-discrimination law to protect LGBT persons; and to regulate the situation of cohabitating same-sex partners.

731. Federatie van Nederlandse Verenigingen tot Integratie van Homoseksualiteit (COC Nederland), delivering a statement also on behalf of the Polish Society of Anti-discrimination Law, highlighted issues relating to protection against discrimination. It noted that, while some anti-discrimination provisions had been adopted, the lack of equal legal protection from discrimination for all people remained problematic. The 2010 act on the implementation of certain provisions of the European Union on equal treatment did not ensure sufficient equal treatment and had limited scope in relation to disability, age, sexual orientation, gender identity and religion or belief. COC Nederland urged Poland to amend the 2010 act to guarantee protection of all groups in all areas. It added that the Civil Code still contained provisions on the incapacitation of people with mental disabilities, which contradicted the principle of quality of legal capacity laid down by the Convention on the Rights of Persons with Disabilities, ratified by Poland. It called upon Poland to allocate sufficient financial resources for the Ombudsman to fulfil his obligations, in particular in terms of monitoring the implementation of the Convention.

732. Action Canada for Population and Development shared the concerns of States that made recommendations on women's reproductive health and rights, and disputed the State's contention that these recommendations had already been implemented. It urged Poland to implement existing provisions guaranteed in the act on family planning, which comprised three components: (a) realizing a woman's right to decide on abortion when permitted by law; (b) access to modern methods of contraception; and (c) the teaching of sexuality education. It urged Poland to improve access to legal abortion services, to take measures to guarantee access to modern contraception subsidized by the State budget, and to review the teaching of sex education in public schools, in particular with regard to curricula and the qualifications of teachers.

733. Amnesty International welcomed the State's assurances that it was conducting an investigation into its role in the CIA rendition and secret detention programmes. It noted, however, that the failure of Poland to ensure transparency and adequate access to information for the victims in the investigation contradicted its claims that the investigation was being conducted in accordance with international standards. Amnesty International was aware that, in some limited circumstances, Governments could invoke national security as a reason for not disclosing information; however, it could not be invoked in cases involving human rights violations, such as torture or enforced disappearances. Victims had a right to an effective remedy and reparation, which entailed the right to the truth. Amnesty International called upon Poland to ensure that national security was not invoked to shield implicated individuals from accountability for complicity in CIA rendition and secret detention programmes.

734. The Federation for Women and Family Planning, speaking also on behalf of the Sexual Rights Initiative, welcomed the recommendation made by Slovenia to provide women that had been unjustifiably denied access to adequate reproductive health services with an effective redress mechanism. It emphasized that women did not have any effective remedy while in danger of being refused legal abortion or prenatal testing of a foetus. It was concerned that Poland had claimed that the recommendation made by Slovenia had already been implemented, and urged Poland to acknowledge the limitations of the complaint mechanism and its ineffectiveness. It recommended establishing a new, real, timely and effective remedy to guarantee access to legal reproductive health services.

735. Istituto Internazionale Maria Ausiliatrice welcomed the acceptance by Poland of recommendations concerning illegal migrants. It remained concerned, however, about the current situation of illegal migrants and, in particular, about their children. It noted with satisfaction the measures taken by Poland to ensure birth registration; however, it had also noted that children of illegal migrants had not fully benefited. Illegal migrant children out of the educational system were abandoned, lived mostly on the street, where they became easy prey to sexual exploitation or trade. It regretted the fact that Poland had not accepted the recommendation that it ratify the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. It therefore recommended its ratification and that Poland take preventive measures to combat drug and alcohol addiction among young people.

4. Concluding remarks of the State under review

736. The representative of Poland thanked all States and civil society representatives for their valuable comments and remarks. Poland had taken due note of them, and would do its best to implement all the recommendations accepted. Poland attached the utmost importance to the protection and promotion of human rights; it therefore looked forward to cooperating further with OHCHR and all human rights mechanisms to improve its human rights situation.

Netherlands

737. The review of the Netherlands was held on 31 May 2012 in conformity with all the relevant provisions contained in relevant Human Rights Council resolutions and decisions, and was based on the following documents:

- (a) The national report submitted by the Netherlands in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/13/NLD/1);
- (b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/13/NLD/2);
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/13/NLD/3).

738. At its 25th meeting, on 21 September 2012, the Human Rights Council considered and adopted the outcome of the review of the Netherlands (see section C below).

739. The outcome of the review of the Netherlands comprises the report of the Working Group on the Universal Periodic Review (A/HRC/21/15), the views of the Netherlands concerning the recommendations and/or conclusions, 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/21/15/NDL/Add.1/Rev.1).

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

740. The head of the delegation, Permanent Representative of the Netherlands to the United Nations, stated that international solidarity, tolerance, promotion and respect of human rights had long been embedded in Dutch society. The Netherlands supported the Shelter City initiative, an example of its commitment to human rights. The Netherlands was committed to combating impunity and to ensuring accountability for human rights violations.

741. The Netherlands believed in the importance of children of different origins growing up in an environment characterized by tolerance and respect for ethnic origin, gender identity, religion, belief and sexual orientation, which are the same values that the Netherlands strove for in its foreign human rights policy.

742. The Netherlands was deeply committed to ensuring the equality of all citizens, as safeguarded by its Constitution. Integration continued to be promoted, and everyone was encouraged to participate in and contribute to society. Similarly, the Netherlands continued to combat domestic violence. The fight against trafficking in human beings would continue, and the rights of refugees and asylum seekers would be safeguarded. Furthermore, the full enjoyment of all rights by LGTB persons was promoted in the Netherlands, and discrimination was fought on all grounds.

743. The new national human rights institute was to be officially inaugurated on 2 October 2012. The establishment of the institute had been recommended at the universal periodic review of the Netherlands in 2008. It would be an independent body, operating in accordance with the Paris Principles. The Netherlands looked forward to broad, open cooperation with the institute, and would use its input in its interim report of 2014. In the view of the Netherlands, this example clearly illustrated the power of the universal periodic review mechanism.

744. The Netherlands attached great importance to consultations and dialogue with civil society organizations, which were an essential link between society and the Government. The Netherlands looked forward to further cooperation with non-governmental organizations.

745. The Netherlands had been the largest donor of voluntary contributions to OHCHR in 2011, which exemplified its commitment to human rights. Despite the current economic situation, the contribution of the Netherlands would remain substantial. Furthermore, the Netherlands strongly supported the special procedures, the treaty body system and the universal periodic review, and strove to contribute to the review of all States members of the United Nations, because it believed in the value of the review mechanism. The Netherlands supported non-governmental organizations that worked in assisting countries in implementing their review obligations.

746. The current Government of the Netherlands, which highly valued full adherence to universal periodic review procedures, had made efforts to react to the recommendations received. On 12 September 2012, parliamentary elections had been held in the Netherlands, and the formation of a new coalition was in process. The future Government would take the opportunity of the interim report to elaborate further on current human rights policies and challenges.

747. The Netherlands had looked thoroughly into all recommendations received, and would continue to do so. The vast majority of the recommendations could be accepted or were in line with standing policy. Consequently, the Netherlands welcomed the recommendations that could be practically implemented.

748. A small number of recommendations could not be supported. Nonetheless, the Netherlands realized the amount of international attention being paid to themes such as combating racism and xenophobia, migration and asylum policies, and the position of women on the labour market. All these themes were priorities in on the national human rights agenda.

749. To the Netherlands, the universal periodic review constituted an ongoing dialogue, from a national perspective and within the Human Rights Council. In the years to come, the Netherlands would stand ready to see where further progress could be achieved. The dialogue with all States Members of the United Nations in the global forum, and at the national level with civil society, the national human rights institute and other interest groups, kept the Netherlands focused and self-critical, always looking at possible improvements. The Netherlands was convinced that the peer review element of the universal periodic review created an environment in which it could genuinely contribute to strengthening national human rights policies all over the world.

2. Views expressed by Member States and observers of the Human Rights Council on the review outcome

750. During the adoption of the outcome of the review of the Netherlands, seven delegations made statements.

751. The Philippines acknowledged the inclusive process by which the Netherlands had reviewed its human rights records. It welcomed the establishment of the national human rights institute in accordance with the Paris Principles, and appreciated the State's acceptance of its recommendation to formulate a national human rights plan of action. It was encouraged by the State's commitment to pursue this recommendation with follow-up actions.

752. Thailand acknowledged that the Netherlands had given a high priority to combating discrimination. It noted with satisfaction that the Netherlands had accepted all the recommendations that it had made. It hoped that the Netherlands would continue to find ways and means to take effective measures to prevent and suppress manifestations of racism, xenophobia and intolerance, as well as discrimination against women, migrants, and ethnic and other minority groups.

753. Algeria appreciated the fact that the Netherlands had accepted a large number of recommendations that it had made, including recommendations relating to women's participation in public life and to the wage gap between men and women. Algeria had also recommended that the Netherlands take measures to prevent and eliminate manifestations of racism, xenophobia and intolerance in political speech, and that it ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Algeria would have liked to see this last recommendations accepted.

754. Belarus regretted that the Netherlands had not submitted written comments on the recommendations in time. It was concerned at the very large number of reservations on issues and laws that should be addressed and harmonized in conformity with international standards. The marginalization of migrants had been exacerbated by the Government's discriminatory initiatives. Belarus called upon the Netherlands to revise its legislation and to develop comprehensive strategies to eliminate trafficking in and sexual exploitation of children and adolescents, and to invite the special procedures on the rights of migrants, trafficking and child pornography to visit the Netherlands. Belarus also expressed concerns relating to limitations to freedom of expression.

755. Benin noted that, since its first review, the Netherlands had made qualitative and quantitative progress in promoting and protecting human rights. It noted with satisfaction the State's achievements in the implementation of recommendations on the normative and

institutional framework, and encouraged the Netherlands to pursue its reforms to improve the enjoyment of human rights in accordance with international law. Benin particularly welcomed the State's determination to found civil society organizations that promote human rights. It was determined to undertake an exchange of experience in the field of human rights with the Netherlands.

756. Cuba welcomed the acceptance by the Netherlands of a large number of recommendations. However, it noted that significant challenges in human rights persisted in the Netherlands. Cuba reiterated its concern regarding the proliferation of incidents of racism and xenophobia in the Netherlands, in particular on the Internet and in the media. It regretted that the Netherlands had not supported its recommendations in this regard, and urged it to reconsider its position. Cuba was also concerned at the increase in violence against women and cases of child abuse. It emphasized the information received regarding conditions of detention and ill-treatment in the Netherlands, and hoped that its recommendations would be implemented.

757. Egypt re-emphasised its concerns about the human rights situation of migrants and national or ethnic, religious and linguistic minorities in the Netherlands, in particular in relation to racist and xenophobic acts. It regretted that the Netherlands had not provided a clear position on the recommendations it had made, on establishing mechanisms to monitor, investigate, prosecute and punish incitement to and acts of hatred, intolerance, racism and xenophobia. While Egypt was encouraged by the efforts to address incitement and hate speech on the Internet, it reiterated its recommendation that national laws should ensure a balance between the obligations emanating from article 19 and those of article 20 of the International Covenant on Civil and Political Rights. Egypt regretted that its recommendation on the ratification of the International Convention on the Protection of the Rights of All Migrants Workers and Members of Their Families had not been supported by the Netherlands.

3. General comments made by other stakeholders

758. During the adoption of the outcome of the review of the Netherlands, four other stakeholders made statements.

759. In a joint statement, COC Netherlands, Transgender Network Netherlands and ILGA-Europe noted that the human rights of LGBT persons had improved in the Netherlands, and commended it for the measures taken in this regard. Legal gaps and challenges towards achieving full equality of LGBT persons persisted, however, such as some provisions of the law on equal treatment and the human rights situation of LGBT asylum seekers and refugees. They recommended that gender identity and gender expression be explicitly included in the existing law on equal treatment, and that provisions allowing for the expulsion of students and the dismissal of staff for reasons relating to their sexual orientation be repealed. They also encouraged the Netherlands to undertake more research regarding the health needs of transgender persons.

760. Action Canada for Population and Development welcomed the responsiveness of the Netherlands to the recommendations received, in particular its commitments to ratify the Convention on the Rights of Persons with Disabilities and to sign the Optional Protocol thereto. It noted that the sexuality of persons with disabilities was still neglected and that, according to a recent study, 61 per cent of women and 23 per cent of men with an intellectual disability had experienced sexual violence. It recommended that the Netherlands introduce effective policies on sexuality and sexual abuse in all organizations working with persons with disabilities, and ensure that staff working with people with disabilities are trained to recognize symptoms of sexual abuse. The Netherlands should make a long-term strategic investment plan to address the issues of sexual and reproductive health and the rights of persons with disabilities.

761. Amnesty International urged the Netherlands to implement the recommendations to develop a national human rights plan, which would enhance the protection and promotion of human rights in the Netherlands. It also called on the Government to implement recommendations to reduce immigration detention, to improve conditions in migrant detentions centres and to ensure that detention is used only as a measure of last resort. Amnesty International noted that a number of recommendations had been made on the issue of discrimination, including against women, ethnic and religious minorities, and migrants. It was concerned that the Netherlands had not always met the obligation to respect, protect and fulfil the right to non-discrimination. It urged the Netherlands to be more proactive in addressing the root causes of discrimination and to promote greater tolerance and understanding.

762. The International Commission of Jurists and the Dutch section thereof (Nederlands Juristen Comité voor de Mensenrechten) commended the Netherlands for its constructive engagement in the second cycle of the universal periodic review. They however expressed their disappointment that the Government had not consulted with civil society on the substance of the review and had not been transparent about its intention regarding its position on the recommendations. The Dutch section hoped that the Netherlands would honour its commitment to engage with civil society in the follow-up to and implementation of accepted recommendations. It regretted that the Netherlands had not accepted the recommendation on including human rights education in the civil education programme, as recommended by the Education Council in the Netherlands. It hoped that the Netherlands would reconsider its position.

4. Concluding remarks of the State under review

763. During its concluding remarks, the delegation explained that the Netherlands could not accept the recommendations to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families since it still had reservations with regard to some economic rights. The Netherlands supported the rights enshrined in the Convention, which were applied on the ground; however, migrants in an irregular situation who did not contribute to the welfare system were not entitled to social and economic rights, with the exception of education, social security and legal aid.

764. The Netherlands had extended a standing invitation to the special procedures. It did not pursue specific policies targeting specific types of discrimination. However, since 2009, discrimination was defined as an aggravating factor with regard to judicial sentences. Combating racism, xenophobia and incitement to hatred was at the top of the State's agenda, as were the rights of persons with disabilities.

765. The national human rights plan of action was in the pipeline, and the Government would continue to work on it. The delegation expressed its gratitude for and appreciation of review discussions, since they influenced its national political agenda.

South Africa

766. The review of South Africa was held on 31 May 2012 in conformity with all the relevant provisions contained in relevant Human Rights Council resolutions and decisions, and was based on the following documents:

- (a) The national report submitted by South Africa in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/13/ZAF/1);
- (b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/13/ZAF/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/13/ZAF/3).

