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**Human Rights Council**

Fifteenth session

Agenda item 1

**Organizational and procedural matters**

**Report of the Human Rights Council on its fifteenth session\***

*Vice-President and Rapporteur:* Ms. Bente Angell-Hansen (Norway)

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\* The text of resolutions and decisions adopted by the Human Rights Council will be available on the website of the Office of the United Nations High Commissioner for Human Rights and will be subsequently included in part one of the final report.

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## **Part One: Resolutions and decisions**

[To be added in the final report]

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## **Part Two: Summary of proceedings**

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

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

1. The Human Rights Council held its fifteenth session at the United Nations Office at Geneva from 13 September to 1 October 2010. The President of the Council opened the session.
2. In accordance with rule 8 (b) of the rules of procedure of the Council, as contained in part VII of the annex to Council resolution 5/1, the organizational meeting of the fifteenth session was held on 30 August 2010.
3. The fifteenth session consisted of 34 meetings over 15 days (see paragraph 24 below).

#### **B. Attendance**

4. The session was attended by representatives of States Members of the Council, observer States of the Council, observers for non-Member States of the United Nations and other observers, as well as observers for United Nations entities, specialized agencies and related organizations, intergovernmental organizations and other entities, national human rights institutions and non-governmental organizations (see annex I).

#### **C. Agenda and programme of work of the session**

5. At its 1st meeting, on 13 September 2010, the Council adopted the agenda and programme of work of the fifteenth session.

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

6. At the 1st meeting, on 13 September 2010, the President outlined the modalities for the general debate on the update by the United Nations High Commissioner of the activities of her Office, which would be 3 minutes for Member States and 2 minutes for observer States and other observers.
7. At the 3rd meeting, on 14 September 2010, the President outlined the modalities for the interactive dialogue with mandate holders of special procedures, which would be as follows: 10 minutes for the presentation by the mandate holder of the main report, with a further 2 minutes to present each additional report; 5 minutes for concerned countries, if any, 3 minutes for statements by States Members of the Council; 2 minutes for statements by observer States of the Council and other observers, including United Nations entities, specialized agencies and related organizations, intergovernmental organizations and other entities, national human rights institutions and non-governmental organizations; and 5 minutes for concluding remarks by the mandate holder.
8. At its 7th meeting, on 16 September 2010, the President provided the Council with an update on the review of the work and functioning of the Council, as well as on the agenda and programme of work of the intergovernmental Working Group on the review.
9. At the 8th meeting, on 16 September 2010, the President outlined the modalities for the general debate on thematic reports of the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Secretary-General, which would be 3 minutes for States Members of the Council and 2 minutes for observer States and other observers.

10. At the 11th meeting, on 17 September 2010, the President outlined the modalities for the general debate on agenda item 4, which would be 3 minutes for States Members of the Council and 2 minutes for observer States and other observers.
11. At the 12th meeting, on 20 September 2010, the President outlined the modalities for the panel discussion on elimination of discrimination against women, which would be 7 minutes for panellists, 3 minutes for States Members of the Council, and 2 minutes for observer States and other observers.
12. At the 14th meeting, on 21 September 2010, the President outlined the modalities for the general debate on agenda item 5, which would be 3 minutes for States Members of the Council and 2 minutes for observer States and other observers.
13. At the 14th meeting, on 21 September 2010, 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; up to 20 minutes for States Members of the Council, observer States and United Nations agencies to express their views on the outcome of the review and whenever necessary, and in order to accommodate the maximum number of speakers; 2 minutes for States Members and observer States; and up to 20 minutes for stakeholders to make general comments on the outcome of the review, of which 2 minutes would be given to each speaker.
14. At the 20th meeting, on 23 September 2010, the President outlined the modalities for the general debate on agenda item 6, which would be 3 minutes for States Members of the Council and 2 minutes for observer States and other observers.
15. At the 21st meeting, on 24 September 2010, the President outlined the modalities for the annual discussion on integration of gender perspective in the work of the Council, which would be 7 minutes for panellists, 3 minutes for States Members of the Council and 2 minutes for observer States and other observers.
16. At the 22nd meeting, on 24 September 2010, the President outlined the modalities for the general debate on agenda item 8, which would be 3 minutes for States Members of the Council and 2 minutes for observer States and other observers.
17. At the 23rd meeting, on 27 September 2010, the Council observed one minute of silence for Arjun Sengupta, the Chairperson-Rapporteur of the Working Group on the right to development, who had passed away.
18. At the 23rd meeting, on 27 September 2010, the President outlined the modalities for the interactive dialogue with the Committee of independent experts in international humanitarian and human rights laws to monitor and assess any domestic, legal or other proceedings undertaken by both the Government of Israel and the Palestinian side, in light of General Assembly resolution 64/254, which would be 3 minutes for States Members of the Council and 2 minutes for observer States, followed by other observers.
19. At the 23rd meeting, on 27 September 2010, the President outlined the modalities for the general debate on agenda item 7, which would be 3 minutes for States Members of the Council and 2 minutes for observer States and other observers.
20. At the 24th meeting, on 27 September 2010, the President outlined the modalities for the interactive dialogue on the report of the international fact-finding mission to investigate violations of international law, including international humanitarian and human rights law, resulting from the Israeli attacks on the flotilla of ships carrying humanitarian assistance, which would be 3 minutes for States Members of the Council and 2 minutes for observer States and other observers.
21. At the 26th meeting, on 28 September 2010, the President outlined the modalities for the general debate on agenda item 9, which would be 3 minutes for States Members of the Council and 2 minutes for observer States and other observers.
22. At the 28th meeting, on 29 September 2010, the President outlined the modalities for the a stand-alone interactive dialogue on assistance to Somalia in the field of human rights, which

would be 7 minutes for participants, 3 minutes for States Members of the Council and 2 minutes for observer States and other observers.

23. At the 29th meeting, on 29 September 2010, the President outlined the modalities for the general debate on agenda item 10, which would be 3 minutes for States Members of the Council and 2 minutes for observer States and other observers.

## **E. Meetings and documentation**

24. The Council held 34 fully serviced meetings during its fifteenth session.

25. The text of the resolutions and decisions adopted by the Council is contained in Part One of the present report.

26. Annex I contains the list of attendance.

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

28. Annex III contains the agenda of the Council, as included in section V of the annex to Council resolution 5/1.

29. Annex IV contains the list of documents issued for the fifteenth session of the Council.

30. Annex V contains the list of special procedures mandate holders appointed by the Council at its fifteenth session.

## **F. Visits**

31. At the 2nd meeting, on 13 September 2010, the Commissioner for Human Rights, Humanitarian Action and Relations with Civil Society of Mauritania, Mohamed Abdallahi Ould Khatra, delivered a statement to the Council.

32. At the 8th meeting, on 16 September 2010, the Secretary-General of the Organization of the Islamic Conference, Ekmeleddin Ihsanoglu, delivered a statement to the Council.

33. At the 13th meeting, on 20 September 2010, the Minister of Justice and Human Rights of the Democratic Republic of the Congo, Luzolo Bambi Lessa, delivered a statement to the Council.

## **G. Interactive dialogue with members of the international fact-finding mission to investigate violations of international law, including international humanitarian and human rights law, resulting from the Israeli attacks on the flotilla of ships carrying humanitarian assistance**

34. At its 24th meeting, on 27 September 2010, the Chairperson-Rapporteur of the international fact-finding mission to investigate violations of international law, including international humanitarian and human rights law, resulting from the Israeli attacks on the flotilla of ships carrying humanitarian assistance, Justice Karl Hudson-Phillips, presented the mission's report (A/HRC/15/21). The other two members of the mission, Desmond de Silva and Mary Shanti Dairiam, were also present.

35. At the same meeting, the representatives of Israel and Turkey made statements as concerned countries.

36. Also at the same meeting, the representative of Palestine made a statement as a concerned party.

37. During the ensuing discussion at the 25th meeting, on 28 September 2010, the following made statements:

(a) Representatives of States Members of the Council: Bangladesh, Cuba, India<sup>1</sup> (also on behalf of Brazil and South Africa), Japan, Jordan, Libyan Arab Jamahiriya, Malaysia, Maldives, Pakistan (on behalf of the Organization of the Islamic Conference), Qatar, Saudi Arabia, Switzerland, Thailand, United States of America;

(b) Representatives of the following observer States: Algeria, Egypt, Indonesia, Iran (Islamic Republic of), Kuwait, Lebanon, Morocco, South Africa, Sudan, Syrian Arab Republic, United Arab Emirates, Yemen;

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

(d) Observers for the following non-governmental organizations: Mouvement contre le racisme et pour l'amitié entre les peuples, Nord-Sud XXI – North-South XXI, United Nations Watch.

38. At the 25th meeting, on 28 September 2010, Justice Karl Hudson-Phillips, Desmond de Silva and Mary Shanti Dairiam answered questions and made their concluding remarks.

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

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

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

## **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**

39. At the 1st meeting, on 13 September 2010, the United Nations High Commissioner for Human Rights made a statement providing an update of the activities of her Office.

40. During the ensuing general debate at the same meeting, and at the 2nd meeting, on the same day, the following made statements:

(a) Representatives of States Members of the Council: Bahrain, Bangladesh, Belgium (on behalf of the European Union, Albania, Bosnia and Herzegovina, Croatia, Iceland, Liechtenstein, Montenegro, the Republic of Moldova, The former Yugoslav Republic of Macedonia and Turkey), Brazil, Chile, China, Cuba, Ecuador, Egypt<sup>1</sup> (on behalf of the Non-aligned Movement), France, Hungary, Japan, Jordan, Libyan Arab Jamahiriya, Malaysia, Maldives, Mexico, Nigeria (on behalf of the Group of African States), Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Poland, Qatar, Republic of Korea, Republic of Moldova, Russian Federation, Switzerland, Syrian Arab Republic<sup>1</sup> (on behalf of the Group of Arab States), Thailand, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of the following observer States: Algeria, Armenia, Austria, Azerbaijan, Belarus, Canada, Colombia, Costa Rica, Czech Republic, Egypt, Ethiopia,

<sup>1</sup> Observer of the Council speaking on behalf of Member States and observer States.

Germany, Honduras, India, Indonesia, Iraq, Iran (Islamic Republic of), Ireland, Israel, Lithuania, Morocco, Nepal, New Zealand, Paraguay, Philippines, Rwanda, Slovenia, South Africa, Sri Lanka, Sudan, Turkey, Viet Nam, Yemen and Zimbabwe;

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

(d) Observers for the following non-governmental organizations: Action internationale pour la paix et le développement dans la région des Grands Lacs, Association for World Education (also on behalf of the World Union for Progressive Judaism), Cairo Institute for Human Rights Studies, Cercle de recherche sur les droits et les devoirs de la personne humaine, 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 (CIRAC), France Libertés: Fondation Danielle Mitterrand, Human Rights Watch, International Federation for Human Rights Leagues, International Humanist and Ethical Union, International Islamic Federation of Student Organizations, International Service for Human Rights, Nord-Sud XXI – North-South XXI, Society for Threatened Peoples and World Muslim Congress.

41. At the 2nd meeting, on the same day, a statement in exercise of the right of reply was made by the representative of Guatemala.

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

42. At the 7th meeting, on 16 September 2010, on behalf of the Deputy High Commissioner for Human Rights, the Director of the Human Rights Council and Special Procedures Division of the Office of the High Commissioner of Human Rights presented thematic reports prepared by the Office of the High Commissioner and the Secretary-General.

43. At the 8th and 9th meetings, on the same day, the Council held a general debate on thematic reports presented by the Deputy High Commissioner (see paragraphs 94–96).

44. At the 14th and 15th meetings, on 21 September 2009, the Council held a general debate on thematic reports on indigenous issues (A/HRC/15/34 and A/HRC/15/38) presented by the Director of the Research and Right to Development Division of the Office of the High Commissioner of Human Rights (see chapter V, B).

45. At the 29th meeting, on 29 September 2009, the Council held a general debate on thematic reports on technical assistance and capacity-building presented by the Chief of the Africa Branch, Field Operation and technical Cooperation Division of the Office of the High Commissioner of Human Rights (see chapter X, C).

## **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 on children and armed conflict**

46. At the 3rd meeting, on 14 September 2010, the Special Representative of the Secretary-General for children and armed conflict, Radhika Coomaraswamy, presented her report (A/HRC/15/58).

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

(a) Representatives of States Members of the Council: Argentina, Bangladesh, Brazil, Chile, China, France, Hungary, Japan, Jordan, Mexico, Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Qatar, Republic of Korea, Russian Federation,

Slovakia, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay;

(b) Representatives of the following observer States: Afghanistan, Algeria, Austria, Bosnia and Herzegovina, Colombia, Costa Rica, Denmark, Egypt, Georgia, Greece, Indonesia, Iraq, Israel, Italy, Morocco, Nepal, Philippines, Slovenia, Sri Lanka, Sudan, Viet Nam;

(c) Observer for the United Nations entities, specialized agencies and related organizations: United Nations Children's Fund;

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

(e) Observers for the following non-governmental organizations: Action internationale pour la paix et le développement dans la région des Grands Lacs, Colombian Commission of Jurists, International Islamic Federation of Student Organizations, International Save the Children Alliance, World Muslim Congress.

48. At the same meeting, on the same day, the Special Representative answered questions and made her concluding remarks.

49. At the 4th meeting, on the same day, statements in exercise of the right of reply were made by the representative of Georgia and Russian Federation.

## **B. Interactive dialogue with special procedures**

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

50. At the 4th meeting, on 14 September 2010, the Special Rapporteur on contemporary forms of slavery including its causes and consequences, Gulnara Shaninian, presented her report (A/HRC/15/20 and Add.1-4).

51. At the same meeting, the representatives of Brazil, Ecuador and Mauritania made statements as concerned countries

52. During the ensuing interactive dialogue at the same meeting, on the same day, and at the 5th meeting on 15 September 2010, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Council: Chile, China, Cuba, Libyan Arab Jamahiriya, Nigeria (on behalf of the Group of African States), Pakistan (on behalf of the Organization of the Islamic Conference), Poland, Republic of Moldova, Saudi Arabia, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay;

(b) Representatives of the following observer States: Algeria, Armenia, Azerbaijan, Egypt, India, Indonesia, Morocco, Nepal, Philippines;

(c) Observer for the United Nations entities, specialized agencies and related organizations: International Labour Organization;

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

(e) Observers for the following non-governmental organizations: Association of World Citizens, Defence for Children International, Global alliance Against Traffic in Women, International Federation Terre Des Hommes.

53. At the 5th meeting on 15 September 2010, the Special Rapporteur answered questions and made her concluding remarks.

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

54. At the 4th meeting, on 14 September 2010, the Chairperson of the Working Group on the use of mercenaries as a means of violating human rights and impeding the right of peoples to

self-determination, Amada Benavides de Pérez, presented the Working Group's reports (A/HRC/15/25 and Add.1-6).

55. At the same meeting, the representatives of Afghanistan and United States of America made statements as concerned countries.

56. During the ensuing interactive dialogue at the same meeting, on the same day, and at the 5th meeting on 15 September 2010, the following made statements and asked the Chairperson of the Working Group questions:

(a) Representatives of States Members of the Council: Argentina, Brazil, Chile, China, Cuba, Ecuador, Libyan Arab Jamahiriya, Nigeria (on behalf of the Group of African States), Pakistan (on behalf of the Organization of the Islamic Conference), Republic of Moldova, Russian Federation, Switzerland, Syrian Arab Republic<sup>1</sup> (on behalf of the Group of Arab States), United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of the following observer States: Algeria, Azerbaijan, Egypt, Morocco, South Africa, Sudan, Venezuela (Bolivarian Republic of);

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

(d) Observer for a national human rights institution: Afghanistan Independent Human Rights Commission;

(e) Observers for the following non-governmental organizations: Association of World Citizens, Human Rights Advocates Inc..

57. At the 5th meeting on 15 September 2010, the Chairperson of the Working Group answered questions and made her concluding remarks.

#### **Independent expert on human rights and international solidarity**

58. At the 5th meeting, on 15 September 2010, the independent expert on human rights and international solidarity, Rudi Muhammad Rizki, presented his report (A/HRC/15/32).

59. During the ensuing interactive dialogue at the same meeting, and at the 6th meeting on the same day, the following made statements and asked the independent expert questions:

(a) Representatives of States Members of the Council: Argentina, Bangladesh, Brazil, Burkina Faso, Chile, China, Cuba, Djibouti, Nigeria (on behalf of the Group of African States), Pakistan (on behalf of the Organization of the Islamic Conference), Senegal, Syrian Arab Republic<sup>1</sup> (on behalf of the Group of Arab States), United States of America;

(b) Representatives of the following observer States: Algeria, Egypt, Indonesia, Iran (Islamic Republic of), Iraq, Morocco;

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

(d) Observers for non-governmental organizations: Associazione Comunita Papa Giovanni XXIII (also on behalf of Dominicans for Justice and Peace (Order of Preachers), Caritas Internationalis (International Confederation of Catholic Charities) and New Humanity), Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos - The Federation of Associations for the Defence and the Promotion of Human Rights, Nord-Sud XXI – North-South XXI.

60. At the 6th meeting, on the same day, the independent expert answered questions and made his concluding remarks.

#### **Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights**

61. At the 5th meeting, on 15 September 2010, the Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment

of human rights, Calin Georgescu, presented the reports of his predecessor (A/HRC/15/22 and Add.1-3).

62. At the same meeting, the representatives of India and Kyrgyzstan made statements as concerned countries.

63. During the ensuing interactive dialogue at the same meeting, and at the 6th meeting on the same day, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Council: Argentina, Bangladesh, Brazil, China, Djibouti, Nigeria (on behalf of the Group of African States), Pakistan (on behalf of the Organization of the Islamic Conference), Syrian Arab Republic<sup>1</sup> (on behalf of the Group of Arab States), United States of America, Uruguay;

(b) Representatives of the following observer States: Algeria, Côte d'Ivoire, Egypt, Indonesia, Iraq, Israel, Morocco, Peru;

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

(d) Observers for non-governmental organizations: Human Rights Advocates Inc., Indian Council of South America, Permanent Assembly for Human Rights, Planetary Association for Clean Energy.

64. At the 6th meeting, on the same day, the Special Rapporteur answered questions and made his concluding remarks.

65. At the same meeting, on the same day, a statement in exercise of the right of reply was made by the representative of Paraguay.

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

66. At the 6th meeting, on 15 September 2010, the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation, Catarina de Albuquerque, presented her reports (A/HRC/15/31 and Add.1-3).

67. At the same meeting, the representative of Egypt made a statement as concerned the country.

68. During the ensuing interactive dialogue at the same meeting, and at the 7th meeting, on 16 September 2010, the following made statements and asked the independent expert questions:

(a) Representatives of States Members of the Council: Brazil, China, Cuba, Djibouti, Ecuador, Hungary, Japan, Maldives, Nigeria (on behalf of the Group of African States), Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Republic of Moldova, Senegal, Spain, Switzerland, Syrian Arab Republic<sup>1</sup> (on behalf of the Group of Arab States), Thailand, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay;

(b) Representatives of the following observer States: Algeria, Austria, Bolivia (Plurinational State of), Canada, Colombia, Egypt, Ethiopia, Germany, Iceland, Indonesia, Morocco, Portugal, Peru, Slovenia, South Africa, Viet Nam;

(c) Observers for the Holy See and the Sovereign Military order of Malta;

(d) Observer for the United Nations entities, specialized agencies and related organizations: United Nations Children's Fund;

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

(f) Observers for the following non-governmental organizations: Amnesty International, European Disability Forum, France Libertés: Fondation Danielle Mitterrand (also on behalf of American Association of Jurists, International Educational Development, Inc. and Mouvement contre le racisme et pour l'amitié entre les peuples).

69. At the 7th meeting, on 16 September 2010, the independent expert answered questions and made her concluding remarks.

**Independent expert on the question of human rights and extreme poverty**

70. At the 6th meeting, on 15 September 2010, the Independent expert on the question of human rights and extreme poverty, Maria Magdalena Sepúlveda Carmona, presented her report (A/HRC/15/41).

71. At the same meeting, the representative of Bangladesh made a statement as concerned the country.

72. During the ensuing interactive dialogue at the same meeting, and at the 7th meeting, on 16 September 2010, the following made statements and asked the independent expert questions:

(a) Representatives of States Members of the Council: Brazil, Chile, China, Ecuador, France, Hungary, Nigeria (on behalf of the Group of African States), Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Republic of Moldova, Switzerland, Thailand;

(b) Representatives of the following observer States: Algeria, Colombia, Egypt, Ethiopia, Indonesia, Morocco, Nepal, Paraguay, Peru, Philippines, South Africa, Viet Nam;

(c) Observer for the Sovereign Military Order of Malta;

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

(e) Observers for the following non-governmental organizations: Action internationale pour la paix et le développement dans la région des Grands Lacs – International Action for Peace and Development in the Great Lakes Region, Amnesty International, CIVICUS - World Alliance for Citizen Participation, International Movement ATD Fourth World (also on behalf of Actionaid / Action Aid, Association Points-Cœur, Associazione Comunita Papa Giovanni XXIII, Baha'i International Community, Caritas Internationalis (International Confederation of Catholic Charities), Centre on Housing Rights and Evictions, Dominicans for Justice and Peace - Order of Preachers, Franciscans International, International Catholic Child Bureau, International Commission of Jurists, International Council of Women and World Organization against Torture).

73. At the 7th meeting, on 16 September 2010, the independent expert answered questions and made her concluding remarks.

**Open-ended Working Group on an optional protocol to the Convention on the Rights of the Child**

74. At the 7th meeting, on 16 September 2010, the Chairperson of the open-ended Working Group on an optional protocol to the Convention on the Rights of the Child, Drahoslav Štefánek, provided the Council with an update on the progress made in the drafting of the optional protocol.

**Working Group on the right to development**

75. At the 7th meeting, on 16 September 2010, Craig Mokhiber, of the Office of the High Commissioner of Human Rights, read out the statement of Arjun Sengupta, the Chairperson-Rapporteur of the Working Group on the right to development, on the Working Group's report (A/HRC/15/23).

76. At the 8th and 9th meetings on the same day, the Council held a general debate on the report of the working group on the right to development (see chapter III, D).

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**Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people**

77. At the 13th meeting, on 20 September 2010, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, James Anaya, presented his reports (A/HRC/15/37 and Add.1-9).
78. At the same meeting, the representatives of Australia, Botswana, Colombia, Ecuador and the Russian Federation made statements as concerned countries.
79. During the ensuing interactive dialogue at the 14th meeting, on 21 September 2010, the following made statements and asked the Special Rapporteur questions:
- (a) Representatives of States Members of the Council: Brazil, Chile, China, Guatemala, Malaysia, Mexico, Norway, Russian Federation, United States of America;
  - (b) Representatives of the following observer States: Bolivia (Plurinational State of), Denmark, Nepal, New Zealand, Zimbabwe;
  - (c) Observer for an intergovernmental organization: European Union;
  - (d) Observer for non-governmental organizations: Asian Forum for Human Rights and Development, Colombian Commission of Jurists, Foundation for Aboriginal and Islander Research Action, Indian Council of South America, International Indian Treaty Council.
80. At the 14th meeting, on 21 September 2010, the Special Rapporteur answered questions and made his concluding remarks.
81. At the 15th meeting, on the same day, a statement in exercise of the right of reply was made by Panama.

## C. Panels

### **Panel discussion on elimination of discrimination against women**

82. At the 12th meeting, on 20 September 2010, the Council held a half-day panel discussion on elimination of discrimination against women, in accordance with Council resolution 12/17. The Deputy High Commissioner made opening remarks for the panel.
83. At the same meeting, the following panellists made statements: Victoria Popescu, Rashida Manjoo, Lee Waldorf, María de los Ángeles Corte Ríos, Vitit Muntarhorn and Nyaradzayi Gumbonzvanda.
84. During the first segment of the ensuing panel discussion, at the same meeting, on the same day, the following made statements and asked the panellists questions:
- (a) Representatives of States Members of the Council: Burkina Faso, Chile, China, Costa Rica<sup>1</sup> (on behalf of the Group of Latin American and Caribbean States), Djibouti, Mexico, Nigeria (on behalf of the Group of African States), Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Saudi Arabia, Syrian Arab Republic<sup>1</sup> (on behalf of the Group of Arab States);
  - (b) Representatives of the following observer States: Algeria, Austria, Colombia, Finland, Timor-Leste;
  - (c) Observer for an intergovernmental organization: European Union;
  - (d) Observers for the following non-governmental organizations: Cairo Institute for Human Rights Studies, Equality Now (also on behalf of the Center for Egyptian Women's Legal Assistance, Center for Reproductive Rights, Inc., Center for Women's Global Leadership and Latin American Committee for the Defence of Women's Rights), United Nations Watch.
85. During the second segment of the ensuing panel discussion, at the same meeting, the following made statements and asked the panellists questions:

(a) Representatives of States Members of the Council: Brazil (also on behalf of the Southern Common Market, MERCOSUR), Cuba, Libyan Arab Jamahiriya, Switzerland, United States of America;

(b) Representatives of the following observer States: Australia, Canada, Haiti, India, Iran (Islamic Republic of), Lithuania;

86. At the same meeting, on the same day, the following panellists answered questions and made their concluding remarks: Victoria Popescu, Rashida Manjoo, Lee Waldorf, María de los Ángeles Corte Ríos, Vitit Muntarbhorn and Nyaradzayi Gumbonzvanda.

#### **Annual discussion on integration of gender perspective in the work of the Human Rights Council**

87. At the 21st meeting, on 24 September 2010, the Council held its annual discussion on integration of gender perspective in the work of the Council, in accordance with Council resolution 6/30. The Deputy High Commissioner made opening remarks for the panel.

88. At the same meeting, the following panellists made statements: Emmanuel Decaux, Roberto Garretón, Florence Sambiri-Jaoko, Cynthia Rothschild and Jane Hodges.

89. During the first segment of the ensuing panel discussion, at the same meeting, the following made statements and asked the panellists questions:

(a) Representatives of States Members of the Council: Argentina, Brazil (also on behalf of the Southern Common Market, MERCOSUR), Chile, Costa Rica<sup>1</sup> (on behalf of the Group of Latin American and Caribbean States), France, Norway, Republic of Korea, Russian Federation, Switzerland, Syrian Arab Republic<sup>1</sup> (on behalf of the Group of Arab States), Thailand, United States of America, Viet Nam<sup>1</sup> (on behalf of the Association of Southeast Asian Nations);

(b) Representatives of the following observer States: Indonesia, Philippines, Turkey;

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

(d) Observers for non-governmental organizations: Centro Regional de Derechos Humanos y Justicia de Género, Corporación Humanas, Worldwide Organization of Women (also on behalf of the Business and Professional Women International, International Federation of University Women and Women's Federation of World Peace International ).

90. During the second segment of the ensuing panel discussion, at the same meeting, on the same day, the following made statements and asked the panellists questions:

(a) Representatives of States Members of the Council: Bangladesh, Japan, Maldives, Mexico, Pakistan (on behalf of the Organization of the Islamic Conference), Ukraine;

(b) Representatives of the following observer States: Australia, Azerbaijan, Iran (Islamic Republic of), Iraq, Lithuania, Morocco, New Zealand, Paraguay, Slovenia, Tunisia;

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

91. At the same meeting, the following panellists answered questions and made their concluding remarks: Jane Hodges, Cynthia Rothschild, Florence Sambiri-Jaoko, Roberto Garretón and Emmanuel Decaux.

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

92. At the 8th and 9th meetings, on 16 September 2010, the Council held a general debate on thematic reports under agenda item 3, during which the following made statements:

(a) Representatives of States Members of the Council: Argentina, Bangladesh, Belgium (also on behalf of the European Union, Albania, Armenia, Bosnia and Herzegovina, Croatia, Iceland, Liechtenstein, Montenegro, the Republic of Moldova, Serbia, The former Yugoslav Republic of Macedonia, Turkey and Ukraine), Brazil (on behalf of the Southern

Common Market, MERCOSUR), Burkina Faso, Chile, China, Costa Rica<sup>1</sup> (on behalf of the Group of Latin American and Caribbean States), Cuba, Djibouti, Ecuador, Egypt (on behalf of the Non-Aligned Movement), Guatemala, Hungary, Libyan Arab Jamahiriya, Maldives, Mexico, Nigeria (on behalf of the Group of African States), Norway, Pakistan (also on behalf of the Organization of the Islamic Conference), Republic of Moldova, Russian Federation, Spain, Switzerland, Syrian Arab Republic<sup>1</sup> (on behalf of the Group of Arab States), Thailand, United States of America;

(b) Representatives of the following observer States: Algeria, Armenia, Australia, Costa Rica, Egypt, Honduras, Indonesia, Iran (Islamic Republic of), Iraq, Morocco, Nepal, Philippines, Rwanda, Slovenia, Uzbekistan;

(c) Observers for intergovernmental organizations: African Union, Organisation internationale de la Francophonie;

(d) Observer for national human rights institutions: European Group of national human rights institutions;

(e) Observers for the following non-governmental organizations: Action internationale pour la paix et le développement dans la région des Grands Lacs – International Action for Peace and Development in the Great Lakes Region, Afro-Asian Peoples' Solidarity Organization, Agence des cités unies pour la coopération Nord-Sud - United Towns Agency for North-South Cooperation, Agence Internationale pour le Développement, Amnesty International, Asian Forum for Human Rights and Development, Asian Legal Resource Centre, BADIL Resource Center for Palestinian Residency and Refugee Rights, Centrist Democratic International, Charitable Institute for Protecting Social Victims, Colombian Commission of Jurists, 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, Conectas Direitos Humanos, European Union of Public Relations, Freedom House, Indian Council of South America, International Club for Peace Research, International Educational Development, Inc., International Humanist and Ethical Union, International Institute for Peace, International Islamic Federation of Student Organizations, International Movement against all Forms of Discrimination and Racism, Liberation, Mbororo Social and Cultural Development Association, Organisation mondiale des associations pour l'éducation prénatale, Organisation pour la Communication en Afrique et de Promotion de la Coopération Economique Internationale - OCAPROCE Internationale, Organization for Defending Victims of Violence, Permanent Assembly for Human Rights, Rencontre Africaine pour la défense des droits de l'homme, Society for Threatened Peoples, Soka Gakkai International (also on behalf of the Al-Hakim Foundation, Asian Forum for Human Rights and Development, Asia-Pacific Human Rights Information Center, Association Points-Coeur, CIVICUS- World Alliance for Citizen Participation, Equitas centre international d'éducation aux droits humains, Human Rights Education Associates, Institute for Planetary Synthesis, International Alliance of Women, International Catholic Child Bureau, International Movement Against all Forms of Discrimination and Racism, International Network for the Prevention of Elder Abuse, International Organization for the Elimination of all Forms of Racial Discrimination, International Organization for the Right to Education and Freedom of Education (OIDE), Pax Christi International, Planetary Association for Clean Energy, Soroptimist International, Sovereign Military Order of the Temple of Jerusalem, Women's World Summit Foundation and Worldwide Organization for Women), Union de l'action féminine, United Nations Watch, World Muslim Congress (also on behalf of International Human Rights Association of American Minorities).

93. At the 9th meeting, on 16 September 2010, statements in exercise of the right of reply were made by the representatives of Armenia, Azerbaijan and Libyan Arab Jamahiriya.

94. At the same meeting, on the same day, statements in exercise of a second right of reply were made by the representatives of Armenia and Azerbaijan.

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

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

#### **A. Interactive dialogue with special procedures**

##### **Independent expert on the situation of human rights in the Sudan**

95. At the 10th meeting, on 17 September 2010, the Independent expert on the situation of human rights in the Sudan, Mohammed Chande Othman, presented his reports (A/HRC/15/57, A/HRC/14/41 and Add.1).

96. At the same meeting, the representative of the Sudan made a statement as the concerned country.

97. During the ensuing interactive dialogue at the same meeting and at the 11th meeting, on the same day, the following made statements and asked the independent expert questions:

(a) Representatives of States Members of the Council: Argentina, Bahrain, China, France, Japan, Libyan Arab Jamahiriya, Malaysia, Nigeria (on behalf of the Group of African States), Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Qatar, Saudi Arabia, Switzerland, Syrian Arab Republic<sup>1</sup> (on behalf of the Group of Arab States), Thailand, United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of the following observer States: Algeria, Australia, Canada, Democratic People's Republic of Korea, Egypt, Honduras, Iran (Islamic Republic of), Iraq, Ireland, Israel, Lebanon, Netherlands, Slovenia, Sri Lanka, Sweden, Syrian Arab Republic, Tunisia, United Arab Emirates, Yemen;

(c) Observer for Palestine;

(d) Observers for intergovernmental organizations: African Union, European Union, League of Arab States;

(e) Observer for a non-governmental organization: Amnesty International, Cairo Institute for Human Rights Studies, Human Rights Watch, International Federation for Human Rights Leagues, Society Studies Centre (MADA ssc).

98. At the 11th meeting, on 17 September 2010, the independent expert answered questions and made his concluding remarks.

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

99. At its 11th meeting, on 17 September 2010, and at the 13th meeting on 20 September 2010, the Council held a general debate on agenda item 4, during which the following made statements:

(a) Representatives of States Members of the Council: Belgium (on behalf of the European Union, Albania, Bosnia and Herzegovina, Croatia, Iceland, Montenegro and The former Yugoslav Republic of Macedonia), China, Cuba, France, Japan, Norway, Pakistan (also on behalf of the Organization of the Islamic Conference), Russian Federation, Slovakia, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of the following observer States: Algeria, Australia, Austria, Czech Republic, Denmark, Iran (Islamic Republic of), Ireland, Israel, Luxembourg, Morocco, Myanmar, Sudan, Sweden, Syrian Arab Republic, Yemen;

(c) Observer for Palestine;

(d) Observers for the following non-governmental organizations: Action internationale pour la paix et le développement dans la région des Grands Lacs – International Action for Peace and Development in the Great Lakes Region, Afro-Asian Peoples' Solidarity Organization, Agence des cités unies pour la coopération Nord-Sud – United Towns Agency for North-South Cooperation, Amnesty International, Asian Forum for Human Rights and Development, Asian Legal Resource Centre, Association for World Education, Baha'I International Community, Cairo Institute for Human Rights Studies, Centre for Human Rights and Peace Advocacy, Centre on Housing Rights and Evictions, Centrist Democratic International, Charitable Institute for Protecting Social Victims (also on behalf of the Organization for Defending Victims of Violence), 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, Coordinating Board of Jewish Organizations, European Union of Public Relations, France Libertés: Fondation Danielle Mitterrand (also on behalf of the American Commission of Jurists, International Educational Development, Inc. and Mouvement contre le racisme et pour l'amitié entre les peuples), Freedom House, Hawa Society for Women (also on behalf of the Eastern Sudan Women Development Organization, Izza Peace Foundation, Maarij Foundation for Peace and Development and Sudan Council of Voluntary Agencies), Human Rights Watch, Indian Council of South America, International Club for Peace Research, International Educational Development, Inc., International Federation for Human Rights Leagues, International Human Rights Association of American Minorities, International Humanist and Ethical Union, International Institute for Peace, International Islamic Federation of Student Organizations, International Society for Human Rights, Liberation, Mbororo Social and Cultural Development Association, Mouvement contre le racisme et pour l'amitié entre les peuples (also on behalf of the Asian Indigenous and Tribal Peoples Network, France Libertés: Fondation Danielle Mitterrand, International Educational Development, Inc. And Society for Threatened Peoples), Nord-Sud XXI – North-South XXI, Rencontre Africaine pour la défense des droits de l'homme, Sudan Council of Voluntary Agencies (also on behalf of the Al Zubair Charitable Foundation, Eastern Sudan Women Development Organization, Hawa Society for Women and Izza Peace Foundation), Verein Sudwind Entwicklungspolitik, Women's International League for Peace and Freedom, World Federation of Democratic Youth, World Muslim Congress, World Union for Progressive Judaism (also on behalf of the Association for World Education).

100. At the 11th meeting, on 17 September 2010, statements in exercise of the right of reply were made by the representatives of Algeria, Bahrain, Belarus, Cuba, the Democratic People's Republic of Korea, Eritrea, the Islamic Republic of Iran, Japan, Myanmar, Sri Lanka, the Sudan, the Bolivarian Republic of Venezuela and Zimbabwe.

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

102. At the 13th meeting, on 20 September 2010, statements in exercise of the right of reply were made by the representatives of Cambodia, China and the Libyan Arab Jamahiriya.

103. At the same meeting, a statement in exercise of a second right of reply was made by the representative of the Libyan Arab Jamahiriya.

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

### **A. Expert Mechanism on the rights of indigenous peoples**

104. At the 14th meeting, on 21 September 2009, the Chairperson-Rapporteur of the expert mechanism on the rights of indigenous peoples, José Carlos Morales Morales, presented the reports of the expert mechanism (A/HRC/15/35 and A/HRC/15/36).

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

105. At its 14th and 15th meetings, on 21 September 2010, the Council held a general debate on agenda item 5, during which the following made statements:

(a) Representatives of States Members of the Council: Argentina, Belgium (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, Turkey and Ukraine), Chile, China, Finland<sup>1</sup> (also on behalf of Denmark, Iceland, Norway and Sweden), Guatemala, Japan, Mexico, Russian Federation, United States of America;

(b) Representatives of the following observer States: Australia, Denmark, Honduras, Latvia;

(c) Observer for the Sovereign Military order of Malta;

(d) Observer for national human rights institutions: International Coordinating Committee of national human rights institutions;

(e) Observers for the following non-governmental organizations: Amnesty International, Cairo Institute for Human Rights Studies, Centre for Human Rights and Peace Advocacy, Colombian Commission of Jurists, Commission to Study the Organization of Peace, European Union of Public Relations, Foundation for Aboriginal and Islander Research Action, France Libertés : Fondation Danielle Mitterrand (also on behalf of the International Educational Development, Inc. and Mouvement contre le racisme et pour l'amitié entre les peuples), Indian Council of South America, International Club for Peace Research, International Committee for the Indians of the Americas (Incomindios Switzerland), International Indian Treaty Council, International Institute for Peace, International Service for Human Rights, International Work Group for Indigenous Affairs, Liberation, Mbororo Social and Cultural Development Association, Nord-Sud XXI, Permanent Assembly for Human Rights, Rencontre Africaine pour la défense des droits de l'homme, Society for Threatened Peoples, Syriac Universal Alliance, World Association for the School as an Instrument of Peace.