767. At its 25th meeting, on 21 September 2012, the Human Rights Council considered and adopted the outcome of the review of South Africa (see section C below).

768. The outcome of the review of South Africa comprises the report of the Working Group on the Universal Periodic Review (A/HRC/21/16), the views of South Africa concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/21/16/Add.1).

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

769. The Deputy Minister for Justice and Constitutional Development stated that this was a time of national sadness regarding the tragic events at the Lonmin Mine in Marikana in North-West Province.

770. The Deputy Minister recalled the words of President Jacob Zuma when he addressed the nation in August 2012:

The events are not what we want to see or want to become accustomed to, in a democracy that is bound by the rule of law, and where we are creating a better life for our people. We assure the South African people in particular that we remain fully committed to ensuring that this country remains a peaceful, stable, productive and thriving nation that is focused on improving the quality of life of all, especially the poor and the working class. It is against this background that we uncover the truth about what happened here. In this regard, I have decided to institute a commission of inquiry. The inquiry will enable us to get to the real cause of the incident and to derive the necessary lessons.

771. The Bisho massacre of 1992 was also recalled and the words of President Nelson Mandela:

Each one of the people [...] was a unique human being. The daughter or the son of some mother, the father or mother to some child, a person linked to a home, to a community of relatives, and friends who had loved, cherished and nurtured her or him for many years in the hope of a continuing future.

772. Since its review, South Africa had, at the beginning of September, adopted a national development plan. It had followed extensive research, consultation and dialogue, and aimed to eliminate poverty and reduce inequality by 2030. It was noted that remarkable progress had been made in the transition from apartheid, and information had been provided regarding achievements in the fields of education, services, poverty reduction and the reduction of inequality.

773. South Africa had given careful and systematic consideration to the recommendations made by Member States during the discussions that followed the presentation of its report to the Working Group. The addendum to the report together with its annexes represented the official response of the Government of South Africa to the 151 recommendations made. The methodology and format in the addendum followed a thematic clustering of the recommendations, with due regard for both their inter-sectionality and established domestic implementation mechanisms. The recommendations and the proposed responses to them had been discussed extensively at the various levels of Government, culminating in their adoption by Cabinet before being transmitted to the Human Rights Council.

774. During this process, the Government of South Africa had continued to work with the State institutions supporting constitutional democracy established by the Constitution, such as the South African Human Rights Commission, the Public Protector and the Commission for Gender Equality.

775. It was important to note that the Government of South Africa would, in future, issue periodic reports on the status of implementation of the recommendations as required.

776. With regard to the above, South Africa accepted the many recommendations made in relation to the promotion, protection and fulfilment of economic, social and cultural rights and the attainment of the Millennium Development Goals; the attainment of social cohesion and the social transformation, empowerment and protection of vulnerable groups; marginalization, social exclusion and economic disparities; the elimination of racism, racial discrimination, xenophobia and related intolerance; combating incitement to hatred and punishing hate crimes; violence against women and children; manifestations of domestic and social violence and human trafficking; the criminalization of torture and other cruel, inhumane or degrading treatment and punishment; and the ratification of international human rights law instruments and compliance with treaty obligations.

777. The Prohibition of Torture Bill has been introduced to Parliament and was currently before the Portfolio Committee on Justice and Constitutional Development. The Government was at an advanced stage of acceding to the International Covenant on Economic, Social and Cultural Rights, and processes were under way to ratify the Optional Protocol to the Convention against Torture.

778. With regard to the recommendations in the annex (124.95, 124.97 to 124.107 and 125.25) relating to legislation before Parliament, the Government was not in a position to accept or reject them, as they were the subject of extensive and ongoing consultation and national debate. In any case, all legislation must conform to the provisions of the Constitution.

779. With regard to recommendation 124.96, South Africa was not able to accept it and would pursue the matter bilaterally with the Member State concerned.

780. In conclusion, South Africa was ready and willing to listen to the delegations.

2. Views expressed by Member States and observers of the Human Rights Council on the review outcome

781. During the adoption of the outcome of the review of South Africa, 13 delegations made statements.**

782. Viet Nam was pleased that South Africa had accepted the majority of the recommendations made, including two by Viet Nam. South Africa had spared no effort to ensure the fulfilment of human rights despite the many challenges inherent in its historical baggage and as a multi-ethnic society. It encouraged it to continue its efforts and its contributions to promoting social cohesion and tolerance. Viet Nam supported the adoption of the report of the Working Group.

783. Algeria stated that South Africa had clearly demonstrated its commitment to the universal periodic review by accepting almost all of the recommendations made. It noted with satisfaction the quality of the responses given, in particular regarding its recommendation on the reduction of maternal mortality. It welcomed the State's accomplishments in its path to democracy and socio economic development, as well as its contribution to sustainable development on the African continent. Algeria also noted that the historic struggle against apartheid was at its basis a struggle for human rights.

784. Benin noted the qualitative and quantitative progress made by South Africa since its first review, noting with satisfaction its achievements in the implementation of the recommendations made at the first cycle. Through the presentation of its second report, South Africa had renewed its commitments to the protection of human rights. Benin would make efforts to exchange its experiences with South Africa on promoting and protecting human rights.

785. Botswana referred to South Africa's long fight against racial discrimination and hatred, and commended the progress made, particularly in addressing socioeconomic development, social cohesion and national reconciliation. It noted with appreciation the State's commitment to issue periodic reports on the status of implementation of accepted recommendations. The fact that South Africa had pledged to ratify all outstanding international instruments by the end of 2012 demonstrated the State's commitment to human rights.

786. Burkina Faso congratulated South Africa on having submitted, in May 2012, its report on the status of implementation of recommendations issued during its first review. It noted with satisfaction the commitments made to render human rights more effective, in particular through the implementation of the recommendations made, and encouraged it to continue its efforts in this regard.

787. Chad congratulated South Africa on having accepted the majority of the recommendations made during its review, and welcomed the commitments made. It recommended the adoption of the report of the Working Group, and that the international community support South Africa in confronting the different challenges it faced concerning human rights.

788. China thanked South Africa for the information provided on the recommendations in the report of the Working Group. It welcomed the Government's constructive participation in the universal periodic review process, and appreciated its commitment to implement actively the recommendations accepted. China welcomed the progress made, noting that South Africa strove to protect the rights of women, children and the disabled, to advance the development of education, to protect the health of its people and to eradicate xenophobia.

789. Côte d'Ivoire noted the commitment of South Africa to cooperate with the United Nations system and its openness to dialogue and constructive exchanges with the human rights mechanisms of the Human Rights Council and the treaty bodies. This approach supported government efforts to eliminate inequalities and injustices faced in the country. It welcomed the progress made, and invited the international community to support the State's efforts to protect human rights.

790. Cuba highlighted the work by South Africa at both the domestic and the international levels. It noted the acceptance of almost all of the recommendations made, which demonstrated its firm commitment to progress in achieving human rights for all citizens. The challenges faced by South Africa were not easy. Cuba was well aware of this, as it has shared the same struggle as South Africa. It urged South Africa to continue its commendable work in this respect.

791. Ecuador highlighted the fact that South Africa put the promotion and protection of human rights at the heart of its international agenda with a non-discriminatory focus. Ecuador congratulated South Africa on its decision to devote the resources necessary to achieve the Millennium Development Goals by 2015, in particular those relating to the elimination of poverty. It was pleased that South Africa had accepted its recommendations with regard to migrants and its efforts to combat discrimination.

792. Indonesia noted with appreciation that all recommendations pertaining to the promotion, protection and fulfilment of economic, social and cultural rights and the attainment of the Millennium Development Goals, including its recommendation to accelerate the achievement of the goal targets, had been accepted by South Africa. It also appreciated the establishment of a national programme involving all multi-stakeholders in the preparation for the State's final report on the Millennium Development Goals. It applauded the acceptance of recommendations concerning the elimination of racism, racial discrimination, xenophobia and related intolerance.

793. The Islamic Republic of Iran thanked South Africa for updating the Human Rights Council on recent developments since its review in May 2012. It acknowledged the challenges faced as a legacy of colonization and apartheid, and commended the remarkable achievements made in most socioeconomic areas. It encouraged the Government to implement the recommendations accepted, including those made by the Islamic Republic of Iran. It appreciated the State's commitment to the fight against racism and racial discrimination, and encouraged the Government to continue its efforts to strengthen United Nations mechanisms aimed at eliminating them.

794. Kenya noted that South Africa had continued its progress in the realization of human rights of its people since 1994. It noted, in the area of health, the ongoing expansion of new health facilities and the availability of quality services throughout the country. In education, Kenya noted that the enrolment of children continued to climb and, similarly, regarding housing, that the national housing programme had delivered some 13 million housing units.

3. General comments made by other stakeholders

795. During the adoption of the outcome of the review of South Africa, 10 other stakeholders made statements.**

796. The South African Human Rights Commission stated (by video message) that, in accordance with the recommendations made, it would continue to work on preventing and combating racism and xenophobia, and advocate for a national plan of action and hate crime legislation. It welcomed the recommendations on the domestication of the Convention against Torture, the need to criminalize torture and the ratification of outstanding international instruments. Lastly, it welcomed the recommendations seeking to address the rights of vulnerable peoples, HIV/AIDS, violence against women and children and the establishment of an independent mechanism under the Convention on the Rights of Persons with Disabilities.

797. Human Rights Watch commended the efforts that South Africa had made to provide greater access to services in areas such as education, housing, health and social security. However, it was concerned that greater access had not necessarily been matched by progressive improvement in quality. While commending the amendments to the Protection of State Information Bill, it regretted that South Africa had not accepted recommendations in this regard. It welcomed the efforts made for the protection of LGBT persons, but was concerned about the Traditional Courts Bill, and regretted that South Africa had not accepted the recommendation thereon.

798. Action Canada for Population and Development highlighted that South Africa had a host of laws and policies to address violence, gender inequality and sexuality. It called upon South Africa to ensure their implementation through dialogue and holding to account religious, traditional and political leaders when they legitimized violence against women, and poor and marginalized persons; by ensuring that the criminal justice system delivered justice to those who violate the rights of women and people on the basis of their sexual orientation; by addressing shortcomings in the implementation of refugee-related

legislation; and by addressing concerns regarding the threat to human rights posed by the Traditional Courts Bill.

799. The International Commission of Jurists noted with satisfaction the State's commitment to ratifying all outstanding international instruments in the area of human rights and humanitarian law before the end of 2012. It expressed serious concern that South Africa had not responded to several recommendations, including certain recommendations regarding sexual and xenophobic violence and strengthening police accountability and oversight mechanisms. It noted that the recent tragedy in the Lonmin mines underscored the need for effective training and accountability for police. The Commission strongly urged South Africa to respond positively to all recommendations made at the session of the Working Group.

800. Amnesty International commended South Africa for conducting public hearings on the Prevention of Torture Bill, noting that it had urged that the scope of the Bill be expanded to fully reflect the Convention against Torture. It also urged progress in ratifying the Optional Protocol thereto, as recommended during the review. Amnesty International urged South Africa to increase its commitment to prevent the excessive use of force and targeted killings by police, and referred to the deaths of 34 miners in Marikana and multiple killings allegedly committed by members of the Durban police. It expressed concerns at the protection of asylum seekers and refugees.

801. Save the Children and Lawyers for Human Rights called upon South Africa to take measures and develop comprehensive strategies to end violence against women and children. They encouraged the Government to continue to train relevant personnel, including persons in the justice system and law enforcement regarding these issues. They called upon South Africa to take steps to prohibit all forms of corporal punishment in all settings and to take its commitment to strengthen educational strategies seriously.

802. Instituto Internazionale Maria Ausiliatrice delle Salesiane di Don Bosco and the International Volunteerism Organization for Women welcomed South Africa's constructive participation in the universal periodic review, although they remained concerned regarding the implementation of several economic social and cultural rights. They recommended that South Africa ratify the International Covenant on Economic, Social and Cultural Rights, take adequate measures to combat discrimination, increase the secondary education completion rate, eradicate corporal punishment in the family, school and penal institutions, and increase efforts to combat HIV/AIDS, in particular in young people.

803. Nord-Sud XXI recognized that South Africa was still emerging from an arduous past. It had been a beacon in the fight against racial discrimination. Nord-Sud XXI urged it to lead a renewed effort to encourage support for and the implementation of the Durban Declaration and Programme of Action; OHCHR was to be a leading force in this effort. It also urged the Government to enhance its policies to ensure equal social and economic development for all.

804. Rencontre africaine pour la défense des droits de l'homme noted with satisfaction the progress made by South Africa in a number of socioeconomic rights, including the improvement of the health system. It appreciated the constitutional prohibition of discrimination on the bases of sexual orientation, and the creation of a ministry for women, children and the disabled. It expressed concern at violent acts of xenophobia and the disproportional use of force, particularly in the massacre of the miners at Marikana.

805. The Association for the Prevention of Torture called upon South Africa to ratify the Optional Protocol to the Convention against Torture. While welcoming the State's acceptance of universal periodic review recommendations to ratify the Optional Protocol, it noted that South Africa had, on more than one occasion, announced that it would ratify the

Optional Protocol soon. It was time for South Africa to ratify the Optional Protocol and to engage in an open dialogue on the establishment of national prevention mechanisms.

4. Concluding remarks of the State under review

806. South Africa thanked all those who had participated in the discussions; their valuable contributions had been noted, and would be acted upon as appropriate. It expressed appreciation for the interaction with the universal periodic review process and noted that most of the recommendations made were constructive and helpful in consolidating South Africa's efforts to achieve its national constitutional vision, namely, social cohesion predicated on respect for human dignity and fundamental human rights and freedoms. The Government was resolute in its national agenda to ensure respect for and the promotion and fulfilment of all human rights, and pledged to work in a collaborative and inclusive way for the realization of those objectives, and to report on them periodically.

B. General debate on agenda item 6

807. At its 27th meeting, on 21 September 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 Human Rights Council: China, Cyprus* (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), Ecuador, Kuwait, Malaysia, Republic of Moldova, Russian Federation, Uruguay;

(b) Representatives of observer States: Brazil, Morocco, Pakistan, Republic of Korea, Sri Lanka, Sweden;

(c) Observer for United Nations entities, specialized agencies and related organizations: Office of the United Nations High Commissioner for Refugees;

(d) Observers for non-governmental organizations: Canners International Permanent Committee, Center for Environmental and Management Studies, CIVICUS – World Alliance for Citizen Participation, Commission to Study the Organization of Peace, France Libertés: Fondation Danielle Mitterrand, Human Rights Law Centre, International Association for Democracy in Africa, International Human Rights Association of American Minorities, International Service for Human Rights, Khiam Rehabilitation Center for Victims of Torture, Maryam Ghasemi Educational Charity Institute, Organisation pour la communication en Afrique et de promotion de la coopération économique internationale – OCAPROCE Internationale, Organization for Defending Victims of Violence (also on behalf of the Maryam Ghasemi Educational Charity Institute), Rencontre africaine pour la défense des droits de l'homme, UPR Info (also on behalf of the Cairo Institute for Human Rights Studies and Connectas Direitos Humanos), World Environment and Resources Council, World Federation of Democratic Youth (also on behalf of France Libertés: Fondation Danielle Mitterrand and Mouvement contre le racisme et pour l'amitié entre les peuples), World Muslim Congress, Worldwide Organization for Women.