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

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

## **VI. Universal periodic review**

107. Pursuant to General Assembly resolution 60/251, Council resolution 5/1 and the 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 eighth session of the Working Group on the Universal Periodic Review, held from 3 to 14 May 2010.

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

108. 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 Council, as well as general comments made by other relevant stakeholders before the adoption of the outcome by the plenary.

#### **Kyrgyzstan**

109. The review of Kyrgyzstan was held on 3 May 2010 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

- (a) The national report submitted by Kyrgyzstan in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/8/KGZ/1);
- (b) The compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/8/KGZ/2); and
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/8/KGZ/3).

110. At its 14th meeting, on 21 September 2010, the Human Rights Council considered and adopted the outcome of the review on Kyrgyzstan (see section C below).

111. The outcome of the review on Kyrgyzstan comprises the report of the Working Group on the Universal Periodic Review (A/HRC/15/2), together with the views of Kyrgyzstan concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group.

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

112. The delegation of Kyrgyzstan started its statement with a brief overview of the recent events that took place in April and June, 2010. It mentioned a number of causes leading to the mass demonstrations in April, in particular the decline in the level of social security, high corruption level, persecution of opposition and journalists. After the events of April, the country was regrettably shaken by inter-ethnic clashes which occurred in June and resulted in the death of hundreds of people and destruction of properties in the south of the country. The delegation informed that the situation was in a stabilization process and the Government had taken measures to recover destructions and restore businesses.

113. The delegation mentioned that Kyrgyzstan established a number of bodies with the aim to stabilize the situation, including, inter alia, an inter-agency commission to develop a program to strengthen inter-ethnic relations and a state commission to conduct a comprehensive study of the events of April and June. In addition, the Government accepted an initiative of a number of Scandinavian countries to conduct an investigation by international actors regarding the events occurred in the south. In this respect, the delegation thanked the UN and the EU for the technical support provided as well as to all other international organizations and donors for their assistance during these difficult circumstances.

114. The delegation mentioned the intention of the Government to focus its efforts to build a democratic and economically prosperous state and referred to the nation-wide referendum, which was held on 27 June 2010 to adopt a new Constitution geared at establishing a parliamentary republic and mechanisms to protect human rights and ensure political diversity and government accountability. The delegation highlighted the expansion of the human rights section in the new Constitution which was positively evaluated by the Venice Commission of the Council of Europe, EU, UN, and OSCE.

115. The delegation referred to a number of international human rights treaties that Kyrgyzstan ratified since its independence, including the UN conventions relating to women's rights. It noted that the monitoring of the implementation of the National Human Rights Program for the period of 2002-2010 had been in progress and the outcome of the monitoring would be used to develop a new human rights concept for the period of 2011-2020. The delegation also mentioned that conditions were in place for the constructive dialogue with the civil society.

116. The delegation informed that the Government had been considering the establishment of a national preventive mechanism to ensure access to detention places of national and

international human rights organizations. It also referred to a number of legal acts adopted to ensure protection of rights of children and of women, and to combat domestic violence.

117. The delegation noted that 168 recommendations were put forward during the review in the working group. Kyrgyzstan expressed its readiness to accept 127 recommendations as its voluntary commitments. The delegation informed that a draft National Action Plan was developed with the participation of representatives of civil society and international organizations to implement these recommendations. The Government also gave consideration to the 41 recommendations which were left pending.

118. In respect to the recommendation no. 1 concerning the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights (OP2-ICCPR), the delegation mentioned that Kyrgyzstan had already acceded to the OP2-ICCPR in March 2010. Regarding the recommendation on implementation of the HRC Resolution 9/12, the delegation noted that Kyrgyzstan supported the norms thereon. The delegation informed that Kyrgyzstan accepted part of recommendations nos. 1, 2, 4, 9, and 11 concerning the ratification of the International Convention on Protection of All Persons from Forced Disappearances.

119. The delegation informed that recommendation no. 4 regarding the ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural rights could only be considered after the parliamentary elections. The same applied to recommendation no. 10 regarding the accession to the Agreement on Privileges and Immunities and recommendations nos. 8, 10, and 11 regarding the ratification of the Roman Statute of the International Criminal Court.

120. The delegation reported that Kyrgyzstan accepted recommendations nos. 1, 3, 5, 6, 7, and 9 concerning the ratification of the Convention on the Rights of the Persons with Disabilities and its Optional Protocol. In that regard, the delegation emphasised that, in order to comply with the requirements of the convention, important financial investments would be needed. Kyrgyzstan also accepted recommendations nos. 12, 14, 15, and 38, as well as all recommendations which required bringing the Law on Ombudsman in line with the UN standards.

121. Kyrgyzstan did not accept recommendations no. 18, 20, and 21 that required the establishment of a separate body on gender issues explaining that the Ministry of Labor, Employment, and Migration had been already assigned to address the issue of gender equality.

122. The delegation informed that Kyrgyzstan postponed consideration of recommendations nos. 22, 23, 24, 26, 27, 28, 29, and 30 concerning the issuance of a standing invitation to special procedures mandate holders until the holding of the parliamentary elections. Kyrgyzstan accepted recommendations nos. 13, 32, 33, 34, 35 and 36 related to combating discrimination against women, domestic violence and forced marriages, as well as national minorities. Kyrgyzstan considered that, in view of the financial and technical resources needed to adequately implement the recommendations on freedom of movement and more flexible requirements for equitable access to social security, health care, education and pensions for persons changing residence within the country, it would need to further study them.

123. The delegation reported that Kyrgyzstan accepted recommendation no. 25 to extend an invitation to the Special Rapporteur against torture to visit the country in 2010, as well as recommendation no. 39 about human rights training of the military and police forces. Kyrgyzstan also accepted recommendation no. 31 regarding the implementation of the principle of non-refoulment, and recommendation no. 41 on the respect in all circumstances of the principle of non-refoulment and guarantees of asylum procedures in line with international standards. Kyrgyzstan accepted recommendation no. 37 relating to the review of the Law on Religion to ensure that the rights to freedom of religion is upheld in compliance with international standards, and recommendation no. 40 to request cooperation and technical assistance from relevant UN agencies in order to remove land mines and demarcate border areas, as well as to improve access to drinking water and sanitation services.

124. According to the delegation, Kyrgyzstan followed a course of action aimed at protection and promotion of all basic human rights and freedoms in line with international standards and

stood by the established practice of peaceful co-existence of traditional religious groups and strife for protection of religious and cultural peculiarities. The delegation expressed Kyrgyzstan's commitment to implement its international obligations and participation in international organizations, with a special emphasis on the UN Human Rights Council.

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

125. Morocco expressed its appreciation for Kyrgyzstan's acceptance of 127 recommendations in the working group. Morocco commended Kyrgyzstan for its efforts directed to vulnerable groups, including women and children. It also welcomed legislative reforms conducted in line with international human rights standards. Morocco noted the provisional Government's commitment to democratic reform, including the adoption of a new Constitution.

126. China thanked Kyrgyzstan for accepting most of the recommendations and for its active engagement in the follow-up work. China appreciated Kyrgyzstan's measures to restore social stability, to strengthen national solidarity and to establish human rights bodies for promotion of social, economic and cultural rights and the considerable progress achieved in promoting the rights to social security, health and education. China acknowledged the challenges faced by Kyrgyzstan as a developing country in ensuring economic development and the protection of human rights.

127. Islamic Republic of Iran (Iran) commended Kyrgyzstan's constructive engagement in the universal periodic review. It noted that Kyrgyzstan's responsible approach to recommendations made was a vivid indication of the country's commitment to human rights. It noted that Kyrgyzstan supported or examined nearly 130 out of 140 recommendations. Particular satisfaction was expressed at Kyrgyzstan's support to recommendations to take steps to eradicate poverty and improve living standards, to develop the education system and to strengthen and promote national capacities in human rights. Iran encouraged Kyrgyzstan to take effective measures to fulfil its international obligations and to speed up its efforts to protect citizens' rights.

128. Russian Federation stated that Kyrgyzstan's participation in the universal periodic review in difficult situation faced by the country has demonstrated the country's commitment to human rights protection. Russian Federation noted with satisfaction that most of recommendations made in May were already in the process of implementation. Russian Federation found it necessary for the international community, in particular the HRC, to continue to provide expert and technical assistance to Kyrgyzstan to for implement the recommendations made during the review and to ensure the stabilisation of the situation in the country.

129. Democratic People's Republic of Korea (DPRK) thanked Kyrgyzstan for its constructive approach to the universal periodic review, including through its acceptance of a large number of recommendations. Appreciation was expressed at Kyrgyzstan's consistent policy aimed at the protection and promotion of human rights for all people, despite difficulties and challenges. DPRK noted Kyrgyzstan's efforts to ensure equal rights and freedoms for all ethnic and religious minorities and to achieve women's rights and gender equality as well as children's rights. It also noted achievements made in the area of economic, social and cultural rights such as compulsory and free basic education and further improvements to people's livelihood.

130. Algeria expressed its appreciation to Kyrgyzstan for accepting two recommendations made by Algeria regarding the representation of women in decision-making bodies and the ratification of the Convention on the Rights of Persons with Disabilities. It mentioned that it was not clear whether the recommendation made by Algeria to establish a National Human Rights Institution was accepted by Kyrgyzstan but it took note that the mandate of the Ombudsman had been adopted. Algeria considered the constitutional referendum which took place in June and the parliamentary elections planned for October as positive developments. It expressed the hope that the constitutional order with stability, respect for human rights and economic development would be restored.

131. Kazakhstan welcomed the fact that Kyrgyzstan accepted a significant number of recommendations and that it paid equal attention to the realization of civil, political, economic, social and cultural rights. Kazakhstan expressed its support to Kyrgyzstan to overcome its challenges and to achieving stability, and extended its cooperation in implementation of recommendations made in the review.

132. Azerbaijan thanked Kyrgyzstan for its participation in the review despite the difficult political situation in the country. It noted with appreciation Kyrgyzstan's acceptance of a significant number of recommendations and the consideration of the adoption of a Plan of Action to implement accepted recommendations. Azerbaijan encouraged Kyrgyzstan to accelerate its efforts to promote inter-ethnic harmony and was pleased by the establishment of a commission to look into the events of June. Azerbaijan welcomed the constitutional referendum and expressed its hope that parliamentary elections in October would be successful and would open new avenues for building democracy and strengthening the rule of law.

133. Lao People's Democratic Republic noted Kyrgyzstan's cooperation with the Human Rights Council despite the difficult political and economic situation. It took note of Kyrgyzstan's efforts to resolve the situation, including ethnic tension, reinforcing social cohesion with the aim to ensure political stability and economic development for all ethnic groups. Lao People's Democratic Republic commended Kyrgyzstan for its efforts to comply with universal human rights principles and for the acceptance of over 130 recommendations out of 140.

134. Egypt commended Kyrgyzstan for its commitment to the universal periodic review which was demonstrated by its acceptance of 127 recommendations and its cooperative spirit towards the remaining 41 recommendations. It encouraged Kyrgyzstan to continue its efforts to ensure human rights protection, in particular in relation to the rights of women and children and poverty alleviation, and to ensure appropriate follow-up to the accepted recommendations. Egypt reiterated the importance of creating and sustaining a robust human rights infrastructure.

135. United Kingdom of Great Britain and Northern Ireland (UK) was pleased to note the high number of recommendations accepted by Kyrgyzstan, particularly those it made on a national preventive mechanism, the organization of elections and referendum in line with international standards. UK requested clarification regarding Kyrgyzstan's position on the recommendation no 77.38 relating to the freedom and security of human rights defenders. This recommendation was felt to be especially important given recent events concerning A. Askarov. Voicing its dismay about the recent verdict, UK urged Kyrgyzstan to review this case and to ensure that all future trials were conducted in accordance with international standards.

136. The United States of America (USA) supported Kyrgyzstan's efforts to restore law, order and the government's legitimacy, and to address social tensions. USA supported the recommendations made to promote and encourage reconciliation in the wake of recent ethnic violence and hoped that Kyrgyzstan would carry out these efforts with the participation of civil society. USA remained concerned about potential further violence and supported recommendations to investigate land seizures targeting citizens of any ethnicity and encouraged the efforts towards reconciliation.

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

137. Amnesty International (AI) referred to reports indicating that during the violent events of June 2010 that targeted ethnic Uzbek, the security forces either failed to prevent or colluded in the commission of human rights abuses. It expressed alarm at continuing reports that the authorities attempted to obstruct the work of human rights defenders, lawyers and other civil society actors in documenting or otherwise responding to the June events. AI welcomed Kyrgyzstan's support of recommendations made: condemning torture, strengthening safeguards against it; ensuring accountability for human rights violations; and guaranteeing that all human rights defenders, journalists and other civil society activists can work without fear of intimidation, harassment, detention and torture. AI welcomed Kyrgyzstan's invitation to the Special Rapporteur against torture to visit the country in 2010. It noted that Kyrgyzstan would further consider the recommendations to extend a standing invitation to the special

procedures. This would be a welcome indication that Kyrgyzstan was prepared to fully cooperate with the United Nations.

138. Human Rights Watch (HRW) noted that the implementation of accepted recommendations should address the violent incidents of June. HRW mentioned that the government's investigations into those events had been carried out in violation of national and international standards and that human rights defenders had faced harassment by authorities and attacks by private individuals. It referred to the case of A. Askarov, an ethnic Uzbek human rights defender allegedly subjected to ill-treatment in custody and who had been sentenced to life imprisonment in a trial which apparently lacked due process and fair trial guarantees. While welcoming Kyrgyzstan's acceptance of many important recommendations, HRW called upon the international partners to assist Kyrgyzstan to implement those recommendations. It noted the importance to encourage Kyrgyzstan to sign a memorandum of understanding with OSCE on the deployment of an international police advisory group.

139. Rencontre Africaine pour la defense des droits de l'homme (RADDHO) stated that violence in the country has caused widespread instability and given rise to human rights violations affecting ethnic and religious minorities. RADDHO remained alarmed at restrictive measures affecting the media and journalists as well as the threats to human rights defenders and opponents. RADDHO found it imperative for Kyrgyzstan to reform the juvenile justice system. RADDHO hoped that Kyrgyzstan would continue to pursue a national dialogue to implement the vital recommendations for the return to normalcy in the country.

140. Canadian HIV/AIDS Legal Network thanked Kyrgyzstan for accepting recommendations on protection of women against discrimination on the basis of sexual orientation and for having included this in the draft National Plan of Action for implementation of UPR recommendations. It recommended that Kyrgyzstan adopt measures to punish those responsible for sexual violence against women and to provide support to victims. It called upon Kyrgyzstan to accept the recommendation made by Czech Republic to bring the legislation in line with international standards regarding the rights of sexual and ethnic minorities.

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

141. Additionally, the delegation clarified further that recommendations nos. 1, 4, 11 and 36 should be considered as partially agreed and partially noted, and recommendations nos. 8, 10, 22, 23, 24, 26, 27, 28, 29 and 30 were noted by Kyrgyzstan. In response to a question addressed by a representative of UK, the delegation noted again that recommendation no. 38 was accepted by Kyrgyzstan.

142. In response to the case of A. Askarov, the delegation informed that A. Askarov was involved in a local officials' hostage taking attempt with an aim to cross the border. He also publically insulted the Kyrgyz nation during the mass unrest of June which led to violence and death of people. According to the delegation A. Askarov was accused of organizing the murder of a law enforcement officer. The first instance court sentenced him to life imprisonment and he was entitled to appeal the court ruling to the higher instances.

143. In conclusion, the delegation thanked for the constructive dialogue during the review and expressed its belief that the discussion would contribute to the work aimed at further improving the human rights protection in the country, which would be carried out in close cooperation with the Human Rights Council.

144. Pursuant to General Assembly resolution 60/251, Council resolution 5/1 and the 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 eighth session of the Working Group on the Universal Periodic Review held from 3 to 14 May 2010.

#### **Guinea**

145. The review of Guinea was held on 6 May 2010 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

- (a) The national report submitted by Guinea in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/8/GIN/1);
- (b) The compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/8/GIN/2); and
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/8/GIN/3).

146. At its 15th meeting, on 21 September 2010, the Human Rights Council considered and adopted the outcome of the review on Guinea (see section C below).

147. The outcome of the review on Guinea comprises the report of the Working Group on the Universal Periodic Review (A/HRC/15/4), together with the views of Guinea concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/15/4/Add.1).

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

148. The Minister of Justice of the Republic of Guinea, Mr Siba Loholamou congratulated the President of the Human Rights Council and its Bureau for their recent election

149. The Minister expressed the pleasure that his country felt for having passed the peer review of the UPR. The Minister referred to the announcements made by Guinea during the 8th Working Group session in May 2010 in relation to the adoption of a new Constitution and organic law as solid bases for a new era of promotion and protection of human rights. Guinea was pleased to participate in this the final phase of the process which was prepared in broad consultation among various administrations and the civil society.

150. Since last May, a number of initiatives and measures were adopted; first, the Promulgation of a new Constitution, including new laws such as the electoral code, the law on freedom of the press and the creation of the High Authority for Communication. Second, a process of national reconciliation was initiated by the transitional President, General Sekouba Konaté who took this opportunity to apologize on behalf of all his predecessors for the violations of human rights committed in the past. Third, an office of the OHCHR was opened and represented a new development in the area of cooperation between Guinea and the United Nations system. Fourth the holding of the first round of elections on 27 June 2010 represented the will of the transitional government and the population to turn a new page. The Minister stated that the postponement of the second round of election by the National Independent Electoral Commission was due to logistics, technicalities, and also in order to ensure the transparency and truthfulness of the process.

151. In this context, a number of conferences and seminars were organized to publicize the new Constitution, which contains a human rights charter with 22 articles under Title 2. The involvement of NGOs in the preparation of the laws was also highlighted. Several NGOs have already started the translation and publication of the texts in various national languages.

152. The Minister noted that the new law regarding freedom of the press was a breakthrough to protect journalists from arbitrary arrest and illegal detention as it reduced any penal sanction against journalist to a simple fine.

153. The Minister then referred to the nine pending recommendations mentioned in the Addendum to the working group report and to the forum which was organized on 07 July 2010. The forum brought together members of the administration in charge of human rights and NGOs, in order to make them familiar with the 114 recommendations made at the

Working Group, including the 105 recommendations which were accepted and the nine others for which reservations were expressed. A document was drafted following these consultations.

154. The recommendations relate to the timely submission of periodic reports to Treaty Bodies, the establishment of a National Human Rights Institution according to the Paris Principles, the establishment a National Action Plan for the rights of children and women, the formulation of a national strategy of reconciliation and pardon along with a mechanism to fight against impunity, access to international instruments, withdrawal of reservations, strengthening the power of the civil forces of defence and security, the promotion of a culture of knowledge in the field of human rights , the reform of the judicial system and the improvement of governance and democracy.

155. The Republic of Guinea noted all the nine pending recommendations. Regarding the abolition of the death penalty and the adoption of a moratorium, the Minister highlighted that following high level consultations, it was decided that it was premature to include this question in the national debate, especially during this delicate transitional phase. The solution would be to have a de facto moratorium.

156. With regard to the invitation to the Special Procedures, the Minister stressed that, while not opposed to the spirit of the recommendations, it would be preferable to first strengthen cooperation with the office of the OHCHR in Conakry, to help promote these procedures and set up the basis for their implementation. Thus, the invitation to Special Procedures would be considered on a case by case basis.

157. The Minister reiterated that the recommendations made during the Working Group were of different nature, some were implementable in the short term while others required coordination amongst various public administration and departments and deadlines and budgets constraints were linked to their implementation.

158. The promotion and protection of human rights being the cornerstone of Guinea's new Constitutional government, and an ongoing challenge that requires constant vigilance and commitment, an inclusive and participative framework of dialogue was needed to be established to ensure proper space and freedom to human rights defenders. Guinea was committed to the UPR process as well as to the work of the Treaty Bodies and of the African Union.

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

159. Morocco thanked the delegation for the update provided on developments in the country since the Working Group session in May 2010 and welcomed the holding of the first round of the Presidential elections in June 2010. Morocco noted that the high participation of the Guinean people to the elections was a testament to the commitment of the Guinean people to move forward with development, security and democracy. Morocco also noted that the 'Protocol d'entente pour une election apaisée en Guinea' signed in Ougadougou on 3 September 2010 reaffirmed that the independent national election commission is the only electoral organ and committed both candidates to accept the results of the second round of the Presidential elections, and to resort to legal channels in the event of any disputes.

160. China expressed thanks to the delegation of Guinea for its replies and commended Guinea's attitude towards to the Universal Periodical Review. In recent years, Guinea had made efforts to stabilize its society and had ratified many human rights conventions. China noted that the Government had already accepted many recommendations although it faced special difficulties and challenges in promoting and protecting human rights. China called on the international community to provide the necessary financial and technical support to Guinea. China recommended to Guinea to continue to promote social stability and economic development, especially in the agricultural sector.

161. United Kingdom of Great Britain and Northern Ireland was pleased to note that its recommendations on the ratification of the Optional Protocol to the Convention against Torture; the guarantee that security forces comply with international human rights law, the

judicial prosecution of state agents who commit human rights violations ; the safety of journalists and a free and independent media in the run up of the elections; the implementation of the Ouagadougou Agreement ; all enjoyed the support of Guinea. UK strongly supported all efforts to ensure Guinea holds the postponed second round of presidential elections as soon as possible and encouraged the government to maintain an atmosphere of peace and stability during this period. UK welcomed the commitments of Guinea to improve the human rights situation through its Universal Periodical Review and also welcomed its commitment to address the recommendations in a timely and focussed manner.

162. France noted that Guinea accepted almost all recommendations made in the Working Group. France recalled that the tragic events of September 2009 led the international community to take action to assist in the fight against impunity. In this connection France recalled the resolution of the Human Rights Council on 26 March 2010, and the opening of an office by OHCHR in Guinea which France supported financially. The priority now must be the holding of the second round of Presidential elections as soon as possible and France renewed its support for efforts undertaken by the UN Security Council, African organisations and especially the joint mission of the UN and ECOWAS. France reiterated its call for a peaceful electoral campaign free of any incitement to hate and violence. France welcomed that message of President Konaté that the military would remain neutral, and France further renewed its call on the candidates and all political parties to conduct this electoral process in a congenial and peaceful atmosphere.

163. Senegal noted that by accepting the majority of recommendations, the transitional Government confirmed Guinea's determination to continue its efforts to improve its human rights situation despite a very difficult national context. In this connection, Senegal was in favour of the holding, as soon as possible, of the second round of elections in a peaceful atmosphere. Senegal welcomed the adoption of the draft new Constitution, the establishment of a National Human Rights Institution, and the establishment of an inter-ministerial commission responsible for considering the possibility for Guinea to accede to Optional Protocols, as well as the establishment of a favourable environment for the development of the organizations of civil society. Senegal appealed to the international community to step up its assistance to Guinea to guarantee the rapid and effective implementations of the recommendations that Guinea had agreed to.

164. Norway welcomed the Minister of Justice and his delegation to the Council. Norway welcomed the expressed commitment to the principles of international human rights law in the further/ongoing process in Guinea including through the adopted UPR recommendations as well as through the establishment of the OHCHR Office in the country and the good cooperation between the Government and the High Commissioner's office. Norway was pleased to have been able to provide, through contributions to the High Commissioner, US 770,000 to the OHCHR office in Guinea.

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

165. Rencontre Africaine pour la Défense des Droits de l'Homme stated that Guinea was at a decisive stage in its history with the postponement of the elections. In its view, the constraints for the implementation of the recommendations were due to: the culture of impunity; the release of drugs-traffickers; the unfair trials, prison overcrowding, the fact that torture was used to obtain confessions, child abduction and exploitation, mistreatment of women, the lack of dialogue and cooperation among the different stakeholders, non-prosecution of those responsible of crimes, such as killings and rape, during the 2006, 2007, 2008 events and the massacres of September 2009. Rencontre Africaine pour la Défense des Droits de l'Homme congratulated Guinea for the opening of the OHCHR office, the current reform of the army, the revision of the Constitution, the elaboration of an electoral code and of a Press law, and for the organization of the first round of elections in a calm atmosphere. Rencontre Africaine pour la Défense des Droits de l'Homme pleaded for the right and the duty of memory for victims of 50 years of dictatorship, torture and arbitrary detention. It called on the Government to establish a political climate favourable to the holding of a second round of elections as soon as possible, to

elaborate an education programme of human rights, and ensure that Guinea is up to date with its Treaty Bodies reporting obligations

166. Canadian HIV/AIDS Legal Network & Pan Africa ILGA urged Guinea to give serious consideration to the recommendations in relation to decriminalising sexual activity between consenting adults of the same sex. Canadian HIV/AIDS Legal Network & Pan Africa ILGA noted the statement of the Secretary General at the high level panel held on 17 September that cultural considerations should not stand in the way of basic human rights. Guinea was further urged to promote policies which ensure equality of access to public health services by all marginalised populations.

167. The ACHHRP (CAPSDH) stated that it was very active in Guinea, where a transition council was working to implement a new democratic order. ACHHRP had attempted to identify organizations that could work together with the Government, particularly in the field of education, to overcome the problems that have beset the country in the recent past. In this critical period, the political decision makers should particularly focus on traditional education and teaching. Today ACHHRP and other non-governmental organizations were struggling to ensure that Africans do sufficiently focus on African culture. ACHHRP encouraged Guineans of all political shades to overcome domestic divisions and partisan personal interests and try to have an enlightened vision, and help Guinea steer a steady course.

168. Amnesty International (AI) noted with appreciation Guinea's acceptance of over a hundred recommendations although it highlighted two points as essential elements for a democratic state respectful of human rights. AI called on the Guinean authorities to implement all those recommendations which it had accepted in relation to combating impunity in respect of the violations committed during the events of September 2009. This would allow the victims, and particularly victims of sexual violence, and their families to obtain reparation. It was important that Guinea use this period of transition to effect real changes in the human rights situation. Noting that Guinea did not carry out executions since 2002, it called on Guinea to join the abolitionist group.

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

169. In conclusion the delegation noted with satisfaction the level of the interactive dialogue and commended the comments made by the Members States and NGOs as encouraging in their frankness and in depth analysis. He assured that progress will be made in each area under discussion and referred to the new Constitution and the recent set up of rules and institutions including the Constitutional Court, the National Independent Human Rights Institution and the Public Mediator as positive developments.

170. He thanked the President, the members of the Bureau for their calm guidance of discussion, and the Secretariat for its assistance, and appealed to the international community to provide technical financial assistance on a greater scale not only to the government but also to civil society, including human rights defenders.

171. The Minister of Justice reaffirmed Guinea's will to fully cooperate with the Human Rights Council and thanked the Council for the amicable environment in which the proceedings took place.

#### **Lao People's Democratic Republic**

172. The review of Lao People's Democratic Republic (Lao PDR) was held on 4 May 2010 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

- (a) The national report submitted by Lao PDR in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/8/LAO/1);

(b) The compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/8/LAO/2); and

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/8/LAO/3).

173. At its 16th meeting, on 21 September 2010, the Human Rights Council considered and adopted the outcome of the review of Lao PDR (see section C below).

174. The outcome of the review on Lao PDR comprises the report of the Working Group on the Universal Periodic Review (A/HRC/15/5), together with the views of Lao PDR concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/15/5/Add.1).

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

175. Lao PDR informed the Council of recent developments contributing to the promotion of human rights, noting that it was in the process of preparing the seventh National Socio-Economic Development Plan and other action plans, which included economic, social, cultural, civil and political rights aspects. The Government had made progress in the implementation of the Master Plan on the Rule of Law and training for village lawyers and law enforcement officers. Referring to its international engagement, Lao PDR noted that it would sign the Convention Against Torture during the forthcoming annual UN Treaty Event in New York in September this year. It was also considering acceding to the Convention on the Rights of Migrant Workers. As for other accepted recommendations, Lao PDR would continue to implement them in good faith and share the results in the next review cycle.

176. Recalling that Lao PDR had positively responded to 56 out of the 107 recommendations made at the May session, it noted that it had conducted a broad public relations campaign for government agencies, mass organizations, civil society, the diplomatic corps and others on the results of the Lao engagement in the UPR. Lao PDR noted that out of the 48 pending recommendations it supported 15 fully and 15 in part, as set out in an addendum to the Working Group report. As for the remaining 18 recommendations, Lao PDR stated that it could not support them as some of them did not reflect the real situation in the country.

177. Lao PDR noted that it attached great importance to recommendations concerning its accession to international conventions, but informed that it would need more time to study and prepare necessary conditions to accede to some treaties, including the Rome Statute of the ICC and the Ottawa Convention on Landmines.

178. With regard to recommendations to invite special procedures, Lao PDR noted that it would proceed on a case by case basis and was in the process of considering invitations to certain mandates. However, due to limited resources it was not in a position to extend a standing invitation to all mandate-holders.

179. On the question of the death penalty, Lao PDR noted that this was maintained only to deter the most serious crimes, in particular drug trafficking, and that Lao PDR at present was not ready to consider ratifying the 2nd Optional Protocol to ICCPR. However, no execution had taken place for many years and rights of appeal were ensured. Lao PDR also indicated that it would consider revising the Penal Code for it to be in line with the obligations under ICCPR and other treaties to which Lao PDR was a party.

180. Lao PDR reaffirmed that religious freedom was guaranteed by the Constitution as well as a specific decree, and that it had taken all necessary measures to solve the misunderstanding of religious freedom in Katen village. Lao PDR also emphasized that it pursued a consistent policy to guarantee freedom of speech, press, expression and assembly, which rights were enshrined in the national legislation.

181. With regard to the situation of Hmong returnees, Lao PDR acknowledged the important role of UNHCR in providing humanitarian assistance, but noted that the returnees were not persons of concern under international law and that the Government would handle the issue.

182. Lao PDR concluded by expressing its appreciation to the international community for its valuable support towards the development of the country, and its hope that the international community would continue to do so, including with regard to the implementation of UPR recommendations.

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

183. Viet Nam took note with appreciation of the openness, active cooperation and serious commitment displayed by Lao PDR in the UPR process. Viet Nam recalled that Lao PDR had widely disseminated the outcome of its UPR review and was encouraged by the acceptance by Lao PDR of the majority of recommendations, including the recommendations made by Viet Nam. Viet Nam noted that the readiness of Lao PDR to take concrete steps and measures to follow up on the UPR recommendations was admirable, given the difficulties and hardship encountered by the country. It welcomed the Master Plan on the Rule of Law and the 7th National Socio-Economic Development Plan, among others.

184. Bhutan expressed appreciation for the constructive manner in which Lao PDR had engaged in the UPR mechanism and was encouraged by the acceptance by Lao PDR of most recommendations. It welcomed the realistic approach to implementing these recommendations in a progressive manner. Bhutan made reference to the acceptance of the recommendation to expedite the reform of governance, public administration and the legal system with the aim of deepening and broadening democratic principles and standards. Bhutan called on the international community to continue to extend support and assistance to Lao PDR in the implementation of the UPR recommendations.

185. Malaysia was pleased to note that Lao PDR had accepted a large number of recommendations and started taking necessary steps towards implementing many of them, including those focusing on promoting employment, economic growth and poverty alleviation. Malaysia shared the view that poverty alleviation and human resource development were important for the protection and fulfilment of fundamental human rights. It also noted the Government's preparedness to continue and strengthen its constructive engagement with international human rights mechanisms.

186. Cambodia commended Lao PDR for its achievements in advancing the socio-economic development of its people. It indicated that it was pleased to note that Lao PDR had accepted a large number of recommendations, including recommendations to consider accession to some important international instruments. Cambodia viewed this approach as a step towards further progress. Cambodia welcomed the continued commitment of the government to addressing remaining challenges and called on the international community to assist Lao PDR in this regard.

187. Venezuela welcomed the spirit of openness and the constructive approach demonstrated by the Lao Government during the UPR process. It had provided specific answers to questions raised, particularly concerning achievements made in implementing socio-economic policies, and in promoting the rights of women. Venezuela noted that Lao PDR had spared no efforts to overcome the consequences of colonialism and foreign aggression that it had suffered, and that it had managed to reduce poverty by 50 percent over the past two decades.

188. Cuba congratulated Lao PDR on its acceptance of many recommendations, including those formulated by Cuba. It also welcomed the presentation of an addendum to the UPR Working Group report, indicating the position of Lao PDR on some of the recommendations and providing information on voluntary commitments. It stated that Cuba and Lao PDR shared dreams, aspirations, achievements and challenges, as well as the common goal of achieving development with social justice. Cuba wished success to the Lao PDR government and people, and reiterated its solidarity and respect.

189. Myanmar noted with satisfaction that Lao PDR had accepted a large number of recommendations and also agreed to consider acceding to the Convention on Migrants Workers and to undertake measures to improve the situation of vulnerable people despite facing numerous challenges as a developing country. In particular, Myanmar noted efforts to develop proper national mechanisms to promote the rights of women and children. It expressed the hope that Lao PDR would continue to implement programmes to enhance access to education and health services for women and girls living in rural and border areas. Myanmar also noted with appreciation the commitment to implement internal reforms aiming at good governance and socio-economic development.

190. Thailand was pleased to learn that Lao PDR had accepted its recommendations made during the UPR Working Group with regard to poverty alleviation and the incorporation of international human rights conventions into domestic laws. Thailand commended in particular efforts to combat trafficking in persons through a national plan of action and regional cooperation. Thailand indicated that it stood ready to support Lao PDR in assisting victims of cluster munitions. Thailand urged the Council to provide technical cooperation and support to Lao PDR in its efforts to implement the recommendations. It reiterated its readiness to strengthen its partnership with Lao PDR in this regard.

191. Indonesia commended Lao PDR for its efforts to promote good governance and improve living standards. It recognised that a history of regional conflict had hindered more rapid improvements in these and other critical areas, but was encouraged to learn that socio-economic development, poverty eradication, and economic growth were key priorities on the agenda of the Government. Indonesia also commended the ratification by Lao PDR of the Convention on the Rights of Persons with Disabilities. It thanked Lao PDR for accepting two of its recommendations and expressed the hope that the Lao Government would continue to constructively engage with the ASEAN Intergovernmental Commission on Human Rights as well as the Human Rights Council. The recent invitation to the Special Rapporteur on freedom of religion and the intention to invite other rapporteurs in the future were positive steps.

192. China expressed appreciation for the detailed responses provided by Lao PDR to the recommendations. China made reference to the tremendous achievements made by Lao PDR in promoting economic and social development, as well as in the protection of human rights. China indicated that as a neighbouring country, it understood the unique problems and challenges faced by Lao PDR in promoting and protecting human rights. China urged the international community to provide the necessary financial and technical support.

193. Islamic Republic of Iran applauded Lao PDR for supporting most recommendations, including the recommendations made by Iran. It expressed its appreciation for the positive achievements in the field of poverty eradication; the rights to work, education and health, the rights of women and children, the right to life, the right to participate in public affairs, cultural rights and the right to information. It hoped that further reports from Lao would reflect a continuation of its efforts to promote the rights of women and children and to implement existing programs and projects to enhance socio-economic rights, with a view to achieving the Millennium Development Goals.

194. The Democratic People's Republic of Korea indicated that it appreciated the efforts made by Lao PDR in promoting and protecting human rights. It noted that Lao PDR had been intensifying its efforts to implement strategies and measures particularly in the areas of poverty eradication, education and human resources. It reiterated its appreciation for the commitment demonstrated by Lao PDR to the UPR process.

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

195. International Federation for Human Rights Leagues (IFHRL) deplored that Lao PDR had rejected two paramount recommendations, related to the creation of an independent human rights commission and to the release of persons detained for their participation in a peaceful demonstration. The release of persons who had participated in a peaceful demonstration, particularly those persons arrested in October 1999, would be a major step towards freedom of expression and assembly. IFHRL regretted that a number of countries had praised Lao PDR for

its achievements related to economic, social and cultural rights as well as women's rights without making any specific recommendations in this regard. IFHRL also regretted that the participation of civil society in the preparation of the Lao PDR report had been limited. It called upon Lao PDR to accept the principle of universality of human rights and to allow for the emergence of an independent civil society.

196. The Asian Indigenous and Tribal Peoples Network (AITPN) indicated that it remained deeply concerned about continued human rights violations against the Hmong people and urged the international community to monitor the situation of the Hmong. AITPN also remained concerned about the trafficking of almost 30 Hmong children in 2005 and urged the authorities to promptly prosecute those responsible and ascertain the whereabouts and well-being of these children. AITPN believed that UN human rights experts should be given the opportunity to visit victims in the Xaysombune Special Zone, who were confronted with daily military operations.

197. Amnesty International (AI) welcomed the engagement by Lao PDR with the UPR, but regretted that Lao PDR had rejected the recommendation to release detained peaceful demonstrators. It urged the Lao authorities to release immediately and unconditionally the three men arrested on 26 October 1999 for attempting to hold a peaceful demonstration in Vientiane, and thus to demonstrate its commitment to protecting human rights in practice. AI welcomed the acceptance by Lao PDR of recommendations calling for full implementation of ICCPR provisions related to freedom of speech, but was disappointed that recommendations to revoke laws that suppress the right to freedom of expression and assembly had been rejected. AI made reference to several recommendations concerning the Lao Hmong, including refugees and asylum-seekers returned from Thailand to Laos in December 2009, and regretted that Lao PDR had only partially accepted these recommendations. It urged the Government to ensure unhindered and independent access by UNHCR and humanitarian agencies to all returnees in resettlement sites at Phalak and Nongsan in Vientiane Province and Phonkham in Borikhamsay Province.