808. At the same meeting, the secretariat of the Human Rights Council made a statement in relation to questions raised during the general debate on agenda item 6.

* Observer of the Human Rights Council speaking on behalf of Member and observer States..

C. Consideration of and action on draft proposals

Bahrain

809. At its 19th meeting, on 19 September 2012, the Human Rights Council adopted draft decision 21/101 without a vote (for the text as adopted, see part one, chapter II).

Ecuador

810. At its 19th meeting, on 19 September 2012 the Human Rights Council adopted draft decision 21/102 without a vote (for the text as adopted, see part one, chapter II).

Tunisia

811. At its 19th meeting, on 19 September 2012, the Human Rights Council adopted draft decision 21/103 without a vote (for the text as adopted, see part one, chapter II).

Morocco

812. At its 21st meeting, on 19 September 2012, the Human Rights Council adopted draft decision 21/104 without a vote (for the text as adopted, see part one, chapter II).

Indonesia

813. At its 21st meeting, on 19 September 2012, the Human Rights Council adopted draft decision 21/105 without a vote (for the text as adopted, see part one, chapter II).

Finland

814. At its 21st meeting, on 19 September 2012, the Human Rights Council adopted draft decision 21/106 without a vote (for the text as adopted, see part one, chapter II).

United Kingdom of Great Britain and Northern Ireland

815. At its 22nd meeting, on 20 September 2012, the Human Rights Council adopted draft decision 21/107 without a vote (for the text as adopted, see part one, chapter II).

India

816. At its 22nd meeting, on 20 September 2012, the Human Rights Council adopted draft decision 21/108 without a vote (for the text as adopted, see part one, chapter II).

Brazil

817. At its 22nd meeting, on 20 September 2012, the Human Rights Council adopted draft decision 21/109 without a vote (for the text as adopted, see part one, chapter II).

Philippines

818. At its 24th meeting, on 20 September 2012, the Human Rights Council adopted draft decision 21/110 without a vote (for the text as adopted, see part one, chapter II).

Algeria

819. At its 24th meeting, on 20 September 2012, the Human Rights Council adopted draft decision 21/111 without a vote (for the text as adopted, see part one, chapter II).

Poland

820. At its 24th meeting, on 20 September 2012, the Human Rights Council adopted draft decision 21/112 without a vote (for the text as adopted, see part one, chapter II).

Netherlands

821. At its 25th meeting, on 21 September 2012, the Human Rights Council adopted draft decision 21/113 without a vote (for the text as adopted, see part one, chapter II).

South Africa

822. At its 25th meeting, on 21 September 2012, the Human Rights Council adopted draft decision 21/114 without a vote (for the text as adopted, see part one, chapter II).

VII. Human rights situation in Palestine and other occupied Arab territories

823. At the 28th meeting, on 24 September 2012, the Deputy High Commissioner presented the report of the Secretary-General on the progress in implementing the recommendations of the United Nations Fact-Finding Mission on the Gaza conflict (A/HRC/21/33), pursuant to Human Rights Council resolution 19/18.

824. At the same meeting, the President of the Human Rights Council made a statement on a letter received with regard to the International Fact-Finding Mission on Israeli Settlements in the Occupied Palestinian Territory established pursuant to Council resolution 19/17.

825. At its 28th and 29th meetings, on the same day, the Human Rights Council held a general debate on agenda item 7, during which the following made statements:

(a) An observer for Palestine as the party concerned, and the representative of the Syrian Arab Republic, as the State concerned;

(b) Representatives of States Members of the Human Rights Council: Bangladesh, China, Cuba (also on behalf of the Non-Aligned Movement), Cyprus* (on behalf of the European Union, Albania, Bosnia and Herzegovina, Croatia, Iceland, Montenegro, Serbia and the former Yugoslav Republic of Macedonia), Ecuador, India (on behalf of the India, Brazil and South Africa Forum), Indonesia, Jordan, Kuwait, Libya, Malaysia, Maldives, Norway, Pakistan* (on behalf of the Organization of Islamic Cooperation), Qatar, Russian Federation, Saudi Arabia, Senegal (on behalf of the Group of African States), United Arab Emirates* (on behalf of the Group of Arab States);

(c) Representatives of observer States: Algeria, Bahrain, Egypt, Iceland, Iran (Islamic Republic of), Iraq, Lebanon, Morocco, Oman, South Africa, Sri Lanka, Tunisia, Turkey, United Arab Emirates, Venezuela (Bolivarian Republic of);

(d) Observers for non-governmental organizations: Al-Haq, Law in the Service of Man (also on behalf of the BADIL Resource Center for Palestinian Residency and Refugee Rights), Arab Commission for Human Rights, BADIL Resource Center for Palestinian Residency and Refugee Rights (also on behalf of the Charitable Institute for Protecting Social Victims, the Institute for Women's Studies and Research, Nord-Sud XXI, Tchad agir pour l'environnement and the Union of Arab Jurists), Cairo Institute for Human Rights Studies, Coordinating Board of Jewish Organizations (also on behalf of B'nai B'rith), Defence for Children International, Indian Movement "Tupaj Amaru", International Humanist and Ethical Union, Liberation, Maarij Foundation for Peace and Development, Maryam Ghasemi Educational Charity Institute, Mouvement contre le racisme et pour l'amitié entre les peuples (also on behalf of the BADIL Resource Center for Palestinian Residency and Refugee Rights and the International Youth and Student Movement for the United Nations), Nord-Sud XXI, Norwegian Refugee Council, Organization for Defending Victims of Violence (also on behalf of the Maryam Ghasemi Educational Charity Institute), Palestinian Centre for Human Rights (also on behalf of Federation internationale des droits de l'homme), Union of Arab Jurists (also on behalf of the BADIL Resource Center for Palestinian Residency and Refugee Rights), United Nations Watch.

VIII. Follow-up to and implementation of the Vienna Declaration and Programme of Action

A. Panel discussion on the integration of a gender perspective

826. At its 23rd meeting, on 20 September 2012, the Human Rights Council held, in accordance with its resolutions 6/30 and 19/5, an annual discussion on the integration of a gender perspective into its work, with a focus on the issue of economic, social and cultural rights of women and the empowerment of women.

827. The Director of the Human Rights Council and Special Procedures Division made opening remarks for the panel on behalf of the High Commissioner. The Vice-Chairperson of the Committee on the Rights of Persons with Disabilities also made a statement. The Executive Director of the Center for Women's Global Leadership at Rutgers University, Radhika Balakrishnan, moderated the discussion.

828. At the same meeting, the panellists Leilani Farha, Magdalena Sepúlveda, Fátima Duarte, Moez Doraid and Pregs Govender made statements.

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

(a) Representatives of States Members of the Human Rights Council: Chile (on behalf of the Group of Latin American and Caribbean States), Maldives, Senegal (on behalf of the Group of African States);

(b) Representatives of observer States: Australia, Azerbaijan, Bulgaria, Canada, Estonia, Finland, Paraguay, Slovenia, South Africa, Turkey;

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

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

(e) Observers for non-governmental organizations: Verein Sudwind Entwicklungspolitik, World Blind Union.

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

831. The following made statements during the second speaking slot:

(a) Representatives of States Members of the Human Rights Council: China, Cuba, Peru, Qatar, Russian Federation, Thailand, United Arab Emirates* (on behalf of the Group of Arab States);

(b) Representatives of observer States: Algeria, Argentina, Denmark, Egypt, Honduras, Portugal, Syrian Arab Republic;

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

(d) Observers for non-governmental organizations: Action Canada for Population and Development, Federatie van Nederlandse Verenigingen tot Integratie van Homoseksualiteit - COC Nederland.

832. At the same meeting, the moderator made concluding remarks.

B. General debate on agenda item 8

833. At its 29th meeting, on 24 September 2012, the Human Rights Council held a general debate on agenda item 8, during which the following made statements:

(a) Representatives of States Members of the Human Rights Council: Austria, Chile (on behalf of the Group of Latin American and Caribbean States), China, Cyprus* (on behalf of the European Union, Albania, Bosnia and Herzegovina, Croatia, Georgia, Iceland, Montenegro, the Republic of Moldova, Serbia, the former Yugoslav Republic of Macedonia and Ukraine), Norway (also on behalf of Albania, Austria, Bangladesh, Colombia, Denmark, Finland, France, Ghana, Iceland, Mexico, Mozambique, Montenegro, the Netherlands, Singapore, Slovenia, Sweden, Thailand, the United Kingdom of Great Britain and Northern Ireland and Uruguay), Russian Federation, Senegal (on behalf of the Group of African States), Spain (also on behalf of Albania, Andorra, Argentina, Australia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Botswana, Chile, Colombia, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, Djibouti, Ecuador, Equatorial Guinea, Estonia, Ethiopia, Finland, France, Georgia, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Italy, Jamaica, Latvia, Luxembourg, Malta, Mexico, Montenegro, Morocco, the Netherlands, Nicaragua, Norway, Paraguay, Peru, Poland, Portugal, Romania, the Republic of Korea, the Republic of Moldova, Saint Kitts and Nevis, Serbia, Slovakia, Slovenia, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela (Bolivarian Republic of)), United States of America;

(b) Representatives of observer States: Iran (Islamic Republic of), Iraq, Morocco;

(c) Observer for an intergovernmental organization: Council of Europe;

(d) Observer for the Holy See;

(e) Observers for non-governmental organizations: Action Canada for Population and Development, Arab Commission for Human Rights, Association of World Citizens, France Libertés: Fondation Danielle Mitterrand (also on behalf of the International Youth and Student Movement for the United Nations, Mouvement contre le racisme et pour l'amitié entre les peuples and the World Federation of Democratic Youth), International Buddhist Relief Organisation, International Human Rights Association of American Minorities, Liberation, Nord-Sud XXI, Press Emblem Campaign, Tides Center (also on behalf of Federation internationale des droits de l'homme), United Nations Watch, Verein Sudwind Entwicklungspolitik, World Barua Organization, World Muslim Congress.

C. Consideration of and action on draft proposals

High-level panel discussion to commemorate the twentieth anniversary of the adoption of the Vienna Declaration and Programme of Action

834. At the 37th meeting, on 27 September 2012, the representative of Austria introduced draft resolution A/HRC/21/L.12, sponsored by Austria, Botswana, Brazil, Chile, Indonesia, Morocco, the Russian Federation, Slovenia, Switzerland and Thailand and co-sponsored by Australia, Belgium, Bosnia and Herzegovina, Bulgaria, Burkina Faso, Canada, Côte d'Ivoire, Croatia, Cuba, Cyprus, the Czech Republic, Djibouti, Ecuador, Estonia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Honduras, Hungary, Iceland, India, Ireland, Italy, Jordan, Latvia, Lebanon, Liechtenstein, Luxembourg, Malaysia, Maldives, Montenegro, the Netherlands, Nepal, Nigeria, Norway, Peru, Poland, Portugal, the Republic of Moldova, Romania, Saudi Arabia, Serbia, Slovakia, South Africa, Spain, Sri Lanka, Sweden, Tunisia, Turkey, Venezuela (Bolivarian Republic of) and Yemen.

Subsequently, Albania, Algeria, Angola, Armenia, Bangladesh, Belarus, Bolivia (Plurinational State of), Cape Verde, Chad, China, Colombia, Costa Rica, Denmark, Egypt, Guinea, Haiti, Iran (Islamic Republic of), Iraq, Lesotho, Libya, Lithuania, Malta, Mexico, Nicaragua, Panama, the Republic of Korea, Rwanda, Senegal, Singapore, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Zimbabwe joined the sponsors.

835. 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.

836. At the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 21/20).

IX. Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up to and implementation of the Durban Declaration and Programme of Action

A. Nelson Mandela International Day panel

837. At its 26th meeting, on 21 September 2012, the Human Rights Council held, in accordance with its resolution 20/18, a high-level panel discussion on how the values of reconciliation, peace, freedom and racial equality can contribute to the promotion and protection of human rights, to commemorate Nelson Mandela International Day.

838. At the same meeting, a video on Nelson Mandela's life was shown. The High Commissioner then made an opening statement for the panel.

839. Also at the same meeting, the panellists Francis Gurry, Jean-Marie Ehozou and Andries Nel made statements.

840. During the ensuing panel discussion at the same meeting, the following made statements and asked the panellists questions:

(a) Representatives of States Members of the Human Rights Council: Austria, Bangladesh, Burkina Faso, Chile, China (also on behalf Algeria, Bangladesh, Belarus, Cuba, the Democratic People's Republic of Korea, Ecuador, India, Indonesia, Iran (Islamic Republic of), Malaysia, Pakistan, the Russian Federation, South Africa, Sri Lanka, Thailand, Venezuela (Bolivarian Republic of), Viet Nam and Zimbabwe), Congo, Cuba, Italy, Senegal (on behalf of the Group of African States), Thailand, United States of America;

(b) Representatives of observer States: Algeria, Australia, Brazil, Finland, Greece, Ireland, Morocco, Portugal, Sweden, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of);

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

(d) Observers for non-governmental organizations: Association of World Citizens, CIVICUS – World Alliance for Citizen Participation, Nord-Sud XXI, Rencontre africaine pour la défense des droits de l'homme.

841. At the same meeting, a second video was shown on Nelson Mandela and the United Nations.

842. Also at the same meeting, the panellists answered questions and made their concluding remarks.

B. Interactive dialogue with special procedures mandate holders

843. At the 30th meeting, on 25 September 2012, the Chairperson-Rapporteur of the Working Group of Experts on People of African Descent, Verene Shepherd, presented the report of the Working Group (A/HRC/21/60 and Add.1-2).

844. At the same meeting, the representative of Portugal made a statement as the State concerned.

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

(a) Representatives of States Members of the Human Rights Council: China, Cuba, Ecuador, Mexico, Peru, Senegal (on behalf of the Group of African States), United States of America, Uruguay;

(b) Representatives of observer States: Algeria, Brazil, Honduras, Morocco, South Africa, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of);

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

(d) Observers for non-governmental organizations: Action internationale pour la paix et le développement dans la région des Grands Lacs, Commission africaine des promoteurs de la santé et des droits de l'homme, International Youth and Student Movement for the United Nations, Nord-Sud XXI, Tiye International.

846. At the same meeting, the Chairperson-Rapporteur of the Working Group answered questions and made her concluding remarks.

C. General debate on agenda item 9

847. At the 30th meeting, on 25 September 2012, the Chairperson-Rapporteur of the Ad-Hoc Committee on the elaboration of complementary standards, Abdul Samad Minty, presented the report of the Ad Hoc Committee on its fourth session (A/HRC/21/59).