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

198. Lao PDR expressed appreciation to all delegates and all representatives of international organizations and non-governmental organizations for their active participation in the UPR of Lao PDR. In spite of the overwhelmingly positive feedback by the international community on the human rights situation in Lao PDR, a few non-governmental observers had falsely tried to paint a negative picture of Lao PDR. Lao PDR considered that this was contrary to the principle of the review and firmly refuted these allegations.

199. Lao PDR noted that it had learned a lot through the UPR process, which created an opportunity to move forward and promote human rights at the national level, while cooperating with others at the regional level and with the international community so as to advance human rights globally. Lao PDR stated that it was fully committed to the United Nations Charter and the promotion and protection of human rights through implementation of the Universal Declaration of Human Rights and the treaties to which it was a party or would become so in the future.

200. Lao PDR emphasized that it looked forward to continuing cooperation and exchange of experience on human rights with the international community and hoped that the latter would continue to support Lao PDR's efforts, including with regard to the implementation of UPR recommendations. Lao PDR would continue engaging in the process in a responsible way and play an active role in the international human rights community with a view to making a greater contribution to international human rights development.

#### **Spain**

201. The review of Spain was held on 5 May 2010 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

- (a) The national report submitted by Spain in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/8/ESP/1);
- (b) The compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/8/ESP/2); and
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/8/ESP/3).

202. At its 16th meeting, on 21 September 2010, the Human Rights Council considered and adopted the outcome of the review on Spain (see section C below).

203. The outcome of the review on Spain comprises the report of the Working Group on the Universal Periodic Review (A/HRC/15/6), together with the views of Spain concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/15/6/Add.1).

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

204. The delegation of Spain indicated that its Government paid significant importance to the UPR mechanism which provided an opportunity to take stock of achievements and to identify pending challenges, as well as areas of improvement. The exercise also allowed contrasting Spain's experience with that of other UN member State's.

205. The delegation highlighted/welcomed? The role played by civil society in the preparation of the national report and by the 55 States which intervened during the interactive dialogue and which submitted 137 recommendations, 98 of which were accepted by Spain.

206. Spain undertook to clarify its position not only in relation to the 34 pending recommendations but also on those it could not accept. A detailed account of Spain's position is available in the addendum to the Working Group report which includes the reasons why Spain could accept only 13 of the pending recommendations.

207. The delegation gave explanations on its position in relation to recommendations for which it felt delegations had a particular interest, such as, racism, xenophobia and integration of immigrants; trafficking; the right to asylum; equality and the fight against violence against women. The delegation also acknowledged the support it received in relation to its campaign for the abolition of the death penalty and for the Alliance of civilizations.

208. The delegation recalled the December 2008 national plan on human rights which was based on two main components: equality, non discrimination and integration, on one side; and human rights guarantees on the other. A follow-up commission, composed by representatives of the Government and civil society, has been set up. The Commission holds regular meetings and provides progress implementation reports to the Congress. Although Spain was committed to the promotion of human rights, it was not in a position to accept all recommendations and provided explanations in that regard. Indeed, Spain has not signed the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families because it considers it as an unbalanced instrument. In the view of Spain, the Convention gives priority to the interests of the countries of origin, in addition, its provisions do not distinguish migrant workers that are in a regular situation from those who are in an irregular situation. Furthermore, the Spanish legislation provides broad protection to the rights of immigrants.

209. The definition of torture in article 174 of the criminal code does not present problems of interpretation and contains the basic elements of the definition in the Convention against Torture. The national definition also contains other features that provide further protection.

210. The Spanish judges and courts investigate and deal with all disappearances complaints received under the principles of independence, tenure and responsibility, and in accordance

with the law. The crimes against humanity and genocide are prosecuted in line with the Covenant on Civil and Political Rights, the Convention on the Prevention and Punishment of the Crime of Genocide and the Convention for the Protection of All Persons from Enforced Disappearance.

211. The incommunicado detention has all procedural safeguards in Spain. Its legal regime is quite restricted and requires permanent monitoring from the competent judge. Incommunicado detention is used for cases of armed bands or terrorist organizations, where police and judicial findings can have international implications and are particularly complex, without prejudice to the rights of detainees.

212. Spain's legislation has the necessary legal means to act in cases of hate, xenophobic or defamatory speech and therefore it is not considered necessary to restrict freedom of expression.

213. Organic Law 1/2004 on measures against gender violence is a more protective and effective mechanism than a plan against gender violence. The Law provides legal assistance and comprehensive social care to victims. Moreover, the Strategic Plan on Equal Opportunities 2008-2011 incorporated a series of measures aimed at ending violence against women.

214. Spain does not consider necessary the establishment of an additional national mechanism to identify victims of trafficking. Highly qualified personnel in the security forces are currently charged with the identification of victims of trafficking and work in close cooperation with specialized NGO's, ensuring compliance with article 10 of the European Convention on Trafficking.

215. The Spanish Government could only but reject the recommendation to follow the findings of the Special Rapporteur on the promotion and protection of human rights while countering terrorism, since they put into question, without substantiation, the legal and institutional framework under which a democratic State fights terrorism, without offering valid alternatives that go beyond personal opinions, as well as the impartiality and independence of the State powers particularly those responsible for ensuring law enforcement and the protection of the rights of individuals.

216. Further, Spain did not consider it necessary to create another independent body to investigate complaints of ill treatment because under the rule of law the judges are in charge of these investigations. The judges in Spain are totally autonomous and independent from the Government and other Public Administrations, and have the necessary means and legal capacity to do it.

217. In this context, the delegation wished to remind the Council that Spain gives particular importance to the international protection of the human rights of the victims of terrorism. At present, the main human rights infringements in Spain derive from the criminal activities of terrorism. The Government has the obligation to protect fundamental freedoms by means of outlawing organizations that provide political cover to terrorism, as it has been endorsed by the European Court of Human Rights Court in a landmark decision.

218. The delegation concluded reiterating the Government's commitment to cooperate with international human rights bodies and announced that as a further sign of commitment it would carefully follow-up on the UPR recommendations and report periodically to the Council.

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

219. The Islamic Republic of Iran thanked Spain for its statement and expressed its appreciation that some of its recommendations had been accepted. It expressed concern at the following issues raised during the UPR review: human trafficking, in particular that of women and girls for sexual exploitation; discrimination based on ethnicity and religion against minorities and immigrants and especially restrictive measures against the Muslim minority particularly women and girls; rampant use of torture and the distressing conditions of detention centres, in particular those holding foreigners and asylum seekers; and the use of Spanish airspace and

airports by a third country in the context of a program of secret rendition and detention. The Islamic Republic of Iran urged Spain to adopt laws and measures to implement recommendations made during the WG including those it had made.

220. Algeria welcomed the responses to the recommendations provided by Spain. Algeria stated that both countries shared similar challenges, such as the fight against terrorism and the growing incidents of racism and xenophobia against migrants, and that they needed to work together to eradicate those threats. Algeria stated that Spain had a clear commitment to human rights, as demonstrated in its national report, which reflected the progress achieved so far, notably in the improvement of the institutional and legislative framework for the protection of human rights and the ratification of most international human rights instruments. Algeria appreciated the fact that Spain had accepted two of its recommendations and encouraged it to accept the recommendation envisaging ratification of the International Convention on the Protection of the Rights of Migrant Workers and Members of their Families.

221. Belarus expressed its gratitude for the detailed comments made by Spain during the 8th session of the UPR Working Group. It noted that out of the 137 recommendations made, Spain was of view that 29 had already been implemented. Belarus took note of comments made on recommendations Spain was unable to support and expressed its understanding in that regard. Belarus welcomed Spain's determination to work on the implementation of recommendations and expressed its belief that it will continue to improve the situation of migrants and the protection of migrants' rights and that, in particular, it will adopt measures to ensure the wellbeing of migrant children. Belarus regretted that the recommendations relating to the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which guarantees the rights of migrants, were not accepted.

222. Azerbaijan thanked Spain for the substantive responses provided to the recommendations and welcomed its constructive approach to the UPR. It commended the acceptance by Spain of most of the recommendations. It noted with satisfaction that the issues on the ratification of the Optional Protocol to the International Covenant on Economic, Social, and Cultural Rights and the development of a National Action Plan against racism and xenophobia enjoyed the support of Spain and were in the process of implementation. It also noted that despite the threat of terrorism, Spain never abandoned the rule of law in its response to this phenomenon.

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

223. The Office of the People's Defender of Spain (OPD) stated that its mandate was provided for by the Constitution and that it has been accredited as a NHRI with status "A" by the International Coordinating Committee of NHRI, and that it is in full compliance with the Paris Principles. OPD welcomed the efforts made for the preparation of the national report. It asserted that recommendations as a whole touch very much upon OPD mandate and would certainly help it to reinforce its activities, which in recent years have included issues such as: family reunification, living conditions in the prison system, training to the police, assistance to victims of trafficking, and the establishment of a National Mechanism for the Prevention of Torture.

224. Amnesty International (AI) noted that, though Spain had reformed its Criminal Code in 2010, it had failed to align the definition of torture with Article 1 of the Convention against Torture and expressed disappointment that recommendations to address this shortcoming made during the review had been rejected. AI also observed that the Committee against Torture recommended that two elements be added to the existing definition. AI added that, despite the ratification of the Convention on Enforced Disappearances in 2009, the Spanish Criminal Code still fails to define the crime of enforced disappearances in line with international law. Finally, AI expressed its profound disappointment with Spain's refusal to review its regime of incommunicado detention. Noting that the organization regularly receives allegations of torture and ill-treatment during incommunicado detention, AI strongly urged Spain to reconsider this recommendation.

225. Human Rights Watch (HRW) recalled that during the review of Spain, five countries raised the question of impunity of crimes committed during the Franco dictatorship and regretted that so far the only person prosecuted in relation with those crimes is Judge Baltazar Garzon, who had sought to investigate cases of enforced disappearances involving more than 100,000 victims committed between 1936 and 1951. Unlike Spanish courts which had routinely applied the 1977 amnesty law which covers all crimes of political nature committed prior to December in 1977, judge Garzon had refused to apply this law. HRW stated that governments have an obligation to provide victims of human rights abuses with an effective remedy, including justice, truth and adequate reparations. Recalling 2008 Human Rights Committee recommendations, AI called upon Spain to repeal the 1977 amnesty law.

226. Action Canada for Population and Development noted with appreciation that Spain had adopted a law on reproductive health and the voluntary interruption of pregnancy. It observed, however, the existence of a number of shortcomings and requested inter alia that: 1) in accordance with international standards, guidelines and recommendations emitted regarding the prevention and treatment of HIV no longer include the requirement that pregnant women be tested; 2) the Multi-Sector Plan on HIV/AIDS be evaluated, based on a gender perspective; 3) the State and local governments investigate the existing conditions, based on their HIV status, of women victims of domestic violence who seek access to safe homes and who are required to undergo HIV testing; 4) sexual education with a focus on reproductive rights be guaranteed throughout the territory.

227. Rencontre Africaine pour la defense des droits de l'homme (RADDHO) noted with satisfaction the efforts made by Spain to improve the institutional and normative framework for the protection of human rights, the ratification by Spain of most of the international human rights instruments, its cooperation with Special Procedures and its engagement to reach the 0.7% GNP allocated to development aid. RADDHO encouraged Spain to protect non accompanied immigrant children, to harmonize the antiterrorist law with human rights standards, to revise the agreement of readmission ratified by African states in order to guarantee respect of human rights, to create a national commission to fight racial discrimination, to define torture in the penal code according to the Convention against Torture and to fight against violence treatment of women.

228. Islamic Human Rights Commission highlighted its concern that Spain allows the local councils to regulate the dress code of their Muslim women citizens by banning the use of the Burqa and full-face veils in all non religious places or events. It added that this practice gives local councils free reign to target Muslims without the intervention of Congress. It also noted that no casual link exists between security risks and wearing a Burqa or veil and that the European Court of Human Rights has held that freedom of expression includes forms of expression that "offend, shock or disturb the state or any section of the population". It requested that Spain lift the ban and take necessary measures to safeguard the religious rights of Muslim citizens.

229. In a joint statement, European Region of the Lesbian and Gay Association (ILGA-Europe) and Federatie van Nederlandse Verenigingen tot Integratie Van Homoseksualiteit- COC Nederland commended Spain for training police and prison staff on the rights of persons of minority sexual orientation or gender identity, as recommended by the Czech Republic. ILGA-Europe and COC Nederland asked Spain to provide information about measures envisaged to implement this recommendation and to include civil society in these trainings. They encouraged Spain to implement, as suggested by Sweden, legislation granting refugee status on the basis of fear of persecution based on gender or sexual orientation. They acknowledged the positive steps taken by Spain to counter discrimination on the basis of sexual orientation, and encouraged it to share best practices in this field and to consider applying the Yogyakarta Principles as a guide to assist in policy development.

230. Charitable Institute for Protecting Social Victims observed that discrimination against women in the workplace persists noting that unemployment is about twice that of men and that the average salary for women is 30% lower than that of men. It added that the Roma minority in Spain is particularly faced with discrimination regarding housing, education and

employment. It also noted that Muslims are also faced with multiple forms of discrimination. In conclusion it urged Spain: to adopt further measures to provide police and prison officials with human rights training which focus on the right of women, children and minorities; to eliminate all forms of discrimination against the Roma community, migrants and religious minorities; and to take measures against perpetrators of racially motivated acts against these groups.

231. The International federation of ACAT (Action of Christian for the abolition of Torture) (FIACAT) welcomed the quality and level of the Spanish delegation during the review. It regretted, however, that Spain rejected 18 recommendations during the Working Group, without holding consultations with civil society and concerned ministries. FIACAT welcomed the submission in writing of Spain's position on the pending recommendations. It also welcomed the acceptance of recommendations calling for the prevention of torture and ill-treatment, as well as the measures taken to recognize the competence of the Committee on the protection of all persons from enforced disappearances. It regretted, however, that Spain rejected the recommendation asking it to reconsider the use of secret detention, which may facilitate torture and constitute a case of ill-treatment.

232. European Centre for Law and Justice (ECLJ), expressed disappointment that the objection to compulsory curriculum which it considered a core issue had not been adequately addressed in the Working Group report. It recalled that over 50,000 families object to the compulsory curriculum, in public and private schools. ECLJ alleged that a new subject called "Education for Citizenship" included themes that would negatively influence the conscience and values of children and had thus been strongly rejected by thousands of parents. ECLJ also reported that in 2009, the Supreme Court had ruled against parents objecting to this aspect of the curriculum and that the Constitutional Court had dismissed their claims. ECLJ concluded that this is a major issue of freedom of expression to be urgently addressed by Spain.

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

233. In concluding the Spanish delegation reiterated Spain's commitment to human rights and freedoms and thanked all those who participated in the review of Spain.

#### **Lesotho**

234. The review of Lesotho was held on 7 May 2010 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

- (a) The national report submitted by Lesotho in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/8/LSO/1);
- (b) The compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/8/LSO/2); and
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/8/LSO/3).

235. At its 16th meeting, on 21 September 2010, the Human Rights Council considered and adopted the outcome of the review on Lesotho (see section C below).

236. The outcome of the review on Lesotho comprises the report of the Working Group on the Universal Periodic Review (A/HRC/15/7), together with the views of Lesotho concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/15/7/Add.1).

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

237. The Minister of Justice, Human Rights and Correctional Services and of Law and Constitutional Affairs expressed her appreciation for the opportunity to update on the issues that emanated from a successful interactive session with the Working Group on the Universal Periodic Review of Lesotho in May, 2010. Lesotho appreciated the objective and impartial manner in which the review was conducted and applauded the Working Group on the Universal Periodic Review of Lesotho and welcomed its report.

238. The delegation indicated that Lesotho had received 122 recommendations out of which , 36 recommendations enjoyed the support of Lesotho, 51 were accepted as they were already being implemented, 5 were rejected on the ground of their inaccuracy and lack of factual basis, while response to 25 recommendations were deferred for further consideration.

239. Lesotho welcomed the recommendation with respect to ratifying the Optional Protocol to the Convention Against Torture (OP CAT) and allowing visits by sub-committee of prevention of torture in places of detention. However, they stated their position to the importance of proper procedures and conduct being observed with regard to such visits.

240. On the recommendation concerning setting up preventive mechanisms against acts of torture, she indicated that mechanisms at the national level were in place, such as the Office of the Ombudsman, whose mandate entails, amongst others, inspecting places of detention. Transformation Resource Centre which is a Non-Governmental Organization also advocates for protection of human rights in various ways, through, among other., for the monitoring of human rights in places of detention.

241. The recommendation to ratify the Optional Protocol to International Covenant on Economic, Social and Cultural Rights (OP ICESCR) did not enjoy the support of Lesotho, taking into account that Lesotho is a least developed country. The delegation indicated that Chapter III of the Constitution of Lesotho spells out Principles of State Policy and these entail rights of a socio-economic nature. These are not enforceable by courts of law but are to be implemented on an incremental basis, through policy, guidelines and social programmes that are subject to Lesotho's economic capacity and development.

242. The recommendation to ratify the Optional Protocol to International Covenant on Civil and Political Rights (OP ICCPR) did not enjoy the support of the Government of Lesotho to the extent that it calls for abolition of the death penalty. Lesotho retains the death penalty, as a deterrent factor, for the most serious crimes of Murder, Statutory Rape and High Treason. However, there are appropriate safeguards in the execution of the death penalty such as the Pardon's Committee and the Prerogative of mercy by His Majesty the King. The delegation highlighted that there has been no capital punishment carried out since 1995.

243. The delegation informed that Lesotho will consider ratifying the Optional Protocol to the Convention on the Rights of Persons with Disabilities (OP CRPD) after consultations with relevant stakeholders. However, the delegation clarified that it will not be time bound in respect of this recommendation in light of the fact that implementation of this Protocol requires infrastructure, technology and resources that Lesotho does not currently have.

244. The delegation informed that during the Treaty Event that will take place at the United Nations General Assembly, the Prime Minister will sign the Convention for the Protection of All Persons from Enforced Disappearances as the Cabinet has already approved its ratification.

245. With regard to the recommendation to integrate and incorporate into national laws the international human rights instruments to which Lesotho is a State Party, the recommendation enjoys the support of Lesotho to the extent that it is an ongoing process. However Lesotho remained committed to fulfilling her obligations of incorporating international instruments within national legislations under International Law.

246. Regarding the domestication of the Convention Against Torture (CAT), Lesotho supported the recommendation and will domesticate the convention fully in accordance with a self-determined time-frame. The delegation drew attention to the existing Criminal Procedure and

Evidence Act 1981 which lays down procedures and methods that should be adopted to avoid instances of torture and inhuman and degrading treatment of suspects of crime.