848. At its 30th and 31st meetings, on 25 September 2012, the Human Rights Council held a general debate on agenda item 9, during which the following made statements:

(a) Representatives of States Members of the Human Rights Council: Bangladesh, China, Cuba, Cyprus* (on behalf of the European Union, Albania, Armenia, Bosnia and Herzegovina, Croatia, Iceland, Montenegro, the Republic of Moldova, Serbia, the former Yugoslav Republic of Macedonia and Ukraine), Kuwait, Libya, Malaysia, Norway, Pakistan* (on behalf of the Organization of Islamic Cooperation), Russian Federation, Saudi Arabia, Senegal (on behalf of the Group of African States);

(b) Representatives of observer States: Algeria, Belarus, Iran (Islamic Republic of), Iraq, Morocco, South Africa, Sri Lanka, Tunisia, Turkey, Venezuela (Bolivarian Republic of);

(c) Observer for an intergovernmental organization: Council of Europe;

(d) Observers for non-governmental organizations: Africa culture internationale, African Canadian Legal Clinic, Arab Commission for Human Rights, Association of World Citizens, Commission africaine des promoteurs de la santé et des droits de l'homme, Fraternité Notre Dame, Helios Life Association, Indian Council of South America, Indian Movement "Tupaj Amaru", International Buddhist Relief Organisation, International Educational Development Inc., International Human Rights Association of American Minorities, International Humanist and Ethical Union, International Youth and Student Movement for the United Nations, Liberation, Maarij Foundation for Peace and Development, Maryam Ghasemi Educational Charity Institute, Mouvement contre le racisme et pour l'amitié entre les peuples, National Association for the Advancement of Colored People, Organization for Defending Victims of Violence, Pasumai Thaayagam Foundation, Tiye International, United Nations Watch, Verein Sudwind Entwicklungspolitik, World Barua Organization, World Muslim Congress.

849. At the 31st meeting, on 25 September 2012, statements in exercise of the right of reply were made by the representatives of Latvia and the Russian Federation.

D. Consideration of and action on draft proposals

Elaboration of complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination

850. At the 39th meeting, on 28 September 2012, the representative of South Africa, on behalf of the Group of African States, introduced draft resolution A/HRC/21/L.28, sponsored by South Africa, on behalf of the Group of African States, and co-sponsored by Bolivia (Plurinational State of), Botswana, Cuba, Ethiopia, Guatemala and Venezuela (Bolivarian Republic of). Subsequently, Brazil, Honduras, Indonesia and Nicaragua joined the sponsors.

851. At the same meeting, the representative of South Africa orally revised the draft resolution.

852. Also at the same meeting, the representative of Austria, on behalf of States members of the European Union that are members of the Council, made general comments in relation to the draft resolution, disassociating those States from the consensus on the fourth preambular paragraph of the draft resolution.

853. At the same meeting, the representative of the United States of America made general comments in relation to the draft resolution.

854. 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 21/30).

From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance

855. At the 39th meeting, on 28 September 2012, the representative of South Africa, on behalf of the Group of African States, introduced draft resolution A/HRC/21/L.29, sponsored by South Africa, on behalf of the Group of African States, and co-sponsored by Bolivia (Plurinational State of), Botswana, Cuba and Venezuela (Bolivarian Republic of). Subsequently, Brazil, Colombia, Honduras, Nicaragua, Thailand and Turkey joined the sponsors.

856. At the same meeting, the representative of South Africa orally revised the draft resolution.

857. Also at the same meeting, the representative of the United States of America made general comments in relation to the draft resolution.

858. At the same meeting, the representative of Austria, 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.

859. Also at the same meeting, at the request of the United States of America, a recorded vote was taken on the draft resolution as orally revised. The draft resolution, as orally revised, was adopted by 37 votes in favour, 1 against, with 9 abstentions.

860. For the text as adopted and voting results, see part one, chapter I, resolution 21/33.

X. Technical assistance and capacity-building

A. Interactive dialogue with special procedures mandate holders

Special Rapporteur on the situation of human rights in Cambodia

861. At the 32nd meeting, on 25 September 2012, the Special Rapporteur on the situation of human rights in Cambodia, Surya P. Subedi, presented his report (A/HRC/21/63 and Add.1).

862. At the same meeting, the representative of Cambodia made a statement as the State concerned.

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

(a) Representatives of States Members of the Human Rights Council: China, Czech Republic, Indonesia, Malaysia, Philippines, Switzerland, Thailand, United States of America;

(b) Representatives of observer States: Australia, France, Japan, Ireland, Lao People's Democratic Republic, Morocco, Myanmar, Nepal, New Zealand, Slovakia, United Kingdom of Great Britain and Northern Ireland, Viet Nam;

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

(d) Observers for non-governmental organizations: Asian Forum for Human Rights and Development, CIVICUS – World Alliance for Citizen Participation, International Federation for Human Rights Leagues, Lawyers' Rights Watch Canada (also on behalf of the Asian Legal Resource Centre), Nonviolent Radical Party, Transnational and Transparty, Open Society Institute.

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

Independent Expert on the situation of human rights in Somalia

865. At the 33rd meeting, on 26 September 2012, the independent expert on the situation of human rights in Somalia, Shamsul Bari, presented his report (A/HRC/21/61).

866. At the same meeting, the representative of Somalia made a statement as the State concerned.

867. During the ensuing interactive dialogue, also at the same meeting, the following made statements and asked the Independent Expert questions:

(a) Representatives of States Members of the Human Rights Council: Austria, Czech Republic, Djibouti, Italy, Norway, Romania, Senegal (on behalf of the Group of African States), Spain, Switzerland, Thailand, United Arab Emirates* (on behalf of the Group of Arab States), United States of America;

(b) Representatives of observer States: Australia, Egypt, Greece, Luxembourg, Morocco, Slovakia, Turkey, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland;

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

(d) Observers for non-governmental organizations: Amnesty International, East and Horn of Africa Human Rights Defenders Project, Human Rights Watch, International Educational Development Inc., International Federation of Journalists.

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

Independent Expert on the situation of human rights in the Sudan

869. At the 33rd meeting, on 26 September 2012, the Independent Expert on the situation of human rights in the Sudan, Mashood A. Baderin, presented his report (A/HRC/21/62).

870. At the same meeting, the representative of the Sudan made a statement as the State concerned.

871. During the ensuing interactive dialogue, at the 33rd and 34th meetings, on the same day, the following made statements and asked the Independent Expert questions:

(a) Representatives of States Members of the Human Rights Council: China, Czech Republic, Kuwait, Libya, Nigeria, Norway, Senegal (on behalf of the Group of African States), Spain, Switzerland, Thailand, United Arab Emirates* (on behalf of the Group of Arab States), United States of America;

(b) Representatives of observer States: Australia, Bahrain, Canada, Croatia, Egypt, France, Greece, Morocco, Slovakia, Slovenia, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland;

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

(d) Observers for non-governmental organizations: East and Horn of Africa Human Rights Defenders Project (also on behalf of the Cairo Institute for Human Rights Studies), Eastern Sudan Women Development Organization, Human Rights Watch, International Federation for Human Rights Leagues, Maarij Foundation for Peace and Development.

872. At the 34th meeting, the Independent Expert answered questions and made his concluding remarks.

B. General debate on agenda item 10

873. At the 34th meeting, on 26 September 2012, the Deputy High Commissioner introduced country reports of the High Commissioner and the Secretary-General submitted under agenda item 10 (A/HRC/21/34, 35, 36 and 37).

874. At the 34th and 35th meetings, on the same day, the representatives of Cambodia, South Sudan and Yemen made statements as the States concerned.

875. At its 35th meeting, on 26 September 2012, the Human Rights Council held a general debate on agenda item 10, during which the following made statements:

(a) Representatives of States Members of the Human Rights Council: China, Cyprus* (on behalf of the European Union, Albania, Bosnia and Herzegovina, Croatia, Iceland, Montenegro, the Republic of Moldova, Serbia and the former Yugoslav Republic of Macedonia), Denmark* (also on behalf of Costa Rica, Finland, France, Germany, Norway, Switzerland and the United Kingdom of Great Britain and Northern Ireland), Norway, Qatar, Senegal (on behalf of the Group of African States), Switzerland, Thailand, United States of America;

(b) Representatives of observer States: Algeria, Brazil, Germany, Iraq, Morocco, Republic of Korea, United Kingdom of Great Britain and Northern Ireland;

(c) Observer for United Nations entities, specialized agencies and related organizations: UNICEF;

(d) Observers for non-governmental organizations: Al Zubair Charity Foundation, Amnesty International, Asian Forum for Human Rights and Development, Association of World Citizens, Cairo Institute for Human Rights Studies, East and Horn of Africa Human Rights Defenders Project, Eastern Sudan Women Development Organization, General Arab Women Federation, Hawa Society for Women, Human Rights Watch, International Commission of Jurists, International Federation of Journalists, Liberation, Maarif Foundation for Peace and Development, Rencontre africaine pour la défense des droits de l'homme, Society Studies Centre, Union of Arab Jurists, Verein Sudwind Entwicklungspolitik, World Association for the School as an Instrument of Peace.

876. At the same meeting, on the same day, a statement in exercise of the right of reply was made by the representative of Nepal.

C. Consideration of and action on draft proposals

Enhancement of technical cooperation and capacity-building in the field of human rights

877. At the 37th meeting, on 27 September 2012, the representative of Thailand introduced draft resolution A/HRC/21/L.11, sponsored by Brazil, Honduras, Indonesia, Mauritius, Morocco, Norway, Singapore, Thailand and Turkey and co-sponsored by Angola, Australia, Austria, Botswana, Cambodia, Colombia, Costa Rica, Croatia, Cuba, Djibouti, Equatorial Guinea, Ethiopia, Finland, Georgia, Greece, Guatemala, Hungary, Ireland, Italy, Japan, Lebanon, Lesotho, Malaysia, Mexico, Nicaragua, Panama, Paraguay, Peru, Poland, Portugal, the Republic of Moldova, Serbia, Somalia, Sweden, Timor-Leste, Tunisia, Uruguay, Venezuela (Bolivarian Republic of) and Viet Nam. Subsequently, Algeria, Benin, Bolivia (Plurinational State of), Burkina Faso, Cape Verde, Chile, Côte d'Ivoire, Denmark, France, Guinea, Iceland, Iran (Islamic Republic of) (on behalf of the Non-Aligned Movement), Maldives, Mauritania, Montenegro, Namibia, Pakistan (on behalf of the Organization of Islamic Cooperation), Qatar, the Republic of Korea, Romania, the Russian Federation, Senegal (on behalf of the Group of African States), Slovenia and Ukraine joined the sponsors.

878. At the same meeting, the representative of the United States of America made general comments in relation to the draft resolution.

879. 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.

880. At the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 21/21).

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

881. At the 37th meeting, on 27 September 2012, the representatives of the Netherlands and Yemen introduced draft resolution A/HRC/21/L.30/Rev.1, sponsored by the Netherlands and Yemen and co-sponsored by Algeria, Bahrain, Bulgaria, Canada, Croatia, Cyprus, Djibouti, Egypt, Ethiopia, Finland, Greece, Italy, Jordan, Kuwait, Libya, Mauritania, Morocco, Oman, Palestine, Qatar, Saudi Arabia, Slovakia, Somalia, Spain, Sweden, Tunisia, Turkey, the United Arab Emirates (on behalf of the Group of Arab States), the United Kingdom of Great Britain and Northern Ireland and the United States of America. Subsequently, Australia, Austria, Denmark, France, Hungary, Iceland, Indonesia, Iraq, Ireland, Japan, Maldives, Montenegro, Norway, Poland, Slovenia and Thailand joined the sponsors.

882. At the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 21/22).

Technical assistance for the Sudan in the field of human rights

883. At the 38th meeting, on 28 September 2012, the representative of Senegal, on behalf of the Group of African States, introduced draft resolution A/HRC/21/L.4, sponsored by Senegal on behalf of the Group of African States. Subsequently, Botswana, Burkina Faso, Indonesia, Pakistan (on behalf of the Organization of Islamic Cooperation), the Republic of Korea, Turkey and the United Arab Emirates (on behalf of the Group of Arab States) joined the sponsors.

884. At the same meeting, the representative of Senegal orally revised the draft resolution.

885. Also at the same meeting, the representatives of Austria (on behalf of States members of the European Union that are members of the Council), Switzerland and the United States of America made general comments in relation to the draft resolution.

886. At the same meeting, the representative of the Sudan made a statement as the State concerned.

887. 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.

888. 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 21/27).

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

889. At the 38th meeting, on 28 September 2012, the representative of Senegal, on behalf of the Group of African States, introduced draft resolution A/HRC/21/L.7/Rev.1, sponsored by Senegal on behalf of the Group of African States, and co-sponsored by Georgia. Subsequently, Australia, Botswana, Canada, Indonesia, Norway, Switzerland, Thailand, Turkey and the United States of America joined the sponsors.

890. At the same meeting, the representative of Senegal orally revised the draft resolution.

891. Also at the same meeting, the representative of South Sudan made a statement as the State concerned.

892. 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.

893. 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 21/28).

Assistance to Somalia in the field of human rights

894. At the 39th meeting, on 28 September 2012, the representative of Senegal, on behalf of the Group of African States, introduced draft resolution A/HRC/21/L.31, sponsored by Senegal on behalf of the Group of African States. Subsequently, Botswana, Bulgaria, Croatia, Greece, Honduras, Indonesia, Italy, Japan, Luxembourg, Maldives, Montenegro, Norway, Pakistan (on behalf of the Organization of Islamic Cooperation), Poland, Qatar,

Serbia, Slovenia, Thailand, Turkey, Ukraine and the United Arab Emirates (on behalf of the Group of Arab States) joined the sponsors.

895. At the same meeting, the representative of Senegal orally revised the draft resolution.

896. Also at the same meeting, the representative the United States of America made general comments in relation to the draft resolution.

897. At the same meeting, the representatives of Kenya and Somalia made statements as the States concerned.

898. 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 21/31).