247. Concerning the removal of the reservation to Article 2 of the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW). The Government of Lesotho has initiated a discussion, which is still on-going, on the issue. Despite the existing reservation, Lesotho took measures to ensure the elimination of discrimination against women and gender equality by undertaking a review of all laws that are discriminatory against women. Lesotho enacted Laws in this regard such as the Legal Capacity of Married Persons Act 2006 which rules out discrimination against women in marriage and the Sexual Offences Act 2003 which addresses the offence of rape under the Common Law

248. Regarding the recommendation to implement and amend the Sexual Offences Act 2003 to ensure full accountability of offenders, compliance with human rights standards and efficient integration of programmes for victims, the delegation informed that Lesotho does not accept to amend the Act for the reason that there is no law in Lesotho that bars a victim to lodge a civil claim against the offender. However, the Government has established a one stop Centre (Lapeng Centre) for Survivors of domestic violence and the Victims of Crime Support Office. Studies on Protection of Victims' Rights are being undertaken by the Law Reform Commission to inform the enactment of the laws on protection of victims and domestic violence.

249. In addition, the Children's Protection and Welfare Bill which is before Parliament provides for use of restorative justice for facilitation of the offender and victim reconciliation and intensive advocacy programmes of parliamentarians and other stakeholders are being carried out for the implementation of the Bill.

250. The Government of Lesotho welcomed the recommendation to enhance cooperation with treaty bodies and special procedures mandate-holders. It will, however, consider it further once the implementation of the recommendations emanating from the African Peer Review Mechanism process underwent in 2009 is completed. Lesotho also welcomed the recommendation to ensure timely submission of State Party reports and drew attention to the efforts made to fulfil its reporting obligation. The report to the Committee on the Elimination of all forms of Discrimination against Women was submitted, while Lesotho was still working on the reports on International Covenant on Economic, Social and Cultural Rights (ICESCR), CAT and the periodic report on International Covenant on Civil and Political Rights (ICCPR). The delay resulted from the limited resources of the country which would welcome technical assistance and capacity building in that regard.

251. The recommendation to end the practice of using the Juvenile Training Centre as a form of alternative care did not enjoy the support of Lesotho since this is factually incorrect. The Juvenile Training Centre in Lesotho is used exclusively for keeping children who are in conflict with the law and who are at risk of offending.

252. Despite the challenges it faces, as described in the national report and mentioned during the review, Lesotho reiterated its commitment to accelerate sustainable economic growth, continue to work on the establishment of the National Human Rights Commission, improve access to justice for all, intensify and continue efforts in the fight against corruption and strive to achieve the objectives of Vision 2020 and the Millennium Development Goals.

253. Lesotho appreciated the opportunity to take stock of its achievements, shortcomings and the challenges. Lesotho welcomed the technical support offered by some Member States in response to calls for assistance.

254. The delegation concluded by reiterating Lesotho commitment in working cooperatively with the Council and other Member States in promoting and protecting human rights for all.

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

255. Morocco stated that the process of the Universal Periodic Review of Lesotho demonstrated its true commitment to the promotion of human rights, despite difficulties it encountered as a least developed country receiving the lowest rate of Official Development Assistance per capita. Morocco indicated that, though the global economic and financial crisis and impact of climate change inevitably negatively impacted on the economic and social rights, Lesotho ensured the best protection and promotion of human rights and made success in a number of areas, such as tackling trafficking in women and children and ensuring better political representation of women. Lesotho's National Vision 2020 identified priority areas to reduce poverty, and Morocco thanked Lesotho for accepting the recommendations it had made in this regard.

256. Algeria expressed appreciation for the additional information submitted as an addendum to the Working Group report and for a high rate of acceptance of recommendations, some of which had already been in the process of implementation. It recalled the commitment of Lesotho to the African Peer Review Mechanism, in which Lesotho recently participated. Lesotho clearly demonstrated its commitment to the peer review mechanism, in particular in security sector reform, constitutional monarchy, electoral system reform, promotion of women's rights and a high rate of alphabetisation of adults. It noted that Lesotho, in spite of being an LDC, made swift progress in the area of human rights and called upon the international community to assist the country in facing challenges created by the current financial and economic crisis, in particular in the following vital areas: food security, reducing high unemployment rate and fight against HIV/AIDS.

257. Egypt welcomed the serious and open pronouncement of Lesotho, emphasizing its commitment to fully implement the agreed recommendations. Egypt was convinced that Lesotho's positive and constructive engagement would translate into tangible steps to the realisation of the aspirations of the people of Lesotho. Egypt noted that Lesotho was exerting commendable efforts to fulfil its obligations. Lesotho, as a land-locked least developed country, faced particular challenges in relation to the fulfilment of some human rights, especially economic and social rights. In this regard, Egypt called upon the international community to extend the necessary assistance required by Lesotho based on its national priorities and in accordance with its international human rights obligations.

258. The United Kingdom was pleased to note that Lesotho had accepted a high number of recommendations and, in particular its recommendations on establishing the delayed National Human Rights Commission in accordance with the Paris Principles, prioritising enacting the draft Children's Protection and Welfare Bill, ensuring that provisions of the Convention on the Rights of the Child were fully incorporated into national legislation and prioritising the enactment of the domestic violence bill. It also welcomed the provision of an addendum to the report of the Working Group and looked forward to future opportunities to discuss follow-up and implementation. It noted that its recommendation to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights did not enjoy Lesotho's support and expressed hoped that Lesotho would be in a position to reconsider that point in the future.

259. Nepal welcomed the commitments of Lesotho and its comprehensive engagement with the process of the Universal Periodic Review. Nepal appreciated initiatives undertaken by Lesotho in enhancing people's participation in law making, policy formulation and the fielding of proposals to ensure full enjoyment of human rights of their people. The high literacy rates, political empowerment of women, improvement in health services and freedom of press were indicative of the policy successes. Nepal stated that the steps taken to establish a national human rights commission were laudable.

260. Nigeria commended Lesotho for insightful comments on the Working Group report, which demonstrated the country's readiness to continue to engage with the United Nations human rights system. It commended Lesotho for the additional information provided on the protection of human rights in spite of numerous challenges and on its acceptance and work towards the implementation of most recommendations made during its review. It called on the international community to support these efforts through technical assistance and capacity building programmes.

261. Zimbabwe thanked Lesotho for its acceptance of most of the recommendations and to the work in progress with regard to implementing them. This was a clear testimony of Lesotho's full cooperation with the Human Rights Council with a view to further enhancing and advancing the promotion and protection of human rights. Zimbabwe noted that despite limited resources, Lesotho made tremendous progress in all fields that had helped consolidation of human rights. Zimbabwe also noted with satisfaction that Lesotho had rejected recommendations which were made in disregard of Lesotho's culture and traditions that are deeply rooted in the promotion and protection of human rights through oneness of Basotho.

262. Botswana commended Lesotho's openness, objectivity and constructive engagement during the Working Group review and congratulated the government on providing responses to recommendations. It welcomed the fact that Lesotho had accepted the majority of recommendations and noted that a very good number were already being implemented and wished it well in implementing those accepted commitments. Noting that Lesotho was a developing country that continued to face challenges in the implementation of its international human rights obligations domestically and internationally, it expressed hope that the government would benefit from the support of the international community in that regard.

263. Kenya warmly welcomed the delegation of Lesotho and thanked Lesotho for the reply to the recommendations made during the working group. Kenya noted that Lesotho had made a lot of efforts in accepting a majority of the recommendations, which was a clear indication of its commitment to the promotion and protection of the human rights of its citizens. Kenya took note of the commitments made by Lesotho to improve human rights through the UPR process and congratulated Lesotho on the conclusion of its review.

264. South Africa commended Lesotho for having accepted many recommendations made and thanked its government for the constructive approach demonstrated during the review process. South Africa considered the recommendations as a contribution to the enhancement of promotion and protection of human rights in the country and will assist in the fulfilment of its human rights obligations. It recalled that many challenges facing Lesotho were caused by the current financial and food crisis and stated that continued work would be required in the provision of health services, especially to combat HIV/AIDS. It welcomed Lesotho's continued fight against poverty as well as steps taken in eliminating discrimination against women and improving the living conditions of the people of Lesotho.

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

265. Canadian HIV/AIDS Legal Network addressed recommendations 98, paragraphs 2, 4 and 5, which called for the amendment of the penal code provisions which criminalised consensual sexual activity between persons of the same sex and stated that criminalisation of consensual same sex activity constituted a violation of established international human rights law and undermined public health initiatives. It referred to the statements of the Nobel Peace Prize Winner, Archbishop Desmond Tutu as well as the United Nations Secretary General, who called for an end to criminal laws against homosexuality, and expressed their disappointment that Lesotho did not accept these recommendations.

266. Conectas Direitos Humanos expressed appreciation for the accommodating stance of Lesotho to the views of civil society during the review process and its willingness to establish a broad-based forum for the inclusion of civil society, academia and other sectors in creating governance structures based on respect for human rights. In its view, all recommendations put forward to Lesotho were in line with its other commitments, particularly under the African Peer Review Mechanism and international legal instruments to which Lesotho was party. It noted that those recommendations that did not enjoy support had to do with abolishing capital punishment, protecting LGBTI rights, combating trafficking of women and children, decriminalisation of defamation, use of juvenile training centres as alternative care for children in conflict with law, as well as withdrawal of the reservation on article 2 of CEDAW.

#### 4. Concluding remarks of the State under Review

267. The Minister thanked the Working Group for the successful interactive session in May. She appreciated the opportunity to further clarify Lesotho's positions far as its commitment to the promotion and protection of the enjoyment of universal human rights by all of its concerned before the council. The delegation thanked the troika that coordinated Lesotho's UPR. The delegation reiterated its commitment to work and cooperate with the Council and Member States. The delegation highlighted that it could not implement its human rights obligations at a higher pace than of the entire Lesotho Nation. The delegation noted the need to enhance its capacity in training and raising awareness on human rights, and indicated that capacity and resources permitting, Lesotho shall continue to carry its human rights obligations.

#### Kenya

268. The review of Kenya was held on 6 May 2010 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

- (a) The national report submitted by Kenya in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/8/KEN/1);
- (b) The compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/8/KEN/2); and
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/8/KEN/3).

269. At its 17th meeting, on 22 September 2010, the Human Rights Council considered and adopted the outcome of the review on Kenya (see section C below).

270. The outcome of the review on Kenya comprises the report of the Working Group on the Universal Periodic Review (A/HRC/15/8), together with the views of Kenya concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group.

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

271. Kenya reiterated its commitment to the UPR and to promoting universally recognized human rights and fundamental freedoms for all. Kenya recalled that its new Constitution had been promulgated on 27 August 2010. The new Constitution addressed governance challenges, renewed the faith of Kenyans in the rule of law and established value-driven national institutions. It promised to restore integrity in the executive, judiciary, parliament and electoral system and represented a new beginning in the process of political transformation, and a unique opportunity for national healing and reconciliation.

272. Recalling that 150 recommendations had been made by delegations during the review in May, Kenya noted that it had accepted 128 of these recommendations and postponed the consideration of 15. Only 7 recommendations had not enjoyed the support of Kenya. With regard to the postponed recommendations, Kenya reported that broad consultations had been held at the national level and that a number of measures had been taken to implement these recommendations, many of which related to the holding of a peaceful referendum on the new Constitution, prohibiting discrimination on the grounds of sex, and implementation of human rights instruments to better protect children, marginalized communities, persons with disabilities and freedom of information, in addition to the need for institutional reform. Kenya noted that the referendum on the new Constitution had been held on 4 August in a peaceful manner. The new Constitution guaranteed most of the rights that had been subject to the UPR recommendations and also the right to everyone to institute court proceedings where rights were denied or violated. The Government was also implementing measures to reform the

judiciary and police and had published a number of bills in this regard, including an Independent Police Oversight Authority Bill.

273. With regard to recommendations on the ratification of international instruments, Kenya noted that an advisory/consultative committee was assessing all international instruments, including optional protocols, to which Kenya was not a state party. Kenya also indicated that the death penalty had been retained in the new Constitution and that any attempts to abolish it would not enjoy parliamentary approval at this time.

274. Kenya further noted that, while no action had yet been taken on the recommendation to establish a local tribunal to try the perpetrators of the 2007 post-election violence, Kenya had signed an agreement with the International Criminal Court (ICC) granting it immunity and privileges to operate locally, thus giving it permission to set up a court in the country to try post-election violence suspects should it wish to do so. Kenyan resistance to a local tribunal in preference to the ICC was borne out of the mistrust that Kenyans had with the national justice mechanisms. It was hoped that the ongoing reforms in the justice system would greatly help in changing this perception.

275. With regard to the seven recommendations which had not enjoyed the support of Kenya in May, Kenya indicated that, after national consultations, it was now in a position to accept the recommendation on the protection of rights of “indigenous peoples”, without giving undue weight to the terminology, bearing in mind also that the new Constitution recognized the existence of marginalized communities, which included indigenous communities. Kenya further informed that measures had been taken to implement recommendations on extrajudicial executions, including through institutional changes in the police and the enactment of new legislation.

276. In view of the above developments, Kenya stated that out of the seven recommendations that did not enjoy the support of the delegation in May, only the recommendation on decriminalizing same sex unions had been rejected in full.

277. In conclusion, Kenya reaffirmed its commitment to the promotion and protection of human rights and its support for the UPR-process.

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

278. Algeria noted that the holding of the successful referendum on the new Constitution reinforced democracy in the country and was a major advance in realising the planned reforms. Algeria was particularly pleased with the progress made to promote social economic and cultural rights through programmes aimed at achieving the Millennium Development Goals. Algeria noted that the long term strategy contained in ‘Kenya Vision 2030’ guided the national development programme and projects promoting national reconciliation, economic reconstruction, and the fight against poverty and unemployment.

279. Egypt stated that it had had the honour of being a troika member for the review of Kenya. It noted that there was a high degree of openness on the part of Kenya in its consideration of the recommendations, and that such openness was also demonstrated by Kenya’s cooperation with the UPR process, as well as its seriousness and political will to sustain national reconciliation and institutionalize the promotion and protection of human rights. Egypt congratulated Kenya on the promulgation of its new Constitution. It noted the efforts and challenges outlined by Kenya in fulfilling its human rights obligations and called on the international community to assist Kenya in this regard.

280. The United Kingdom was pleased to note that four of its recommendations enjoyed the support of Kenya and welcomed the successful adoption of a new Constitution. However, it expressed disappointment with Kenya’s hosting of President Bashir at its constitutional ceremony, which was in violation of Kenya’s obligations under the Rome Statute. The United Kingdom indicated that there were numerous reports of impunity causing instability in Kenya. Action against impunity was vital to the future of the region. It welcomed commitments made by Kenya to cooperate with the ICC to achieve justice for victims of the 2007 post-election

violence, as well as commitments to improve human rights through the universal periodic review.

281. Morocco noted considerable efforts to promote economic, social and cultural rights though an ambitious development agenda. However, Morocco noted that these objectives could not be achieved without international assistance, particularly from the High Commissioner for Human Rights. Joint effort by the United Nations and the Kenyan Government were needed to secure implementation of the recommendations and voluntary pledges and to reinforce measures taken within the framework of Vision 2030. The visionary nature of this project would allow the government to secure just and equitable development in all regions and consolidate the culture of social peace and national reconciliation.

282. Djibouti noted with satisfaction that most of the recommendations made during the working group had been accepted and encouraged Kenya to continue its efforts to secure the promotion and protection of human rights and meet the Millennium Development Goals.

283. Sri Lanka commended the manner in which Kenya had participated in the UPR process and the detailed responses provided by the delegation. It welcomed the establishment of the National Commission on Gender and Development and the Anti-Corruption Commission and stated that the strengthening of institutional mechanisms was a key element in improving the overall human rights situation. Sri Lanka acknowledged Kenya's efforts in the promotion and protection of human rights and was pleased to note the achievements made.

284. Nepal congratulated the Government and people of Kenya on the new democratic Constitution, which had been endorsed by the people through a national referendum. Nepal welcomed Kenya's long term plan, Vision 2030, and was encouraged to see the progress made in national reconciliation. Nepal noted also Kenya's active role and constructive contributions in the Human Rights Council.

285. Rwanda noted that Kenya had accepted most recommendations made during its review and had taken steps for their implementation. Rwanda had no doubt that the recommendations formulated during the review would continue to be used as guidelines by Kenya in the implementation of its commitments. Rwanda congratulated Kenya on the recent promulgation of the new Constitution, which had been adopted by referendum, and commended the Government and people of Kenya for the peaceful and transparent manner in which the referendum had been conducted. Rwanda believed that the new Constitution would provide the Government with better tools to fully discharge its national obligations and commitments.

286. Nigeria congratulated Kenya on the successful conclusion of its constitutional review and the adoption of a new constitution and commended the delegation for its successful engagement in the UPR process. It was pleased to note the undertakings and positive steps taken by Kenya thus far in fulfilling its international human rights obligations and ensuring enjoyment of economic, social and cultural rights. Nigeria encouraged Kenya to remain steadfast in pursuing measures in accordance with its national priorities to enhance the enjoyment of human rights by its people. Nigeria called on the international community to render all necessary assistance to Kenya in fulfilling its human rights obligations.

287. Zimbabwe expressed appreciation for the acceptance by Kenya of most recommendations, stating that those recommendations that had been rejected were of concern not only to Kenya, but to all Africans, as they were contrary to African traditions. Zimbabwe stated that certain aspects of Kenya's human rights record had been exaggerated. It expressed optimism that the momentum in the promotion and protection of human rights in Kenya would be maintained.

288. Botswana welcomed additional information provided in response to some of the issues that had been raised during the review as well as the fact that Kenya had decided to take on board many of the recommendations made. Botswana expressed understanding for the challenges that some of the recommendations placed on the national legislative process and implementation framework and hoped that Kenya would be accorded the policy space by the international community in efforts to meet their domestic and international human rights obligations. Botswana also congratulated Kenya on the adoption of the new Constitution.

289. Lesotho noted with satisfaction that Kenya had accepted many of the recommendations made, including the recommendation made by Lesotho. It expressed appreciation for measures adopted to reduce poverty and to achieve economic development goals. Lesotho also noted with appreciation efforts in relation to the ratification of ICCPR-OP1, ICESCR-OP and OP-CEDAW. It welcomed the decision to allow the ICC to investigate the 2007 post-election violence and stated that this, together with the adoption of the new Constitution, would go a long way in bringing about the much needed reconciliation among Kenyans.

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

290. Kenya National Commission on Human Rights (KNCHR) commended Kenya for its positive engagement with the UPR process and stated that it would support and monitor the implementation of the UPR recommendations. It also commended the people of Kenya for adopting a new Constitution, which would aid the recovery of Kenya from its 2007 post-elections trauma. In this regard, KNCHR noted that punishing high and middle level perpetrators of the violence was a key part of the recovery process and that Kenya should ensure cooperation with the ICC to this end. It further stated that Kenya should take steps to better enable visits and human rights missions by United Nations mandate holders and put in place a clear policy framework to this end. KNCHR also called on Kenya to seek the immediate de jure abolition of the death penalty.

291. Action Canada for Population and Development (ACPD) welcomed that Kenya had accepted a number of recommendations and undertaken to revise national laws to fully uphold the principle of non-discrimination, eradicate the use of torture and ill-treatment by public officials, and take effective measures to safeguard the work of human rights defenders. However, ACPD was disappointed that the Government had rejected recommendations to provide for the protection and equal treatment of lesbian, gay, bisexual, transgender and intersex persons, who were repeatedly discriminated against and continued to face threats of violence as well as torture, ill-treatment and harassment at the hands of public authorities. ACPD recalled the statement of the Secretary General that cultural considerations should not stand in the way of basic human rights, and urged the Government to respect, protect and fulfil the rights of all Kenyans.