Annex I

[English only]

Attendance

Members

Angola	Guatemala	Peru
Austria	Hungary	Philippines
Bangladesh	India	Poland
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	Norway	

States Members of the United Nations represented by observers

Algeria	Democratic Republic of	Lithuania
Andorra	the Congo	Luxembourg
Argentina	Denmark	Madagascar
Armenia	Egypt	Mali
Australia	El Salvador	Malta
Azerbaijan	Eritrea	Marshall Islands
Bahrain	Estonia	Monaco
Belarus	Ethiopia	Morocco
Bhutan	Finland	Myanmar
Bolivia (Plurinational State of)	France	Nepal
Bosnia and Herzegovina	Germany	Netherlands
Brazil	Greece	New Zealand
Brunei Darussalam	Honduras	Oman
Bulgaria	Iceland	Pakistan
Cambodia	Iran (Islamic Republic of)	Panama
Canada	Iraq	Paraguay
Chad	Ireland	Portugal
Colombia	Japan	Republic of Korea
Côte d'Ivoire	Kenya	Rwanda
Croatia	Lao People's Democratic Republic	Serbia
Cyprus	Latvia	Singapore
Democratic People's Republic of Korea	Lebanon	Slovenia
	Lesotho	Slovakia
	Liechtenstein	Solomon Islands
		Somalia

South Africa	Tunisia	Venezuela (Bolivarian Republic of)
South Sudan	Turkey	Viet Nam
Sri Lanka	Turkmenistan	Yemen
Sudan	United Arab Emirates	Zimbabwe
Swaziland	United Kingdom of Great Britain and Northern	
Sweden	Ireland	
Syrian Arab Republic	Uzbekistan	
Togo		

Non-Member States represented by observers

Holy See

Other observers

Palestine

United Nations

Office of the United Nations High Commissioner for Refugees	United Nations Population Fund
United Nations Children's Fund	United Nations Relief and Works Agency for Palestine Refugees in the Near East

Specialized agencies and related organizations

International Telecommunication Union	World Intellectual Property Organization
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Intergovernmental organizations

African Union	International Humanitarian Fact-Finding Commission
Council of Europe	International Organization of la Francophonie
European Union	Organization of Islamic Cooperation

Other entities

International Committee of the Red Cross	Sovereign Military Order of Malta
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National human rights institutions, international coordinating committees and regional groups of national institutions

Conseil consultative des droits de l'homme du Royaume du Maroc	National Commission on Human Rights - Indonesia (Komnas HAM)
Defensoría del Pueblo de Ecuador	National Human Rights Commission of India
Equality and Human Rights Commission of Great Britain	National Human Rights Commission of the Republic of Korea
Human Rights Commission of Malaysia (SUHAKAM)	Philippines Commission on Human Rights
	South African Human Rights Commission

Non-governmental organizations

Action Canada for Population and Development
 Action internationale pour la paix et le développement dans la région des Grands Lacs
 Africa Culture Internationale
 African Association of Education for Development
 African-American Society for Humanitarian Aid and Development
 African-American Society for Humanitarian Aid and Development
 African Canadian Legal Clinic
 African Commission of Health and Human Right Promoters
 African Technical Association
 African Technology Development Link
 Agence Internationale pour le Développement
 Agir Ensemble pour les Droits de l'Homme
 Al-Hakim Foundation
 Al-Haq, Law in the Service of Man
 Al-Zubair Charity Foundation
 American Anthropological Association
 American Association of Jurists
 Amman Center for Human Rights Studies
 Amnesty International
 Anti-Slavery International
 Arab Commission for Human Rights
 Arab NGO Network for Development
 Arab Organization for Human Rights
 Article 19 – The International Centre against Censorship
 Asia-Pacific Human Rights Information Center
 Asian Forum for Human Rights and Development (Forum-Asia)
 Asian Legal Resource Centre
 Association of World Citizens
 Association for the Prevention of Torture
 Association for Progressive Communications
 Association Points-Cœur
 Associazione Comunità Papa Giovanni XXIII
 Badil Resource Center for Palestinian Residency and Resource Rights
 Baha'i International Community
 B'nai B'rith
 Bridges International
 Cairo Institute for Human Rights Studies
 Canadian HIV/AIDS Legal Network
 Canners International Permanent Committee
 Caritas Internationalis (International Confederation of Catholic Charities)
 Center for Reproductive Rights
 Centre Europe - Tiers Monde
 Centre for Environmental and Management Studies
 Centre for Inquiry
 Centre indépendant de recherches et d'initiatives pour le dialogue
 Centrist Democratic International
 Centro de Estudios Legales y Sociales
 Centro Regional de Derechos Humanos y Justicia de Género
 Charitable Institute for Protecting Social Victims
 Child Development Foundation
 Civicus – World Alliance for Citizen Participation
 Colombian Commission of Jurists
 Commission africaine des promoteurs de la santé et des droits de l'homme
 Commission of the Churches on International Affairs of the World Council of Churches
 Commission to Study the Organization of Peace
 Commonwealth Human Rights Initiative
 Company of the Daughters of Charity of St. Vincent de Paul
 Conectas Direitos Humanos
 Congregation of our Lady of Charity of the Good Shepherd
 Coordinating Board of Jewish Organizations
 Corporate Accountability International
 Cultural Survival
 Defence for Children International
 Democracy Coalition Project
 Development Innovations and Networks
 Dominicans for Justice and Peace - Order of Preachers
 East and Horn of Africa Human Rights Defenders Project
 Eastern Sudan Women Development Organization
 ECPAT International
 Edmund Rice International Limited

Equitas International Centre for Human Rights Education	International Association for Democracy in Africa
Espace Afrique International	International Association of Democratic Lawyers
European Disability Forum	International Association of Peace Messenger Cities
European Law Students' Association	International Association for Religious Freedom
European Region of the International Lesbian and Gay Association	International Association of Schools of Social Work
European Union of Public Relations	International Bridges to Justice, Inc.
Federatie van Nederlandse Verenigingen tot Integratie van Homoseksualiteit COC Nederland	International Buddhist Relief Organisation
Federation for Women and Family Planning	International Catholic Child Bureau
Federation of Cuban Women	International Commission of Jurists
Federation of Western Thracian Turks in Europe	International Committee for the Indians of the Americas (Incomindios Switzerland)
Femmes Solidaires	International Committee for the Respect and Application of the African Charter on Human and Peoples' Rights
Foodfirst Information and Action Network	International Council of Women
France Libertés: Fondation Danielle Mitterrand	International Educational Development, Inc.
Franciscans International	International Federation for Human Rights Leagues
Fraternité Notre Dame	International Federation of ACAT (Action by Christians for the Abolition of Torture)
Friends World Committee for Consultation (Quakers)	International Federation of Journalists
General Arab Women Federation	International Federation of University Women
General Research Institute on the Convention on the Rights of the Child	International Fellowship of Reconciliation
Geneva for Human Rights – Global Training	International Human Rights Association of American Minorities
Global Initiative for Economic, Social and Cultural Rights	International Humanist and Ethical Union
Grupo Intercultural Almaciga	International Indian Treaty Council
Hawa Society for Women	International Institute for Non-Aligned Studies
Helios Life Association	International Institute for Peace
Helsinki Foundation for Human Rights	International Investment Center
Himalayan Research and Cultural Foundation	International Lesbian and Gay Association
Human Rights Advocates, Inc.	International Movement against all Forms of Discrimination and Racism
Human Rights House Foundation	International Movement ATD Fourth World
Human Rights Law Centre	International Movement for Fraternal Union among Races and Peoples
Human Rights Watch	International Network for the Prevention of Elder Abuse
Human Security Initiative Organization	International NGO Forum on Indonesian Development (by video message)
Humanist Institute for Co-operation with Developing Countries	International Organization for the Elimination of all Forms of Racial Discrimination
Inclusion International	International Organization for the Right to Education and Freedom of Education
Indian Council of South America	International Pen
Indian Movement “Tupaj Amaru”	
Indigenous Peoples' Center for Documentation, Research and Information	
Initiatives of Change	
Institute for Planetary Synthesis	
Institute for Women's Studies and Research	

International Presentation Association of the Sisters of the Presentation of the Blessed Virgin Mary
 International Service for Human Rights
 International Society for Human Rights
 International Volunteerism Organization for Women, Education and Development
 International Women Bond
 International Women's Anthropology Conference
 International Work Group for Indigenous Affairs
 International Youth and Student Movement for the United Nations
 Iranian Elite Research Center
 Islamic Human Rights Commission
 Islamic Women's Institute of Iran
 Istituto Internazionale Maria Ausiliatrice delle Salesiane di Don Bosco
 Jubilee Campaign
 Khiam Rehabilitation Centre for Victims of Violence
 Lawyers' Rights Watch Canada
 Liberal International (World Liberal Union)
 Liberation
 Lutheran World Federation
 Maarij Foundation for Peace and Development
 Make Mothers Matter International
 Mandat International
 Marangopoulos Foundation for Human Rights
 Maryam Ghasemi Educational Charity Institute
 Minbyun – Lawyers for a Democratic Society
 Minority Rights Group
 Mouvement contre le racisme et pour l'amitié entre les peuples
 Myochikai (Arigatou Foundation)
 National Association for the Advancement of Colored People
 New Humanity
 Nonviolent Radical Party, Transnational and Transparty
 Nord-Sud XXI
 Norwegian Refugee Council
 Nuclear Age Peace Foundation
 Open Society Institute
 Organisation pour la communication en Afrique et de promotion de la coopération économique internationale (OCAPROCE International)
 Organization for Defending Victims of Violence
 Palestinian Centre for Human Rights
 Pan Pacific and South East Asia Women's Association
 Pasumai Thaayagam Foundation
 Pax Christi International
 Pax Romana
 Penal Reform International
 People for Successful Corean Reunification
 Permanent Assembly for Human Rights
 Physicians for Social Responsibility
 Plan International, Inc.
 Planetary Association for Clean Energy, Inc.
 Presse Emblème Campagne
 Redress Trust
 Rencontre africain pour la défense des droits de l'homme
 Reporters Sans Frontiers International – Reporters without Borders International
 Save the Children International
 Servas International
 Social Service Agency of the Protestant Church in Germany
 Society for Threatened Peoples
 Society Studies Centre
 Soka Gakkai International
 Sovereign Military Order of the Temple of Jerusalem
 Sudan Council of Voluntary Agencies
 Syriac Universal Alliance
 Tchad – Agir pour l'Environnement
 Teresian Association
 Terre des Hommes International Fédération
 Tides Center
 Tiye International
 Unesco Centre Basque Country (Unesco Etxea)
 Union of Arab Jurists
 United Nations Watch (UN Watch)
 United Schools International
 United Towns Agency for North-South Cooperation
 UPR Info
 Verein Sudwind Entwicklungspolitik
 Vivat International
 Women's Federation for World Peace International
 Women's Human Rights International Association
 Women's International League for Peace and Freedom
 Women's World Summit Foundation

World Association for the School as an
Instrument of Peace
World Barua Organization
World Blind Union
World Circle of the Consensus: Self-
sustaining People, Organizations and
Communities
World Council of Churches

World Environment and Resources Council
World Evangelical Alliance
World Federation of Democratic Youth
World Muslim Congress
World Organization against Torture
World Peace Council
World Vision International
Worldwide Organization for Women

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

[English, French and Spanish only]

Documents issued for the twenty-first session

Documents issued in the general series

<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/21/1	1	Annotations to the agenda for the twenty-first session of the Human Rights Council: note by the Secretary-General
A/HRC/21/2	1	Report of the Human Rights Council on its twenty-first session
A/HRC/21/3	6	Report of the Working Group on the Universal Periodic Review: Morocco
A/HRC/21/4	6	Report of the Working Group on the Universal Periodic Review: Ecuador
A/HRC/21/5	6	Report of the Working Group on the Universal Periodic Review: Tunisia
A/HRC/21/5/Add.1	6	Addendum
A/HRC/21/6	6	Report of the Working Group on the Universal Periodic Review: Bahrain
A/HRC/21/6/Add.1/ Rev.1	6	Addendum
A/HRC/21/7	6	Report of the Working Group on the Universal Periodic Review: Indonesia
A/HRC/21/7/Add.1	6	Addendum
A/HRC/21/8	6	Report of the Working Group on the Universal Periodic Review: Finland
A/HRC/21/8/Add.1	6	Addendum
A/HRC/21/9	6	Report of the Working Group on the Universal Periodic Review: United Kingdom of Great Britain and Northern Ireland
A/HRC/21/9/Corr.1		Corrigendum
A/HRC/21/9/Add.1	6	Addendum
A/HRC/21/10	6	Report of the Working Group on the Universal Periodic Review: India
A/HRC/21/10/Add.1	6	Addendum
A/HRC/21/11	6	Report of the Working Group on the Universal Periodic Review: Brazil

Documents issued in the general series

<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/21/11/Add.1	6	Addendum
A/HRC/21/12	6	Report of the Working Group on the Universal Periodic Review: Philippines
A/HRC/21/12/Corr.1		Corrigendum
A/HRC/21/12/Corr.2		Corrigendum
A/HRC/21/12/Add.1	6	Addendum
A/HRC/21/13	6	Report of the Working Group on the Universal Periodic Review: Algeria
A/HRC/21/13/Add.1	6	Addendum
A/HRC/21/14	6	Report of the Working Group on the Universal Periodic Review: Poland
A/HRC/21/14/Add.1	6	Addendum
A/HRC/21/15	6	Report of the Working Group on the Universal Periodic Review: Netherlands
A/HRC/21/15/Add.1/ Rev.1	6	Addendum
A/HRC/21/16	6	Report of the Working Group on the Universal Periodic Review: South Africa
A/HRC/21/16/Add.1	6	Addendum
A/HRC/21/17	1	Election of members of the Human Rights Council Advisory Committee: note by the Secretary-General
A/HRC/21/17/Add.1	1	Addendum
A/HRC/21/18	2, 5	Cooperation with the United Nations, its representatives and mechanisms in the field of human rights: report of the Secretary-General
A/HRC/21/19	3	Report of the Working Group on the Right to Development on its thirteenth session (Geneva, 7–11 May 2012)
A/HRC/21/20	2, 3	Progress report on the implementation of the World Programme for Human Rights Education: report of the United Nations High Commissioner for Human Rights
A/HRC/21/20/Corr.1		Corrigendum
A/HRC/21/20/Corr.2		Corrigendum

Documents issued in the general series

<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/21/21	2, 3	Contribution of the United Nations system as a whole to the advancement of the business and human rights agenda and the dissemination and implementation of the Guiding Principles on Business and Human Rights: report of the Secretary-General
A/HRC/21/21/Corr.1		Corrigendum
A/HRC/21/22	2, 3	Technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce preventable maternal morbidity and mortality: report of the Office of the United Nations High Commissioner for Human Rights
A/HRC/21/22/Corr.1		Corrigendum
A/HRC/21/22/Corr.2		Corrigendum
A/HRC/21/23	2, 3	Report of the United Nations High Commissioner for Human Rights on the rights of indigenous peoples
A/HRC/21/24	2, 3	Ways and means of promoting participation at the United Nations of indigenous peoples' representatives on issues affecting them: report of the Secretary-General
A/HRC/21/25	2, 3	Joint report of the Office of the High Commissioner for Human Rights, the United Nations Office on Drugs and Crime and the Special Representative of the Secretary-General on Violence against Children on prevention of and responses to violence against children within the juvenile justice system
A/HRC/21/26	2, 3	Report of the High Commissioner for Human Rights on the protection of human rights of juveniles deprived of their liberty
A/HRC/21/27	2, 9	The incompatibility between democracy and racism: report of the United Nations High Commissioner for Human Rights
A/HRC/21/28	2, 3	Consolidated report of the Secretary-General and the United Nations High Commissioner for Human Rights on the right to development
A/HRC/21/29	2, 3	Question of the death penalty: report of the Secretary-General
A/HRC/21/29/Corr.1		Corrigendum

Documents issued in the general series

<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/21/30	2, 3	Summary of the Human Rights Council panel discussion on the promotion and protection of freedom of expression on the Internet: report of the Office of the United Nations High Commissioner for Human Rights
A/HRC/21/31	2, 3	Summary of the full-day meeting on the rights of the child: report of the United Nations High Commissioner for Human Rights
A/HRC/21/32	2, 4	Situation of human rights in the Syrian Arab Republic: Implementation of Human Rights Council resolution 19/22: report of the Secretary-General
A/HRC/21/32/Corr.1		Corrigendum
A/HRC/21/33	7	Progress made in the implementation of the recommendations of the Fact-Finding Mission by all concerned parties, including United Nations bodies, in accordance with paragraph 3 of section B of Human Rights Council resolution S-12/1: report of the Secretary-General
A/HRC/21/34	10	Technical assistance and capacity-building for South Sudan in the field of human rights: report of the United Nations High Commissioner for Human Rights
A/HRC/21/35	2, 10	The role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights: report of the Secretary-General
A/HRC/21/36	2, 10	United Nations support to end human rights abuses and combat impunity in Somalia: report of the Secretary-General
A/HRC/21/37	2, 10	Situation of human rights in Yemen: report of the United Nations High Commissioner for Human Rights
A/HRC/21/38	3	Annual report of the Special Representative of the Secretary-General for Children and Armed Conflict, Radhika Coomaraswamy
A/HRC/21/39	3	Final draft of the guiding principles on extreme poverty and human rights, submitted by the Special Rapporteur on extreme poverty and human rights, Magdalena Sepúlveda Carmona

Documents issued in the general series

<i>Symbol</i>	<i>Agenda item</i>
A/HRC/21/40	3 Report of the open-ended intergovernmental working group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies: note by the secretariat
A/HRC/21/41	3 Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Gulnara Shahinian: thematic report on servile marriage
A/HRC/21/41/Corr.1	Corrigendum
A/HRC/21/41/Add.1	3 Mission to Lebanon
A/HRC/21/42	3 Report of the Special Rapporteur on the human right to safe drinking water and sanitation, Catarina de Albuquerque: stigma and the realization of the human rights to water and sanitation
A/HRC/21/42/Add.1	3 Mission to Senegal (14 to 21 November 2011)
A/HRC/21/42/Add.2	3 Mission to Uruguay (13 to 17 February 2012)
A/HRC/21/42/Add.3	3 Mission to Namibia
A/HRC/21/43	3 Report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination
A/HRC/21/44	3 Report of the Independent Expert on human rights and international solidarity, Virginia Dandan
A/HRC/21/44/Add.1	3 Summary of the expert workshop on human rights and international solidarity (Geneva, 7 and 8 June 2012)
A/HRC/21/45	3 Report of the Independent Expert on the promotion of a democratic and equitable international order, Alfred Maurice de Zayas
A/HRC/21/45/Corr.1	Corrigendum
A/HRC/21/46	3 Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Pablo de Greiff
A/HRC/21/47	3 Report of the Special Rapporteur on the rights of indigenous peoples, James Anaya
A/HRC/21/47/Add.1	3 The situation of indigenous peoples in the United States of America
A/HRC/21/47/Add.2	3 The situation of indigenous peoples in Argentina

Documents issued in the general series

<i>Symbol</i>		<i>Agenda item</i>
A/HRC/21/47/Add.3	3	Communications sent, replies received and follow-up
A/HRC/21/48	3	Report of the Special Rapporteur on the human rights obligations related to environmentally sound management and disposal of hazardous substances and waste, Calin Georgescu
A/HRC/21/48/Corr.1		Corrigendum
A/HRC/21/48/Add.1	3	Mission to the Marshall Islands (27 – 30 March 2012) and the United States of America (24 – 27 April 2012)
A/HRC/21/49	3, 4, 7, 9, 10	Communications report of special procedures
A/HRC/21/50	4	Report of the independent international commission of inquiry on the Syrian Arab Republic
A/HRC/21/51	5	Report of the nineteenth annual meeting of special rapporteurs/representatives, independent experts and chairpersons of working groups of the special procedures of the Human Rights Council (Geneva, 11–15 June 2012): note by the United Nations High Commissioner for Human Rights
A/HRC/21/52	5	Report of the Expert Mechanism on the Rights of Indigenous Peoples on its fifth session (Geneva, 9 –13 July 2012)
A/HRC/21/53	5	Role of languages and culture in the promotion and protection of the rights and identity of indigenous peoples: study of the Expert Mechanism on the Rights of Indigenous Peoples
A/HRC/21/54	5	Summary of responses from the questionnaire seeking the views of States on best practices regarding possible appropriate measures and implementation strategies in order to attain the goals of the United Nations Declaration on the Rights of Indigenous Peoples: report of the Expert Mechanism on the Rights of Indigenous Peoples
A/HRC/21/55	5	Follow-up report on indigenous peoples and the right to participate in decision-making, with a focus on extractive industries
A/HRC/21/56	5	Report of the Human Rights Council Advisory Committee on its seventh, eighth and ninth sessions: note by the Secretariat

Documents issued in the general series

<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/21/57	3, 5	Preliminary study on promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind: note by the secretariat
A/HRC/21/58	3, 5	Interim report of the Human Rights Council Advisory Committee on human rights and issues related to terrorist hostage-taking: note by the secretariat
A/HRC/21/59	9	Report of the Ad Hoc Committee on the elaboration of complementary standards on its fourth session
A/HRC/21/60	9	Report of the Working Group of Experts on People of African Descent on its eleventh session
A/HRC/21/60/Add.1	9	Mission to Portugal
A/HRC/21/60/Add.2	9	Draft Programme of Action for the Decade for People of African Descent
A/HRC/21/61	10	Report of the Independent Expert on the situation of human rights in Somalia, Shamsul Bari
A/HRC/21/62	10	Report of the Independent Expert on the situation of human rights in the Sudan, Mashood A. Baderin
A/HRC/21/63	10	Report of the Special Rapporteur on the situation of human rights in Cambodia, Surya P. Subedi
A/HRC/21/63/Add.1	10	A human rights analysis of economic and other land concessions in Cambodia
A/HRC/21/64	2, 4	Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Northern Mali: note by the secretariat
A/HRC/21/65	2, 3	Summary of the Human Rights Council panel discussion on the theme of remedies for women subjected to violence: report of the Office of the United Nations High Commissioner for Human Rights
A/HRC/21/66	3, 5	Final paper on human rights and international solidarity: prepared by Chen Shiqiu on behalf of the drafting group on human rights and international solidarity of the Human Rights Council Advisory Committee
A/HRC/21/67	6	Statement made by the United Nations High Commissioner for Refugees on the adoption of the report on the universal periodic review of Brazil

Conference room papers

<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/21/CRP.1	1	Progress report of the task force on secretariat services, accessibility for persons with disabilities and use of information technology

Documents issued in the limited series

<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/21/L.1	3	The human right to safe drinking water and sanitation
A/HRC/21/L.2	3	Promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind: best practices
A/HRC/21/L.3	3	The right to development
A/HRC/21/L.4	10	Technical assistance for the Sudan in the field of human rights
A/HRC/21/L.5	3	Enforced or involuntary disappearances
A/HRC/21/L.6	3	Safety of journalists
A/HRC/21/L.7 and Rev.1	10	Technical assistance and capacity-building for South Sudan in the field of human rights
A/HRC/21/L.8	5	Human rights and issues related to terrorist hostage-taking
A/HRC/21/L.9 and Rev.1	4	Situation of human rights in the Republic of Mali
A/HRC/21/L.10	3	Preventable maternal mortality and morbidity and human rights
A/HRC/21/L.11	10	Enhancement of technical cooperation and capacity-building in the field of human rights
A/HRC/21/L.12	8	High-level panel discussion to commemorate the twentieth anniversary of the adoption of the Vienna Declaration and Programme of Action
A/HRC/21/L.13	3	Panel discussion on the negative impact of corruption on the enjoyment of human rights
A/HRC/21/L.14 and Rev.1	3	Contribution of the United Nations system as a whole to the advancement of the business and human rights agenda and the dissemination and implementation of the Guiding Principles on Business and Human Rights
A/HRC/21/L.15	3	The human rights of older persons
A/HRC/21/L.16	3	Right to the truth

Documents issued in the limited series

<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/21/L.17	3	The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination
A/HRC/21/L.18	3	Promotion of a democratic and equitable international order
A/HRC/21/L.19	3	Human rights and international solidarity
A/HRC/21/L.20	3	Guiding principles on extreme poverty and human rights
A/HRC/21/L.21	3	Human rights and indigenous peoples
A/HRC/21/L.22	3	World Programme for Human Rights Education
A/HRC/21/L.23	5	Promotion of the human rights of peasants and other people working in rural areas
A/HRC/21/L.24	3	Human rights and transitional justice
A/HRC/21/L.25	3	The rights to freedom of peaceful assembly and of association
A/HRC/21/L.26	3	Mandate of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes
A/HRC/21/L.27	3	Open-ended intergovernmental working group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies
A/HRC/21/L.28	9	Elaboration of international complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination
A/HRC/21/L.29	9	From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance
A/HRC/21/L.30 and Rev.1	10	Technical assistance and capacity-building for Yemen in the field of human rights
A/HRC/21/L.31	10	Assistance to Somalia in the field of human rights
A/HRC/21/L.32	4	Situation of human rights in the Syrian Arab Republic

Documents issued in the Government series

<i>Symbol</i>	<i>Agenda item</i>
A/HRC/21/G/1	3 Note verbale dated 7 August 2012 from the Permanent Mission of Belarus to the United Nations Office and other international organizations in Geneva addressed to the Office of the United Nations High Commissioner for Human Rights
A/HRC/21/G/2	4 Note verbale dated 31 May 2012 from the Permanent Mission of the Syrian Arab Republic to the United Nations Office and other international organizations in Geneva addressed to the Office of the United Nations High Commissioner for Human Rights
A/HRC/21/G/2/Corr.1	Corrigendum
A/HRC/21/G/3	4 Note verbale dated 6 August 2012 from the Permanent Mission of the Syrian Arab Republic to the United Nations Office and other international organizations in Geneva addressed to the Office of the United Nations High Commissioner for Human Rights
A/HRC/21/G/4	4 Note verbale dated 4 September 2012 from the Permanent Mission of the Syrian Arab Republic to the United Nations Office and other international organizations in Geneva addressed to the Office of the United Nations High Commissioner for Human Rights
A/HRC/21/G/5	4 Note verbale dated 14 September 2012 from the Permanent Mission of the Syrian Arab Republic to the United Nations Office and other international organizations in Geneva addressed to the Office of the United Nations High Commissioner for Human Rights
A/HRC/21/G/6	4 Note verbale dated 14 September 2012 from the Permanent Mission of the Syrian Arab Republic to the United Nations Office and other international organizations in Geneva addressed to the Office of the United Nations High Commissioner for Human Rights
A/HRC/11/G/7	4 Note verbale dated 14 September 2012 from the Permanent Mission of the Syrian Arab Republic to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights

Documents issued in the Government series

<i>Symbol</i>	<i>Agenda item</i>
A/HRC/21/G/8	4 Note verbale dated 18 September 2012 from the Permanent Mission of the Syrian Arab Republic to the United Nations Office and other international organizations in Geneva addressed to the Office of the United Nations High Commissioner for Human Rights
A/HRC/21/G/9	9 Note verbale dated 20 September 2012 from the Permanent Mission of the Republic of Belarus to the United Nations Office and other international organizations in Geneva addressed to the Office of the United Nations High Commissioner for Human Rights
A/HRC/21/G/10	4 Note verbale dated 24 September 2012 from the Permanent Mission of the Republic of Armenia to the United Nations Office and other international organizations in Geneva addressed to the President of the Human Rights Council
A/HRC/21/G/11	3 Note verbale dated 24 September 2012 from the Permanent Mission of Greece to the United Nations Office at Geneva and other international organizations in Switzerland addressed to the Office of the United Nations High Commissioner for Human Rights
A/HRC/21/G/12	4 Letter dated 10 October 2012 from the Permanent Representative of the Republic of Azerbaijan to the United Nations Office and other international organizations in Geneva addressed to the President of the Human Rights Council

Documents issued in the non-governmental organization series

<i>Symbol</i>	<i>Agenda item</i>
A/HRC/21/NGO/1	3 Written statement submitted by Maarij Foundation for Peace and Development (MFPD), a non-governmental organization in special consultative status
A/HRC/21/NGO/2	3 Written statement submitted by Maarij Foundation for Peace and Development (MFPD), a non-governmental organization in special consultative status
A/HRC/21/NGO/3	4 Written statement submitted by Maarij Foundation for Peace and Development (MFPD), 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/21/NGO/4	3	Written statement submitted by Maarij Foundation for Peace and Development (MFPD), a non-governmental organization in special consultative status
A/HRC/21/NGO/5	4	Written statement submitted by the Society Studies Centre (MADA ssc), a non-governmental organization in special consultative status
A/HRC/21/NGO/6	10	Written statement submitted by the Society Studies Centre (MADA ssc), a non-governmental organization in special consultative status
A/HRC/21/NGO/7	4	Exposición escrita conjunta presentada por International Youth and Student Movement for the United Nations (ISMUN), Women's International Democratic Federation (WIDF), organizaciones no gubernamentales reconocidas como entidades consultivas generales, International Organization for the Elimination of all Forms of Racial Discrimination (EAFORD), Union of Arab Jurists, the Arab Lawyers Union, General Arab Women Federation (GAWF), International Association of Democratic Lawyers (IADL), North-South XXI, United Towns Agency for North-South Cooperation, Indian Movement "Tupaj Amaru", Asian Women Human Rights Council, Organisation pour la Communication en Afrique et de Promotion de la Coopération Economique Internationale – OCAPROCE Internationale, organizaciones no gubernamentales reconocidas como entidades consultivas especiales, International Educational Development, Inc. (IED), organización no gubernamental reconocida como entidad en la Lista