292. World Organisation against Torture (OMCT) commended Kenya for the adoption of a new Constitution, which provided a favourable legal environment for the protection and promotion of human rights. However, it was concerned by Kenya's breach of its obligations under the Rome Statute of the ICC by failing to arrest President Al-Bashir and by harassing two human rights defenders who publically protested on this occasion. With reference to the recent agreement between Kenya and the ICC to enable the latter to conduct investigations into the 2007 post-election violence, OMCT urged full cooperation with the ICC as well as a domestic mechanism to facilitate the investigation and prosecution of other perpetrators, who would not be dealt with by the ICC. OMCT further urged Kenya to respect the work of human rights defenders and to raise public awareness concerning the degrading nature of the death penalty and the need for its abolition.

293. Rencontre Africaine pour la defense des droits de l'homme (RADDHO) deplored the fact that the Government had neither implemented the recommendations of the Commission of Inquiry into the post-electoral violence of 2007 nor the recommendations of the Special Rapporteur on extra-judicial killings. RADDHO also regretted the persistence of impunity, noting that those responsible for the post-electoral violence had still not been identified. At the same time, human rights defenders and witnesses of the violence continued to be subject to intimidation. RADDHO encouraged the government to continue to strengthen relations between difference communities and minorities so as to protect their rights and move towards the national reconciliation foreseen in the Kenya Vision 2030. RADDHO further encouraged the Government to combat discrimination against women, notably in relation to female genital mutilation, and to harmonize anti-terrorist measures with international human rights standards.

294. Franciscans International (FI) welcomed Kenya's support for a significant number of recommendations, particularly those related to the necessity of effective measures to prevent and punish all forms of violence against women, awareness-raising programmes on the rights of women, and the strengthening of law enforcement and the judicial system. FI expressed concern about the situation of single mothers and urged Kenya to develop a policy addressing the specific challenges faced by this particular vulnerable group. FI urged Kenya to ratify OP-CEDAW. It welcomed Kenya's support for the recommendation made by Spain to ensure the equitable distribution of water and food to the entire population. It recommended that Kenya invest in research to prevent the negative impact of bio-fuel production on food production areas.

295. International Federation of Human Rights Leagues applauded Kenya for supporting 128 recommendations and suggested, in light of the adoption of the new Constitution, that the government (i) fully operationalize the provisions of the Persons with Disabilities Act 2003 and put in place measures to ensure the full realization and enjoyment of the rights of persons with disabilities; (ii) pass the reproductive health bill into law to comprehensively deal with the issues of reproductive health and maternal mortality; and (iii) track the nature and extent of women's participation in the political arena and measures to enhance their participation. The Government was also urged to fulfil its obligations in respect of the rights to education, health, housing and food, as enshrined in the new Constitution.

296. Conectas Human Rights applauded Kenya for reconsidering the recommendations pertaining to the rights of indigenous peoples. It was encouraged by the promulgation of the new Constitution and the expansion of its bill of rights to include the rights of minorities and marginalized groups. It suggested that Kenya fully implement recommendations relating to minorities and indigenous peoples; that it commit to the implementation of recommendations relating to indigenous peoples made by the Special Rapporteur; and that it consider ratifying ILO Convention 169 and adopting the UN Declaration on the Rights of Indigenous Peoples.

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

297. Kenya informed that the Ministry of Justice had set a timeline to consider the outcome of the UPR and prepare a road map for its follow-up. Referring to its constitutional process for ratifications, Kenya noted that the question of ratification of international instruments, including the Convention on Enforced Disappearances and ILO Convention No. 169, would be considered very soon. In this context, Kenya also provided an undertaking to submit a progress report to the Council.

#### **Armenia**

298. The review of Armenia was held on 6 May 2010 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

- (a) The national report submitted by Armenia in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/8/ARM/1);
- (b) The compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/8/ARM/2); and
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/8/ARM/3).

299. At its 17th meeting, on 22 September 2010, the Human Rights Council considered and adopted the outcome of the review on Armenia (see section C below).

300. The outcome of the review on Armenia comprises the report of the Working Group on the Universal Periodic Review (A/HRC/15/9), together with the views of Armenia concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were

not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/15/9/Add.1)

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

301. Armenia thanked all member states of the Human Rights Council and observers that participated in its review at the Working Group session in May 2010 with a constructive attitude, sharing their assessment of the human rights situation in the country. Armenia noted that this was a good opportunity to get reassured of their successes on the path to building a truly democratic society where rule of law reigns and all human rights are fully protected and promoted. Likewise, it was a chance to revisit all outstanding issues.

302. Armenia approached the universal periodic review process with a genuine will to get the utmost out of this exchange among friends in order to make adjustments to their existing policies and adopt new ones, if necessary, to further advance the human rights situation in the country. Armenia was the first delegation to respond in writing to all advance questions before the review took place and hoped that, this will become a practice in the Council as it allows for more informed and updated recommendations to be presented to member states undergoing review.

303. Armenia indicated that regrettably, their open and constructive approach was not entirely reciprocated. There were attempts at the review to politicize the discussion diverting it to issues which were beyond the scope and mandate of the Working Group. Moreover, the unacceptable procedural violations with which the draft report was prepared raised numerous concerns with the delegation, making it imperative for the Council to continue the work towards improving the working methods to ensure equal treatment among all UN member states and unacceptability of political considerations getting into way of clearly defined rules.

304. Armenia received 85 recommendations from 47 countries and expressed its position on 80 of them during the Working group meeting on 10 May. 52 recommendations were considered implemented or in the process of implementation, 27 enjoyed their support as being in line with the policies in place and the projected programs. Only one recommendation was rejected as not corresponding to the actual situation on the ground.

305. In the follow up to the UPR discussion Armenia has again closely reviewed the remaining 5 recommendations. To this end, a round-table was organized in July 2010 with the participation of the representatives of the line ministries and all international and regional organizations represented in the country. Armenia prepared written answers to the remaining 5 recommendations and those considered already implemented. Their views have been presented in detail in the document submitted to the Human Rights Council in September 2010 (A/HRC/15/9/Add.1). Armenia indicated it was not able to accept in full two recommendations and rejected another two. Thus, Armenia accepted 81 out of the 85 recommendations, or 95% of all recommendations.

306. Armenia accepted recommendation 95.1. Armenia rejected the recommendation 95.3 as politically motivated prosecution is not exercised in Armenia. Moreover, any case of such allegations needs thorough consideration, and no international reliable body, including those within the Council of Europe, has registered such cases in Armenia despite voiced allegations.

307. Armenia considered the recommendation 95.4 on granting licenses to radio and television broadcasters implemented.

308. Armenia rejected in part, two of the remaining recommendations (A/HRC/15/9, recommendations 95.2 and 95.5) that were pending the Government's position. No separate definition of discrimination against women can be introduced in the Armenian legislation as all manifestations of discrimination are prohibited Article 14.1 of the Constitution, the Criminal Code, the Labour Code, and the Family. The current legislation in place is in full accordance with this requirement, and therefore, introduction of a separate clause referring to one of the

sexes will violate the gender-neutrality principle of the Armenian legislation. As for the Law of the Republic of Armenia “On conducting meetings, assemblies, rallies and demonstrations,”

309. Armenia indicated that the country faced significant changes in 2008 which allowed for a more clear and unequivocal regulation of these relations. All amendments to the Law underwent international expertise which qualified them being in conformity with international standards, and those of the Council of Europe.

310. Armenia considered 16 recommendations already implemented and has presented a detailed account of its position in the Addendum document. In addition, two other recommendations have been implemented. Recommendation 94.8 has been successfully carried out and the Working Group on Arbitrary Detention has just concluded its visit to Armenia that took place from 6 to 15 September 2010. Recommendation 94.23 touching upon the decriminalization of libel has also been implemented as the Criminal Code was amended on 18 May 2010, by the National Assembly of Armenia. Its full implementation is also guaranteed by the respective changes introduced into the Civil Code of Armenia.

311. Armenia is willing to comply with the recommendations, to review its policies, to carry on with its commitments in ensuring political rights, to continue with the reforms to protect human dignity and freedom of thought, conscience, and religion, to enforce economic, social and cultural rights and strengthen the national institutions of human rights. Armenia is appreciative of the assessment of the specific steps that the country has taken to improve lives of its citizens, and women and children, in particular.

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

312. Algeria noted Armenia’s commitment to continue cooperating closely with United Nations human rights bodies and its accession to a large number of human rights treaties. Algeria praised again the progress made in the fields of health care and reduction in infant mortality rate, as well as the efforts aimed at combating poverty and improving the living conditions of the population. Algeria welcomed the additional information provided by Armenia today, as well as its commitment towards the promotion and protection of human rights. Algeria noted that Armenia had accepted a large number of recommendations, including those made by Algeria.

313. Azerbaijan noted that 11 of the recommendations it had made were accepted by Armenia and underscored that their implementation will have a positive impact on the overall human rights situation in the country. Azerbaijan regretted that its recommendation on measures to eliminate discrimination against the Yezidis was not accepted with the view that it did not correspond to the actual situation. It emphasized that this recommendation reflected a 2002 concern expressed by CERD which was included in the compilation prepared by the Office of the High Commissioner for Human Rights in the context of the review.

314. Egypt welcomed the commitment of Armenia to the UPR process, a commitment which is not only demonstrated by the acceptance of 81 out of 85 recommendations during the review session, but also by its willingness to cooperate on the remaining recommendations. Egypt appreciated in particular, the acceptance by Armenia of the four recommendations made by Egypt. Egypt was confident that Armenia would spare no efforts to continue its work to promote and protect human rights and fundamental freedoms. Egypt also welcomed the establishment in recent years of an Office of Human Rights Defender.

315. Cyprus noted with appreciation that Armenia participated in the UPR process in good faith and showed a sincere will to discuss its human rights record. Cyprus considered that this constructive approach demonstrated Armenia’s willingness to engage in a genuine dialogue with respect to its international obligations. It commended Armenia for accepting the overwhelming majority of the recommendations, including those it had made. Furthermore, Cyprus noted with appreciation that Armenia had seriously responded and even accepted

recommendations from countries with which it does not enjoy diplomatic relations, thereby demonstrating due respect to the UPR process.

316. The United Kingdom of Great Britain and Northern Ireland thanked Armenia for its responses to the recommendations contained in the report of the UPR Working group. It welcomed the support to their recommendations, namely: signature and ratification of the Second Optional Protocol to the ICCPR; taking immediate steps to make domestic violence a criminal offence; and ratification of the Rome Statute of the International Criminal Court, enjoyed the support of Armenia. While welcoming the commitment of Armenia to tackle domestic violence, the United Kingdom encouraged Armenia to address the full spectrum of discrimination experienced by women.

317. Belarus considered that the UPR made it possible to assess the success achieved by the country in implementing economic and social rights and in developing its legislation. It welcomed the intention of Armenia to work further to implement the UPR recommendations, the great majority of which have been accepted. Belarus commended the steps taken by Armenia to implement its treaty body obligations as well as the government's policy to ensure religious freedom and measures to combat trafficking, including through the recent adoption of the third national plan of action to combat trafficking in persons.

318. The Russian Federation welcomed the constructive approach of Armenia to the UPR. It noted that Armenia had accepted almost all of the recommendations, most of which have been implemented or are being implemented. The Russian Federation believed that the implementation will serve to further build upon the progress achieved on a broad range of human rights protection issues in Armenia. It noted the work done in preparation of the national report, which attested to Armenia's serious approach to the UPR, as well as its intention to work to adopt concrete measures to improve human rights in the country.

319. Kazakhstan indicated that the UPR process had been a good opportunity to further enhance Armenia's efforts in the promotion and protection of human rights and stated that Armenia had demonstrated its commitment to cooperate constructively with the UPR mechanism. Kazakhstan noted with appreciation that Armenia had supported 81 out of 85 recommendations made during the Working Group review. Kazakhstan expressed its conviction that Armenia will continue its efforts for the protection of human rights and encouraged the government to give greater attention to the improvement of the rights and living conditions of the most vulnerable populations.

320. Italy took note of the recent developments since the review of Armenia, namely the ratification of the Convention on the Rights of Persons with Disabilities and the adoption of the 2010-2012 National Action Plan for Combating Trafficking in Human Beings. Italy looked forward to the adoption of the Law Ensuring Equal Rights and Equal Opportunities for Men and Women, whose draft is under elaboration. Italy stated that the UPR outcome could form the basis of further initiatives for the promotion and protection of human rights in Armenia with a view to establishing new collaborations with United Nations agencies and regional organizations.

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

321. Verein Sudwind Entwicklungspolitik (Sudwind), commended Armenia on its acceptance of the majority of the recommendations made during the inter-active dialogue including recommendations regarding the ratification of several international instruments and recommendations to adopt a law to ensure equal opportunities for men and women and the adoption of the third national plan on combating trafficking. Nevertheless, Sudwind noted that Armenia is a country with a traditionally patriarchal society and a high rate of violence against women, and thus urged the country to give more attention to this issue and, in particular, accelerate the process of adopting a national law on violence against women.

322. In a joint statement, European Regional of the Lesbian and Gay Association (ILGA-Europe) and Federatie van Nederlandse Verenigingen tot Integratie Van Homoseksualiteit (COC Nederland) urged Armenia to ensure compliance with international standards by:

providing public education and awareness programmes in relation to discrimination on the grounds of sexual orientation and gender identity, and providing sensitivity training to police, judicial and other authorities to promote respect for all persons, including on the grounds of sexual orientation and gender identity; and applying the Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity as a guide to assist policy-making in this area.

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

323. With regard to a comment made by a delegation Armenia recalled that the situation did not correspond to the actual state of affairs on the ground and that the report presented contained old information. The most updated information was available in the reports of respective Council of Europe bodies which stated that there was no discrimination against any national minority in Armenia. It indicated that the coming reports to CERD and CRC, which would contain a chapter on the situation of the rights of minority children, will confirm the situation and enhance their efforts in this direction.

324. Armenia reaffirmed its commitment to implement all its obligations towards improving the protection and promotion of human rights in the country. Armenia stands ready to fully cooperate with the Council all UN special procedures, and all actors in the field, as well as at the national or international levels, toward achieving prosperity and full enjoyment of all rights by all the citizens in the country.

325. Armenia further clarified that recommendations 95.2 and 95.5, which are rejected partially, were noted.

326. Armenia thanked the President of the Human Rights Council, the Troika Member States, the Office of the High Commissioner for Human Rights and the Secretariat for all the support extended to Armenia in the process.

#### **Sweden**

327. The review of Sweden was held on 7 May 2010 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

- (a) The national report submitted by Sweden in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/8/SWE/1);
- (b) The compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/8/SWE/2); and
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/8/SWE/3).

328. At its 18th meeting, on 22 September 2010, the Human Rights Council considered and adopted the outcome of the review on Sweden (see section C below).

329. The outcome of the review on Sweden comprises the report of the Working Group on the Universal Periodic Review (A/HRC/15/11), together with the views of Sweden concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/15/11/Add.1).

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

330. H.E. Jan Knutsson, Permanent Representative of Sweden to the United Nations at Geneva, highlighted that the promotion and respect of universal human rights was a core value and a central priority for Sweden, as well as a cornerstone of Sweden's foreign policy. Sweden

welcomed the opportunity to engage in its human rights work with interested parties and stated that ensuring respect for its international human rights obligations was a continuous process.

331. While preparing for the review, Sweden consulted civil society organisations, including organisations representing indigenous peoples and national minorities. The draft national report was posted on the Swedish Government's human rights website, to allow the broadest possible transparency. After the review, Sweden held a first follow-up meeting with civil society.

332. Sweden received a large number of recommendations, of which it had accepted the large majority. Some of the issues deserving further consideration were addressed in the addendum to the Working Group report.

333. Several states encouraged Sweden to establish a national human rights institution. Sweden indicated that the Delegation for Human Rights was examining this issue and that its findings would be presented to the Government by 30 September 2010. Accordingly, pending the result of the inquiry, the Government would take no position on the matter.

334. In connection with recommendations relating to racism and the treatment of immigrants and members of minority groups, Sweden underlined that it was committed to be an open and inclusive society. It added that crimes of a racist, xenophobic or homophobic nature run contrary to Swedish fundamental values and that since the mid 1990-s Sweden had taken a number of steps to counter worrying indications of an increase in hate crime, and that it would continue to do so.

335. Sweden did not accept the recommendation calling upon it to ban racist organisations. Sweden explained that there was a constitutional ban on censorship, so it was not permitted for a public authority to scrutinise, prior to dissemination, a text or other message. Sweden stated that it had comprehensive legislation in place to address racism. The Penal Code contains provisions covering contempt or discrimination on the ground of race, colour or national or ethnic origin; namely those relating to agitation against a national or ethnic group and unlawful discrimination. The Act on Responsibility for Electronic Bulletin Boards also counteracts agitation against a national or ethnic group and could be applied to racist propaganda. The Penal Code provides for aggravated sentencing when the motive for an offence is xenophobic, or otherwise motivated by hatred. Thus, while an organisation as such may not be illegal, specific statements of a racist character can be punishable.

336. Sweden accepted the recommendation to pay more attention to the issues of Islamophobia, hatred towards Muslims and incitement to hatred against Muslims, while underlining that the Government was already paying continuous attention to these issues.

337. Regarding the recommendation to provide health care to persons residing in Sweden without a permit on the same basis as to persons domiciled in the country, Sweden clarified that those asylum seekers under the age of 18 and children who have gone into hiding were entitled to health and medical care on the same conditions as all other children domiciled in Sweden. It added that nobody could be denied emergency care on the grounds of inability to pay. A government inquiry was currently examining the issue of subsidised health care for persons staying in Sweden without having applied for the necessary permits, and its final report would be released in May 2011. Therefore, the issue raised by this recommendation was under review.

338. Regarding recommendations related to the Sámi indigenous people, Sweden stated that a central tenet of its policy was that Sámi persons must enjoy the same respect for human rights as all other persons. Parliament had recognised the Sámi as Sweden's only indigenous people, and the Government proposed to Parliament in December 2009 that the Sweden's Constitution be amended to give explicit recognition to the Sámi.

339. Sweden concluded by stating that it considered the UPR as part of its national endeavours to ensure systematic human rights work, and that UPR recommendations would be an important reference point in its work. It also indicated that it would continue to consult stakeholders in the follow-up of the review.

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

340. Cuba noted that Sweden had rejected an important number of recommendations, without providing explanations with regard to many of them. Cuba noted with concern that Sweden had rejected Cuba's recommendation to put an end to the denial of the right to education of children belonging to minorities or children which do not have a residence permit. Cuba noted Sweden's response, which it considered incompatible with Sweden's international obligations regarding the rights of the child. Cuba regretted that Sweden had also rejected its recommendation to put an end to the utilization of Swedish territory as a transit point for the Central Intelligence Agency's flights transporting people whose human rights had been violated. Cuba indicated that Sweden had not yet identified those responsible for these acts and had not brought them to justice. Cuba encouraged Sweden to strengthen its efforts to combat racial discrimination, xenophobia and intolerance, especially that affecting Sinti and Roma minorities and migrants and their families.