Documents issued in the non-governmental organization series

<i>Symbol</i>	<i>Agenda item</i>
A/HRC/21/NGO/8	3 Exposición escrita conjunta presentada por International Youth and Student Movement for the United Nations (ISMUN), Women's International Democratic Federation (WIDF), organizaciones no gubernamentales reconocidas como entidades consultivas generales, International Organization for the Elimination of all Forms of Racial Discrimination (EAFORD), Union of Arab Jurists, Arab Lawyers Union, General Arab Women Federation (GAWF), International Association of Democratic Lawyers (IADL), North-South XXI, United Towns Agency for the North-South Cooperation, Indian Movement "Tupaj Amaru", Asian Women Human Rights Council y Organisation pour la Communication en Afrique et de Promotion de la Coopération Economique Internationale – OCAPROCE Internationale, organizaciones no gubernamentales reconocidas como entidades consultivas especiales, International Educational Development, Inc. (IED) organización no gubernamental reconocida como entidad en la Lista
A/HRC/21/NGO/9	3 Written statement submitted by the Khiam Rehabilitation Center for Victims of Torture, a non-governmental organization in special consultative status
A/HRC/21/NGO/10	3 Written statement submitted by the Khiam Rehabilitation Center for Victims of Torture, 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/21/NGO/11	3 Exposición escrita conjunta presentada por International Youth and Student Movement for the United Nations (ISMUN), Women's International Democratic Federation (WIDF), organizaciones no gubernamentales reconocidas como entidades consultivas generales, International Organization for the Elimination of all Forms of Racial Discrimination (EAFORD), Union of Arab Jurists, Arab Lawyers Union, General Arab Women Federation (GAWF), International Association of Democratic Lawyers (IADL), North-South XX1, United Towns Agency for North-South Cooperation, Indian Movement "Tupaj Amaru", Asian Women Human Rights Council, Organisation pour la Communication en Afrique et de Promotion de la Coopération Economique Internationale – OCAPROCE Internationale, organizaciones no gubernamentales reconocidas como entidades consultivas especiales, International Educational Development, Inc. (IED) organización no gubernamental reconocida como entidad en la Lista
A/HRC/21/NGO/12	3 Exposición escrita conjunta presentada por International Youth and Student Movement for the United Nations (ISMUN), Women's International Democratic Federation (WIDF), organizaciones no gubernamentales reconocidas como entidades consultivas generales, International Organization for the Elimination of all Forms of Racial Discrimination (EAFORD), Union of Arab Jurists, Arab Lawyers Union, General Arab Women Federation (GAWF), International Association of Democratic Lawyers (IADL), North-South XX1, United Towns Agency for North-South Cooperation, Indian Movement "Tupaj Amaru", Asian Women Human Rights Council y Organisation pour la Communication en Afrique et de Promotion de la Coopération Economique Internationale – OCAPROCE Internationale, organizaciones no gubernamentales reconocidas como entidades consultivas especiales, International Educational Development, Inc. (IED) organización no gubernamental reconocida como entidad en la Lista
A/HRC/21/NGO/13	3 Written statement submitted by the Khiam Rehabilitation Center for Victims of Torture, 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/21/NGO/14	3 Written statement submitted by the Khiam Rehabilitation Center for Victims of Torture, a non-governmental organization in special consultative status
A/HRC/17/NGO/15	3 Joint written statement submitted by the Commission of the Churches on International Affairs of the World Council of Churches (CCIA), Pax Christi International, the International Catholic Peace Movement, a non-governmental organization in special consultative status
A/HRC/21/NGO/16	3 Exposición escrita conjunta presentada por International Youth and Student Movement for the United Nations (ISMUN), Women's International Democratic Federation (WIDF), organizaciones no gubernamentales reconocidas como entidades consultivas generales, International Organization for the Elimination of all Forms of Racial Discrimination (EAFORD), Union of Arab Jurists, Arab Lawyers Union, General Arab Women Federation (GAWF), International Association of Democratic Lawyers (IADL), North-South XX1, United Towns Agency for North-South Cooperation, Indian Movement "Tupaj Amaru", Asian Women Human Rights Council, Organisation pour la Communication en Afrique et de Promotion de la Coopération Economique Internationale – OCAPROCE Internationale, organizaciones no gubernamentales reconocidas como entidades consultivas especiales, International Educational Development, Inc. (IED), organización no gubernamental reconocida como entidad en la Lista

Documents issued in the non-governmental organization series

<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/21/NGO/17	3	Exposición escrita conjunta presentada por International Youth and Student Movement for the United Nations (ISMUN), Women's International Democratic Federation (WIDF), organizaciones no gubernamentales reconocidas como entidades consultivas generales, International Organization for the Elimination of all Forms of Racial Discrimination (EAFORD), Union of Arab Jurists, Arab Lawyers Union, General Arab Women Federation (GAWF), International Association of Democratic Lawyers (IADL), North-South XX1, United Towns Agency for North-South Cooperation, Indian Movement "Tupaj Amaru", Asian Women Human Rights Council, Organisation pour la Communication en Afrique et de Promotion de la Coopération Economique Internationale – OCAPROCE Internationale, organizaciones no gubernamentales reconocidas como entidades consultivas especiales, International Educational Development, Inc. (IED) organización no gubernamental reconocida como entidad en la Lista
A/HRC/21/NGO/18	3	Written statement submitted by the Al Zubair Charitable Foundation, a non-governmental organization in special consultative status
A/HRC/21/NGO/19	3	Written statement submitted by the Al Zubair Charitable Foundation, a non-governmental organization in special consultative status,
A/HRC/21/NGO/20	3	Written statement submitted by the Al Zubair Charitable Foundation, a non-governmental organization in special consultative status
A/HRC/21/NGO/21	4	Written statement submitted by the International Humanist and Ethical Union, a non-governmental organization in special consultative status
A/HRC/21/NGO/22	3	Written statement submitted by the Associazione Comunità Papa Giovanni XXIII, a non-governmental organization in special consultative status
A/HRC/21/NGO/23	2	Written statement submitted by Liberation, a nongovernmental organization in special consultative status
A/HRC/21/NGO/24	4	Written statement submitted by the Jubilee Campaign, a non-governmental organization in special consultative status
A/HRC/21/NGO/25	4	Written statement submitted by the Jubilee Campaign, 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/21/NGO/26	3 Exposición escrita presentada por la American Association of Jurists, organización no gubernamental reconocida como entidad consultiva especial
A/HRC/21/NGO/27	4 Written statement submitted by the Mouvement contre le racisme et pour l'amitié entre les peuples (MRAP), a nongovernmental organization on the roster
A/HRC/21/NGO/28	3 Written statement submitted by the International Commission of Jurists, a non-governmental organization in special consultative status
A/HRC/21/NGO/29	3 Written statement submitted by the International Commission of Jurists, a non-governmental organization in special consultative status
A/HRC/21/NGO/30 and Rev.1	9 Written statement submitted by United Nations Watch, a non-governmental organization in special consultative status
A/HRC/21/NGO/31	3 Written statement submitted by the Helsinki Foundation for Human Rights, a non-governmental organization in special consultative status
A/HRC/21/NGO/32	3 Exposición escrita conjunta presentada por International Youth and Student Movement for the United Nations (ISMUN), Women's International Democratic Federation (WIDF), organizaciones no gubernamentales reconocidas como entidades consultivas generales, International Organization for the Elimination of all Forms of Racial Discrimination (EAFORD), Union of Arab Jurists, Arab Lawyers Union, General Arab Women Federation (GAWF), International Association of Democratic Lawyers (IADL), North-South XXI, United Towns Agency for North-South Cooperation, Indian Movement "Tupaj Amaru", Asian Women Human Rights Council, Organisation pour la Communication en Afrique et de Promotion de la Coopération Economique Internationale – OCAPROCE Internationale, organizaciones no gubernamentales reconocidas como entidades consultivas especiales, International Educational Development, Inc. (IED), organización no gubernamental reconocida como entidad en la Lista

Documents issued in the non-governmental organization series

<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/21/NGO/33	3	Exposición escrita conjunta presentada por International Youth and Student Movement for the United Nations (ISMUN), Women's International Democratic Federation (WIDF), organizaciones no gubernamentales reconocidas como entidades consultivas generales, International Organization for the Elimination of all Forms of Racial Discrimination (EAFORD), Union of Arab Jurists, Arab Lawyers Union, General Arab Women Federation (GAWF), International Association of Democratic Lawyers (IADL), North-South XX1, United Towns Agency for North-South Cooperation, Indian Movement "Tupaj Amaru", Asian Women Human Rights Council, Organisation pour la Communication en Afrique et de Promotion de la Coopération Economique Internationale – OCAPROCE Internationale, organizaciones no gubernamentales reconocidas como entidades consultivas especiales, International Educational Development, Inc. (IED), organización no gubernamental reconocida como entidad en la Lista
A/HRC/21/NGO/34	6	Written statement submitted by the Human Rights Law Centre, a non-governmental organization in special consultative status
A/HRC/21/NGO/35	3	Written statement submitted by the Himalayan Research and Cultural Foundation, a non-governmental organization in special consultative status
A/HRC/21/NGO/36	4	Written statement submitted by the Bahá'í International Community, a non-governmental organization in special consultative status
A/HRC/21/NGO/37	6	Joint written statement submitted by the World Federation of Democratic Youth (WFDY), a non-governmental organization in general consultative status, the American Association of Jurists (AAJ), France Libertés: Fondation Danielle Mitterrand, non-governmental organizations in special consultative status, the Mouvement contre le racismisme et pour l'amitié entre les peuples (MRAP), non-governmental organizations on the roster
A/HRC/21/NGO/38	4	Written statement submitted by the Mouvement contre le racismisme et pour l'amitié entre les peuples (MRAP), a nongovernmental organization on the roster

Documents issued in the non-governmental organization series

<i>Symbol</i>	<i>Agenda item</i>
A/HRC/21/NGO/39	3 Exposición escrita conjunta presentada por International Youth and Student Movement for the United Nations (ISMUN), Women's International Democratic Federation (WIDF), organizaciones no gubernamentales reconocidas como entidades consultivas generales, International Organization for the Elimination of all Forms of Racial Discrimination (EAFORD), Union of Arab Jurists, Arab Lawyers Union, General Arab Women Federation (GAWF), International Association of Democratic Lawyers (IADL), North-South XX1, United Towns Agency for North-South Cooperation, Indian Movement "Tupaj Amaru", Asian Women Human Rights Council, Organisation pour la Communication en Afrique et de Promotion de la Coopération Economique Internationale – OCAPROCE Internationale, organizaciones no gubernamentales reconocidas como entidades consultivas especiales, International Educational Development, Inc. (IED), organización no gubernamental reconocida como entidad en la Lista
A/HRC/21/NGO/40	3 Exposición escrita conjunta presentada por International Youth and Student Movement for the United Nations (ISMUN), Women's International Democratic Federation (WIDF), organizaciones no gubernamentales reconocidas como entidades consultivas generales, International Organization for the Elimination of all Forms of Racial Discrimination (EAFORD), Union of Arab Jurists, Arab Lawyers Union, General Arab Women Federation (GAWF), International Association of Democratic Lawyers (IADL), North-South XX1, United Towns Agency for North-South Cooperation, Indian Movement "Tupaj Amaru", Asian Women Human Rights Council, Organisation pour la Communication en Afrique et de Promotion de la Coopération Economique Internationale – OCAPROCE Internationale, organizaciones no gubernamentales reconocidas como entidades consultivas especiales, International Educational Development, Inc. (IED), organización no gubernamental reconocida como entidad en la Lista
A/HRC/21/NGO/41	4 Written statement submitted by the Hawa Society for Women, 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/21/NGO/42	6 Joint written statement submitted by the World Federation of Democratic Youth (WFDY), a non-governmental organization in general consultative status, and France Libertés: Fondation Danielle Mitterrand, non-governmental organization in special consultative status
A/HRC/21/NGO/43	6 Written statement submitted by the Minority Rights Group, a non-governmental organization in special consultative status
A/HRC/21/NGO/44	4 Exposición presentada por la American Association of Jurists, organización no gubernamental reconocida como entidad consultiva especial
A/HRC/21/NGO/45	7 Joint written statement submitted by the Al Mezan Centre for Human Rights, Al-Haq, Law in Service of Man, the BADIL Resource Center for Palestinian Residency and Refugee Rights, non-governmental organizations in special consultative status
A/HRC/21/NGO/46	3 Written statement submitted by Anti-Slavery International, a non-governmental organization in special consultative status
A/HRC/21/NGO/47	4 Written statement submitted by the Minority Rights Group, a non-governmental organization in special consultative status
A/HRC/21/NGO/48	3 Written statement submitted by Corporate Accountability International, a non-governmental organization in special consultative status
A/HRC/21/NGO/49	3 Exposición escrita presentada por los Permanent Assembly for Human Rights, organización no gubernamental reconocida como entidad consultiva especial
A/HRC/21/NGO/50	3 Exposición escrita presentada por los Permanent Assembly for Human Rights, organización no gubernamental reconocida como entidad consultiva especial
A/HRC/21/NGO/51	3 Exposición escrita presentada por los Permanent Assembly for Human Rights, organización no gubernamental reconocida como entidad consultiva especial
A/HRC/21/NGO/52	3 Exposé écrit présenté par le Permanent Assembly for Human Rights, organisation non gouvernementale dotée du statut consultatif spécial

Documents issued in the non-governmental organization series

<i>Symbol</i>	<i>Agenda item</i>
A/HRC/21/NGO/53	3 Joint written statement submitted by the Sovereign Military Order of the Temple of Jerusalem (OSMTH), the AL HAKIM Foundation, non-governmental organizations in special consultative status
A/HRC/17/NGO/54	4 Written statement submitted by the Press Emblem Campaign (PEC), a non-governmental organization in special consultative status
A/HRC/21/NGO/55	3 Exposición escrita presentada por la Permanent Assembly for Human Rights, organización no gubernamental reconocida como entidad consultiva especial
A/HRC/21/NGO/56	10 Written statement submitted by International Educational Development, Inc., a non-governmental organization on the roster
A/HRC/21/NGO/57	4 Written statement submitted by International Educational Development, Inc., a non-governmental organization on the roster
A/HRC/21/NGO/58	7 Joint written statement submitted by the Al Mezan Centre for Human Rights, Al-Haq—Law in Service of Man, the BADIL Resource Center for Palestinian Residency and Refugee Rights, non-governmental organizations in special consultative status
A/HRC/21/NGO/59	7 Written statement submitted by the Palestinian Centre for Human Rights, a non-governmental organization in special consultative status
A/HRC/21/NGO/60	4 Written statement submitted by the Nonviolent Radical Party, Transnational and Transparty, a non-governmental organization in general consultative status
A/HRC/21/NGO/61	3 Written statement submitted by Liberal International (World Liberal Union), a non-governmental organization in general consultative status
A/HRC/21/NGO/62	3 Written statement submitted by Liberal International (World Liberal Union), a non-governmental organization in general consultative status
A/HRC/21/NGO/63	3 Written statement submitted by the International Women's Anthropology Conference (IWAC), a non-governmental organization on the roster
A/HRC/21/NGO/64	3 Written statement submitted by Penal Reform 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/21/NGO/65	7 Joint written statement submitted by Al-Haq–Law in Service of Man, the Al Mezan Centre for Human Rights, the BADIL Resource Center for Palestinian Residency and Refugee Rights, non-governmental organizations in special consultative status
A/HRC/21/NGO/66	4 Written statement submitted by the Helsinki Foundation for Human Rights, a non-governmental organization in special consultative status
A/HRC/21/NGO/67	6 Written statement submitted by the International Movement Against All Forms of Discrimination and Racism (IMADR), a non-governmental organization in special consultative status
A/HRC/21/NGO/68	3 Written statement submitted by the International Movement Against All Forms of Discrimination and Racism (IMADR), a non-governmental organization in special consultative status
A/HRC/21/NGO/69	4 Written statement submitted by the International Movement Against All Forms of Discrimination and Racism (IMADR), a non-governmental organization in special consultative status
A/HRC/21/NGO/70	4 Joint written statement submitted by Al-Haq–Law in Service of Man, the Al Mezan Centre for Human Rights, the BADIL Resource Center for Palestinian Residency and Refugee Rights, non-governmental organizations in special consultative status
A/HRC/21/NGO/71	4 Joint written statement submitted by the International Movement Against All Forms of Discrimination and Racism (IMADR), the Association of the Indigenous Peoples in the Ryukyus (AIPR), non-governmental organizations in special consultative status
A/HRC/21/NGO/72	4 Written statement submitted by Amnesty International, a non-governmental organization in special consultative status
A/HRC/21/NGO/73	4 Joint written statement submitted by France Libertés: Fondation Danielle Mitterrand, the Women’s Human Rights International Association (WHRIA), the Women’s International League for Peace and Freedom (WILPF), nongovernmental organizations in special consultative status, the International Educational Development, Inc., the Mouvement contre le racisme et pour l’amitié entre les peuples (MRAP), non-governmental organizations on the roster

Documents issued in the non-governmental organization series

<i>Symbol</i>	<i>Agenda item</i>
A/HRC/21/NGO/74	3 Written statement submitted by the Federation of Western Thrace Turks in Europe (ABTTF), a non-governmental organization in special consultative status
A/HRC/21/NGO/75	3 Joint written statement submitted by France Libertés: Fondation Danielle Mitterrand, the Society for Threatened Peoples, non-governmental organizations in special consultative status, the Mouvement contre le racisme et pour l'amitié entre les peuples, a non-governmental organization on the roster
A/HRC/21/NGO/76	3 Exposé écrit présenté conjointement par France Libertés – Fondation Danielle Mitterrand, organisation non gouvernementale dotée du statut consultatif spécial, Mouvement contre le racisme et pour l'amitié entre les peuples, organisation non gouvernementale sur la liste
A/HRC/21/NGO/77	3 Exposé écrit présenté conjointement par World Federation of Democratic Youth (WFDY), organisation non gouvernementale dotée du statut consultatif général, France Libertés – Fondation Danielle Mitterrand, organisation non gouvernementale dotée du statut consultatif spécial, Mouvement contre le racisme et pour l'amitié entre les peuples, organisation non gouvernementale sur la liste
A/HRC/21/NGO/78	3 Exposé écrit présenté conjointement par France Libertés – Fondation Danielle Mitterrand, organisation non gouvernementale dotée du statut consultatif spécial, Mouvement contre le racisme et pour l'amitié entre les peuples, organisation non gouvernementale sur la liste
A/HRC/21/NGO/79	4 Joint written statement submitted by CIVICUS – World Alliance for Citizen Participation, a non-governmental organization in general consultative status, the East and Horn of Africa Human Rights Defenders Projects, a nongovernmental organizations in special consultative status
A/HRC/21/NGO/80	3 Written statement submitted by France Libertés: Fondation Danielle Mitterrand, a non-governmental organization in special consultative status
A/HRC/21/NGO/81	3 Written statement submitted by Asian Legal Resource Centre, a non-governmental organization in general consultative status

Documents issued in the non-governmental organization series

<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/21/NGO/82	3	Written statement submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status
A/HRC/21/NGO/83	4	Written statement submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status
A/HRC/21/NGO/84	4	Written statement submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status
A/HRC/21/NGO/85	6	Written statement submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status
A/HRC/21/NGO/86	3	Written statement submitted by Reporters Sans Frontiers International–Reporters Without Borders International, a non-governmental organization in special consultative status
A/HRC/21/NGO/87	4	Written statement submitted by the Cairo Institute for Human Rights Studies (CIHRS), a non-governmental organization in special consultative status
A/HRC/21/NGO/88	4	Written statement submitted by the Cairo Institute for Human Rights Studies (CIHRS), a non-governmental organization in special consultative status
A/HRC/21/NGO/89	3	Written statement submitted by the Cairo Institute for Human Rights Studies (CIHRS), a non-governmental organization in special consultative status
A/HRC/21/NGO/90	10	Joint written statement submitted by the Cairo Institute for Human Rights Studies (CIHRS), the East and Horn of Africa Human Rights Defenders Project (EHAHRDP), nongovernmental organizations in special consultative status
A/HRC/21/NGO/91	4	Written statement submitted by the Jubilee Campaign, a non-governmental organization in special consultative status
A/HRC/21/NGO/92	6	Written statement submitted by the Cairo Institute for Human Rights Studies (CIHRS), a non-governmental organization in special consultative status
A/HRC/21/NGO/93	3	Written statement submitted by Franciscans International (FI), a non-governmental organization in general consultative status

Documents issued in the non-governmental organization series

<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/21/NGO/94	3	Written statement submitted by Defence for Children International (DCI), a non-governmental organization in special consultative status
A/HRC/21/NGO/95	3	Written statement submitted by the African-American Society for Humanitarian Aid and Development (ASHAD), a non-governmental organization on the roster
A/HRC/21/NGO/96	4	Written statement submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status
A/HRC/21/NGO/97	4	Written statement submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status
A/HRC/21/NGO/98	3, 5	Written statement submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status
A/HRC/21/NGO/99	4	Written statement submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status
A/HRC/21/NGO/100	6	Written statement submitted by the Nonviolent Radical Party, Transnational and Transparty, a non-governmental organization in general consultative status
A/HRC/21/NGO/101	4	Written statement submitted by the African-American Society for Humanitarian Aid and Development (ASHAD), a non-governmental organization on the roster
A/HRC/21/NGO/102	4	Written statement submitted by International Educational Development, Inc., a non-governmental organization on the roster
A/HRC/21/NGO/103	6	Written statement submitted by the Arab NGO Network for Development, a non-governmental organization on the roster
A/HRC/21/NGO/104	6	Written statement submitted by the Arab NGO Network for Development, a non-governmental organization on the roster

Documents issued in the non-governmental organization series

<i>Symbol</i>	<i>Agenda item</i>
A/HRC/21/NGO/105	3 Joint written statement submitted by the Commission of the Churches on International Affairs of the World Council of Churches (CCIA/WCC), the International Alliance of Women (IAW), the International Youth and Student Movement for the United Nations (ISMUN), non-governmental organizations in general consultative status, Associazione Comunità Papa Giovanni XXIII, Women's Union of Russia (WUR), Rencontre Africaine pour la Defense des Droits de l'Homme (RADDHO), International Association of Peace Messenger Cities (IAPMC), Universal Esperanto Association (UEA), the BADIL Resource Center for Palestinian Residency and Refugee Rights, the International Federation of Women Lawyers (FIDA), International Federation of Women in Legal Careers (FIFCJ), North-South XXI, Union of Arab Jurists (UAJ), International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), General Arab Women Federation (GWAF), Arab Lawyers Union (ALU), Peace Boat, International Women's Year Liaison Group, Japanese Worker's Committee for Human Rights, Organisation pour la Communication en Afrique et de Promotion de la Coopération Economique Internationale (OCAPROCE), Lama Gangchen World Peace Foundation (LGWPF), American Association of Jurists (AAJ), Worldwide Organization for Women (WOW), Comision Colombiana de Juristas (CCJ), the Pan Pacific South East Asia Women's Association International (PSEAWA), Center for Global Community and World Law, the Solar Cookers International (SCI), Tandem Project, International Movement against all Forms of Discrimination and Racism (IMADR), the Cairo Institute for Human Rights Studies (CIHR), non-governmental organizations in special consultative status, the Institute for Planetary Synthesis (IPS), the 3HO Foundation, Inc. (Healthy, Happy, Holy Organization), International Society for Human Rights (ISHR), Mouvement contre le racisme et pour l'amitié entre les peuples (MRAP), the International Peace Bureau (IPB) non-governmental organizations on the roster
A/HRC/21/NGO/106	9 Written statement submitted by the International Human Rights Association of American Minorities (IHRAAM), a non-governmental organization on the roster
A/HRC/21/NGO/107	3 Written statement submitted by the American Anthropological Association, a non-governmental organization on the roster

Documents issued in the non-governmental organization series

<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/21/NGO/108	4	Written statement submitted by the Syriac Universal Alliance (SUA), a non-governmental organization special consultative status
A/HRC/21/NGO/109	3	Joint written statement submitted by the Women's International League for Peace and Freedom (WILPF), the International Association of Schools of Social Work (IASSW), OCAPROCE International, International Educational Development, Inc., non-governmental organizations in special consultative status, the Indian Council of South America (CISA), the International Human Rights Association of American Minorities (IHRAAM), nongovernmental organizations on the roster
A/HRC/21/NGO/110	3	Written statement submitted by the Women's Human Rights International Association (WHRIA), a non-governmental organization in special consultative status
A/HRC/21/NGO/111	4	Written statement submitted by the Women's Human Rights International Association (WHRIA), a non-governmental organization in special consultative status
A/HRC/21/NGO/112	3	Written statement submitted by the Organization for Defending Victims of Violence (ODVV), a non-governmental organization in special consultative status
A/HRC/21/NGO/113	6	Written statement submitted by the Organization for Defending Victims of Violence (ODVV), a non-governmental organization in special consultative status
A/HRC/21/NGO/114	7	Written statement submitted by the Organization for Defending Victims of Violence (ODVV), a non-governmental organization in special consultative status
A/HRC/21/NGO/115	10	Written statement submitted by Amnesty 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/21/NGO/116	3	Joint written statement submitted by the Indian Movement “Tupaj Amaru”, the United Towns Agency for the North-South Cooperation, the Union of Arab Jurists, the General Arab Women Federation (GAWF), Organisation pour la Communication en Afrique et de Promotion de la Coopération Economique Internationale–OCAPROCE, non-governmental organizations in special consultative status, International Educational Development, Inc. (IED), nongovernmental organization on the roster
A/HRC/21/NGO/117	4	Written statement submitted by the Organization for Defending Victims of Violence (ODVV), a non-governmental organization in special consultative status
A/HRC/21/NGO/118	3	Written statement submitted by the Verein Sudwind Entwicklungspolitik, a non-governmental organization in special consultative status
A/HRC/21/NGO/119	3	Written statement submitted by the Verein Sudwind Entwicklungspolitik, a non-governmental organization in special consultative status
A/HRC/21/NGO/120	6	Written statement submitted by the Organization for Defending Victims of Violence (ODVV), a non-governmental organization in special consultative status
A/HRC/21/NGO/121	4	Joint written statement submitted by the General Arab Women Federation (GAWF), the Union of Arab Jurists (UAJ), non-governmental organizations in special consultative status
A/HRC/21/NGO/122	4	Written statement submitted by Amnesty International, a non-governmental organization in special consultative status
A/HRC/21/NGO/123	2	Written statement submitted by Amnesty International, a non-governmental organization in special consultative status
A/HRC/21/NGO/124	3	Written statement submitted by Amnesty International, a non-governmental organization in special consultative status
A/HRC/21/NGO/125	4	Written statement submitted by Amnesty International, a non-governmental organization in special consultative status
A/HRC/21/NGO/126	4	Written statement submitted by Amnesty 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/21/NGO/127	3 Written statement submitted by International Human Rights Association of American Minorities (IHRAAM), a nongovernmental organization on the roster
A/HRC/21/NGO/128	5 Written statement submitted by the Canadian HIV/AIDS Legal Network, a non-governmental organization in special consultative status
A/HRC/21/NGO/129	8 Written statement submitted by the Inter-African Committee on Traditional Practices Affecting the Health of Women and Children (IAC), a non-governmental organization in special consultative status
A/HRC/21/NGO/130	3 Written statement submitted by the International Human Rights Association of American Minorities (IHRAAM), a non-governmental organization on the roster
A/HRC/21/NGO/131	6 Written statement submitted by the International Human Rights Association of American Minorities (IHRAAM), a non-governmental organization on the roster
A/HRC/21/NGO/132	4 Exposé écrit présenté conjointement par l'International Alliance of Women (IAW), organisation non gouvernementale dotée du statut consultatif général, la Rencontre Africaine pour la Défense des Droits de l'homme (RADDHO), l'Al-Hakim Foundation, l'Association Apprentissage Sans Frontière (ASF), l'Action Internationale pour la Paix et le Développement dans la région des Grands Lacs (AIPD-GL), la Commission Africaine des Promoteurs de la Santé et des Droits de l'Homme (CAPSDH), le Centre Indépendant de Recherche et d'Initiative pour le Dialogue (CIRID), le Comité International pour le Respect et l'Application de la Charte africaine des Droits de l'Homme et des Peuples (CIRAC), l'Espace Afrique International, l'Inter-African Committee on Traditional Practices Affecting the Health of Women and Children (IAC), l'Union Interafricaine des droits de l'homme (UIDH), l'United Towns Agency for North-South Cooperation (UTA), Tchad Agir pour l'Environment (TCHAPE), organisations non gouvernementales dotées du statut consultatif spécial
A/HRC/21/NGO/133	4 Exposé écrit présenté par Femmes Afrique Solidarité (FAS), organisation non gouvernementale dotée du statut consultatif spécial

Documents issued in the non-governmental organization series

<i>Symbol</i>		<i>Agenda item</i>
A/HRC/21/NGO/134	10	Written statement submitted by Amnesty International, a non-governmental organization in special consultative status

Documents issued in the national institution series

<i>Symbol</i>		<i>Agenda item</i>
A/HRC/21/NI/1	6	Information presented by the National Human Rights Council (NHRC) of the Kingdom of Morocco
A/HRC/21/NI/2	2	Information presented by the Equality and Human Rights Commission of Great Britain: note by the Secretariat
A/HRC/21/NI/3	8	Written statement submitted by the Canadian Human Rights Commission: note by the secretariat

Annex IV**Advisory Committee members and duration of terms of membership**

<i>Member</i>	<i>Term expires</i>
Saeed Mohamed Al Faihani (Bahrain)	30 September 2015
Mario L. Coriolano (Argentina)	30 September 2015
Katharina Pabel (Germany / Austria)	30 September 2015
Imeru Tamrat Yigezu (Ethiopia)	30 September 2015

Annex V

Special procedures mandate holders appointed by the Human Rights Council at its twenty-first session

Special Rapporteur on the situation of human rights in Eritrea

Beedwantee Keetharuth (Mauritius)

Special Rapporteur on the situation of human rights in Belarus

Miklós Haraszti (Hungary)

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

Marc Pallemmaerts (Belgium)

Working Group on the issue of discrimination against women in law and in practice

Patricia Olamendi (Mexico)

Annex VI

Additional members of the independent international commission of inquiry on the Syrian Arab Republic appointed by the Human Rights Council at its twenty-first session

Carla del Ponte (Switzerland)

Vitit Muntarbhorn (Thailand)