341. Algeria extended its warm greetings to the delegation of Sweden. It noted as a welcome sign the fact that Sweden had adopted 88 recommendations at the level of the Working Group including two recommendations made by Algeria. However, referring to Algeria's recommendation to adhere to the International Convention on the protection of Migrant Workers and their families which is a core human rights instrument, Algeria noted Sweden's comments according to which it had already complied with most of the principles set out in the Convention. This was a fortunate situation and Algeria recalled that the Parliamentary Assembly of the Council of Europe, of which Sweden is a member, adopted recommendation n° 1731 of 17 March 2006 recommending ratification of the said Convention. Thus Algeria stressed that the adherence of Sweden to this Convention would make it possible to address allegation of exploitation that Asian migrants are said to be enduring in Sweden.

342. Belarus noted that the 147 recommendations made to Sweden provided an overall picture of rights climate, which convinced Belarus that there was no one country which was saved from gaps in the promotion and the protection of human rights. Belarus was grateful for the submission of detailed comments on the recommendations it made, but regretted that Sweden declined Belarus' recommendation related to the development of a policy to strengthen the institution of the family and to develop traditional family values. Belarus could not agree with Sweden's idea that there was no pressing need to step up the significance of the family. Belarus regretted that Sweden declined another recommendation made on the adoption of measures to prevent the dissemination of views and propaganda based on racial hatred. Belarus did not consider that there was a rational balance in the national legislation between the protection of freedom of opinion and the prohibition of manifestation of racial hatred including in the mass media. Belarus called upon Sweden to continue to work to further develop its migration policy and to bring its national legislation into line with international standards. It noted with regret that Sweden rejected all the recommendations relating to the accession to the International Convention on the Rights of Migrant Workers and their Families (ICRMW).

343. The Islamic Republic of Iran appreciated that some of its recommendations had been accepted or noted. However, Iran remained concerned over a number of issues, inter-alia, Sweden's rejection of the recommendation to ratify ICRMW, the persistent discrimination against Roma and Sami and increasing numbers of racially motivated hate crimes; the implementation of a ban on racist organizations; the specific needs of migrant children and their rights to education, health and adequate housing; the issue of torture in the national legislation; violence against women and the necessity to develop a national plan of action to combat it. It called upon the government of Sweden to adopt and take effective laws and measures to effectively address the recommendations including those provided by the Islamic Republic of Iran.

344. Thailand commended the Swedish government's active contributions towards human rights and humanitarian activities at both domestic and international levels. Thailand supported the recommendation for the Swedish government to consider the establishment of a national human rights institution in accordance with the Paris Principle. It also welcomed the recommendations related to measures dealing with violence against women. Thailand

encouraged Sweden to further strengthen the protection of human rights of migrant workers, especially the rights of women who were victims of trafficking. Thailand urged Sweden to take steps to ensure the implementation of its policies on combating sexual violence as well as its law prohibiting the purchase of sexual services, hoping that these laws would provide an important tool for preventing trafficking and sexual exploitation of both women and children.

345. Indonesia thanked the delegation of Sweden for its updates and detailed information. It commended Sweden's long-standing tradition of promoting human rights, democracy and providing international development assistance to countries in need. It noted that Sweden had not yet established a national human rights institution in line with the Paris Principles and reiterated its recommendation to continue working in this area. While expressing support for press freedom and freedom of expression, Indonesia stressed that deliberate religious-based provocative acts only perpetuate Islamophobia and intolerance and undermine collective efforts to promote peace, mutual respect and understanding between different communities. Indonesia hoped that such examples of intolerance would not be repeated and that Swedish legislation prohibiting such crimes and hate speech would be strengthened. Indonesia also welcomed Sweden's initiative to establish bilateral dialogues on human rights, including with Indonesia.

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

346. International Save the Children Alliance (ISCA) called on Sweden to prioritize the rights of undocumented children by, inter alia, implementing recommendations calling it to adopt a legislative framework to ensure that all migrant children have access to the same health care services. ISCA stressed the importance of including both undocumented children and adults in the right to health care, since the wellbeing of a child is linked to that of its parents. ISCA referred to recommendation no. 95.80 and called on the Government to ensure that the principle of the best interest of the child would guide all related processes and decisions, especially in asylum-seeking cases involving children. ISCA called upon Sweden to appoint an inquiry charged with framing legislation which establishes that child-specific reasons or specific forms of persecution may serve as grounds for granting refugee status or other protective status.

347. Women's International League for Peace and Freedom (WILP) strongly supported the recommendations of treaty bodies that Sweden allocate sufficient funding for the advancement of women and, in this regard, requested the Swedish government to look upon disarmament and decrease of military spending as a way to ensure sufficient funds. It mentioned the Beijing Declaration and Platform for Action that called on governments to reduce excessive military expenditures and control the availability of armaments with the purpose of increasing the amount of available resources to inter alia human security, renewable energy and sustainable infrastructure. Selling arms to unstable countries undermined the principle of the "Responsibility" to protect and facilitated budget allocations contrary to both the letter and the spirit of the Beijing Declaration and Platform for Action, UN Charter and recommendations from Treaty Bodies. WILP called on Sweden to reconsider its trade policies, in particular the sale of arms and equipment so as to comply with its international obligations.

348. In a joint statement, European Region of the Lesbian and Gay Association (ILGA-Europe) and Federatie van Nederlandse Verenigingen tot Integratie Van Homoseksualiteit (COC Nederland) commended Sweden in particular for accepting recommendations 95.45, 95.87, and 96.9 related to the protection of all persons against discrimination based on sexual orientation. ILGA-Europe and COC Nederland noted that the new Discrimination Act was a positive development; however they remained concerned about the existing sterilization requirement for transgender people in order to have their gender changed in their passport. They called upon Sweden to adopt legislation in order to change this situation. They also recommended to extend the promotion of equality of rights and opportunities in relation to sexual orientation or gender identity to legislation, policies and practices concerning people who seek asylum based on their sexual orientation, gender identity or gender expression.

349. Indian Council for South America (ICSA), also on behalf of Indigenous Peoples and Nations Coalition and the International Council for Human Rights, commended Sweden for accepting the recommendations calling for the recognition and implementation of the rights of the Sami people. It recalled the importance of the right to self determination and stressed that it was up to the Sami People to consent on whether or not they would like Sweden to adopt ILO Convention 169 or to apply it. ICSA also commended States for calling on Sweden to recognize Sami land and territory rights but mentioned that consent and full consultation by Sami People was required. ICSA reiterated its support to the recommendations related to granting women high level positions at important levels of decision making. ICSA called upon Sweden to take seriously recommendations regarding combating discrimination against migrants and other peoples in Sweden.

350. The Charitable Institute for Protecting Social Victims, also on behalf of Organization for Defending Victims of Violence expressed its deep concern about the increase of racially motivated crimes, racist propaganda, as well as about the situation of unaccompanied migrant children and the lengthy holding of such children in custodial centers. It urged the Swedish government to pay more attention to Islamophobia, hatred towards Muslims, and incitement to hatred against Islam and Muslims, including through newspaper articles and caricatures of the Prophet Mohammed published by certain media. It also called on Sweden to intensify its efforts to punish and prevent discrimination based on ethnic grounds in all areas of life, in particular in cases affecting children and women belonging to ethnic minorities, refugees and members of migrant families.

351. World Association for the School as an Instrument of Peace (WA) reiterated the importance of the UPR for the human rights of the Sami people. WA highlighted that the Sami were looking forward to the implementation of the UN Declaration of the Rights of Indigenous Peoples, the legal clarification regarding the consequences of ILO Convention 169 ratification, and the Sami Convention to establish a Nordic framework for freedoms and equality. The Sami believed that a national human institution would also be an important development to realize their rights. WA mentioned its eagerness to see the implementation of South Africa's recommendation on the promotion and protection of economic, social and cultural rights of the Sami and their access to land and cultural life. WA attached importance to the respect of fair trial guarantees in land cases, as highlighted by CERD and Human Rights Committee.

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

352. Sweden thanked all those who participated in the outcome of the review and expressed its gratitude for the views conveyed, in particular the interventions by non-state stakeholders.

353. Sweden reiterated that it considered the UPR as part of its national endeavours to ensure systematic human rights work. Sweden recalled that it had accepted a large majority of the recommendations, and that it regarded these recommendations as an important input for its future work related to human rights. It further indicated that the follow up would be a central part of the mandate of the Inter-Ministerial Working Group for Human Rights.

354. Sweden referred to other important ongoing human rights initiatives being carried out, such as the oncoming report of the Delegation for Human Rights, expected by 30 September 2010, which would include proposals on how to provide continued support to work towards ensuring full respect for human rights. It also mentioned the evaluation of the second national human rights action plan during 2010, which would include an assessment of the achievements and results of the action plan as well as recommendations for the continued systematic work with human rights at the national level. Sweden stated that both initiatives would be an important input for a future Government Communication to the Parliament.

355. Sweden committed to closely consult civil society and other stakeholders in the follow up of the review, and reiterated its continuous engagement with the Human Rights Council. Sweden expressed that it intended to maintain a high level of ambition regarding the implementation of human rights issues on a national level, and that the UPR process would continue to constitute a vital part of that work.

## Grenada

356. The review of Grenada was held on 10 May 2010 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

- (a) The national report submitted by Grenada in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/8/GRD/1);
- (b) The compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/8/GRD/2); and
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/8/GRD/3).

357. At its 18th meeting, on 22 September 2010, the Human Rights Council considered and adopted the outcome of the review on Grenada (see section C below).

358. The outcome of the review on Grenada comprises the report of the Working Group on the Universal Periodic Review (A/HRC/15/12), together with the views of Grenada concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group.

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

359. In its intervention to the Human Rights Council, Grenada provided its response to recommendations made during the review in the Working Group.

360. Regarding recommendations made in relation to the abolition of death penalty and establishing a formal moratorium on executions, Grenada could not accept these recommendations since the death penalty was still part of the legislation although there was a de facto moratorium on death penalty in Grenada. Furthermore, the death penalty is no longer mandatory as enunciated in the Privy Council's decision in 2006. In this respect, Grenada noted that while it remains in the laws, the death penalty has not been applied for decades.

361. Relating to recommendations made to extend an open and standing invitation to all of the United Nations special procedures, Grenada stated its willingness to cooperate with all human rights mechanisms. However, in view of the burden associated with an open invitation, and, bearing in mind the limited resources of Grenada, it considered that it could not at this time, extend an open and standing invitation to the special procedures. Nonetheless, Grenada acknowledged the pivotal role the special procedures played in ensuring compliance with human rights obligations and hoped to be able to extend the invitation when its resources can meet the burden.

362. With respect to recommendations to ratify human rights treaties, and in particular core instruments such as the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW), the Statute of the International Criminal Court and other conventions, Grenada stated that it will consider the ratification of necessary treaties but could not accept recommendations to ratify all of these treaties. Grenada added that there was an ongoing review of all treaties and human right instruments with a view of taking a position on them, within the context of local laws, available resources and the country's priorities. In fact, a new Counsel, has been employed to facilitate this process and the Government will welcome any assistance towards moving the process forward, especially in the area of reporting and fulfilling its obligations in a timely manner.

363. On recommendations to harmonize domestic laws to meet its international obligations, Grenada stated that it will consider the harmonization of its local laws to conform to the international obligations within the context of available technical resources. It added that, in fact, this is part of on-going law reform process.

364. On the issue of the establishment of a Human Rights Institution in line with the Paris Principles, Grenada indicated that it accepted to consider recommendations in this regard. It added that, as indicated in its National Report, there is an existing Human Rights Institution in Grenada and the Government intends to strengthen the Institution's capacity with a view to achieving its conformity with the Paris's Principles. In addition, Grenada confirmed the existence of an office of Ombudsman, which the Government intends to strengthen to perform its functions in accordance with the relevant laws.

365. With respect to recommendations to take steps to improve prisons conditions, overcrowding and housing of detainees, Grenada stated that it will accept such recommendations and will consider taking further steps to alleviate any traces of overcrowding observed in the prisons. It added that the Government has been taking all steps to address this issue and in fact, there is ongoing effort in this regard as a new prison facility is under construction.

366. In relation to recommendations to abolish corporal punishment, Grenada informed the Council that it could not accept them since the use of corporal punishment was permitted under the local laws of Grenada in some instances. Grenada added, however, that awareness is being raised regarding the issue and in order to encourage its non-application.

367. On adequate protection of children under domestic laws, Grenada indicated that it accepted recommendations to further take appropriate measures to protect children under its laws. It noted that under the present laws, children, (boys and girls) are given equal protection but harmonisation of necessary legislation is being contemplated. Grenada added that all reported abuses relating to children were promptly investigated with the Child Welfare Authority working together with the Police in this regard.

368. With respect to the issue of raising the minimum age of criminal responsibility to accepted levels, Grenada declared that it will consider these recommendations and will attempt to address this issue under the ongoing law reform exercise.

369. On domestic violence, Grenada accepted recommendations to increase its efforts to prevent domestic violence and to strengthen actions to assist victims of domestic violence. In this regard, it noted that the Government attaches significant importance to crime prevention and security and will continue to strengthen the Police Force in the pursuit of professional excellence.

370. As relates to adopting domestic legislation to ensure that human trafficking is prohibited under the Criminal Code and harmonization of legal provisions on the punishment and prevention of human trafficking, Grenada accepted to consider recommendations to harmonize the provision of its domestic laws on the punishment and prevention of human trafficking. However, Grenada noted that, though the offence of human trafficking is not criminalised under the criminal code, related offences are criminalised under the Grenada Criminal Code. Further, Grenada declared that it will continue to raise awareness on the crime of human trafficking. It added that the Palermo Protocol has been ratified and there are ongoing efforts and discussions to specifically criminalize the offence of human trafficking under the laws of Grenada.

371. On the question of decriminalization of sexual offences between consenting adults of same sex, Grenada could not accept these recommendations as this was an offence under domestic legislation. It added that the Government will, however, continue to raise awareness on the issue and encourage tolerance.

372. With respect to the recommendation to strengthen the original programme aimed at achieving universal secondary education, Grenada accepted this recommendation and will continue to strive to strengthen its ongoing programme aimed at achieving universal secondary education.

373. On the issue of continuing the implementation of programmes aimed at achieving a national health-care system that responds adequately to the needs of the population and make possible efforts to prevent the spread of HIV/AIDS, Grenada indicated that it will accept this

recommendation and continue to implement programmes that will provide efficient and holistic health care services with a view to achieving a national health-care system that serves the need of the populace.

374. Lastly, with respect to seeking assistance to be able to fulfil its international obligations Grenada will seek necessary support and assistance where it is needed to fulfil its international obligations. Grenada welcomed any assistance that will be helpful in the discharge of not only its international obligations but also, in terms of general assistance to enhance its ability to perform better.

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

375. Algeria commended Grenada for its participation in the UPR process and highlighted that during the interactive dialogue, it had noted Grenada's commitment to good governance, accountability, and the rule of law. It had also noted with appreciation efforts at crime prevention as well as training of the police. Observing that Grenada had received 92 recommendations, Algeria indicated that it would be good if Grenada could clarify how many of these recommendations were considered as adopted or rejected. In particular it was interested in knowing what decision had been taken regarding the recommendation to ratify of the ICRMW. Algeria observed that Grenada was among the small, resource-deficient developing countries facing many challenges.

376. The United Kingdom of Great Britain and Northern Ireland welcomed Grenada's active participation in the UPR process and noted that Grenada had accepted a number of recommendations. It indicated that it would, however, welcome Grenada's response to its recommendation to continue to work to ensure that the domestic legislation conform with international human rights laws, and where necessary, seek the assistance of the international community. Noting the de facto moratorium on the death penalty and the agreement to invite the special procedures, when resources would allow, the UK expressed the hope that Grenada would reconsider its recommendations on those two issues before its next review. It indicated that it valued its close relationship with Grenada and hoped that the two countries could continue to maintain an active dialogue on the issues raised in the report.

377. Morocco thanked Grenada for clarifying its position on recommendations made during the UPR Working Group and the strong commitment shown to human rights as well as its spirit of openness and frank dialogue demonstrated during the review. Morocco commended Grenada's efforts, in particular for the vulnerable sections of the population, such as women, children, the elderly, the disabled, and the poor. It welcomed Grenada's decision to accept almost all of the recommendations made, which reaffirmed the country's commitment to fulfilling its international obligations. It congratulated Grenada on its efforts to build the capacity of the national human rights institution in accordance with the Paris Principles. Morocco welcomed the strengthening of cooperation between the two countries and expressed strong support to Grenada in its implementation of recommendations.

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

378. The Canadian HIV/AIDS Legal Network addressed recommendations 82-86, which called upon Grenada to decriminalise same-sex conduct between consenting adults and noted that during the Working Group review Grenada had acknowledged that laws prohibiting consensual same-sex conduct "could be viewed as discriminatory, as it took away freedom of the individual." It further noted the recognition by Grenada that with the passage of time, growing tolerance on the part of the people would help in addressing this issue, welcoming this acknowledgment that consideration needed to be given to repealing such laws, which have a discriminatory impact. It noted that in 2009, the Human Rights Committee had recommended that Grenada repeal those provisions. The Committee had also noted that such laws "run counter to the implementation of effective education programmes in respect of HIV/AIDS prevention" by driving marginalized communities underground.

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

379. In response to additional questions raised regarding the ratification of treaties, Grenada reiterated that this issue was being reviewed and that no position had yet been taken. On the question of harmonization of internal law, Grenada also reiterated that it was considering harmonizing all laws that were not in compliance with its international obligations and that it will work towards ensuring that international obligations were met. Regarding the question on how many recommendations had been accepted, Grenada explained that most recommendations had been considered positively with the exception of certain issues, as already indicated, such as the death penalty, corporal punishment and standing invitations. Grenada thanked the participants for their questions.

#### **Turkey**

380. The review of Turkey was held on 10 May 2010 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

- (a) The national report submitted by Turkey in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/8/TUR/1);
- (b) The compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/8/TUR/2); and
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/8/TUR/3).

381. At its 18th meeting, on 22 September 2010, the Human Rights Council considered and adopted the outcome of the review on Turkey (see section C below).

382. The outcome of the review on Turkey comprises the report of the Working Group on the Universal Periodic Review (A/HRC/15/13), together with the views of Turkey concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/15/13/Add.1).

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

383. The representative of Turkey stated that the Government considers the protection and promotion of human rights as a political priority. An extensive reform process, including constitutional amendments, was undertaken while an important anti-terror effort was ongoing.

384. Turkey has adopted universal standards by amending its legislation, accelerated the ratification of international conventions and intensified the training of law enforcement personnel and other civil servants.

385. Article 90 of the Constitution was amended in 2004 to stipulate that, in the event of conflict between the provisions of national legislation and international agreements, the latter will prevail.

386. Capital punishment, which had not been applied since 1984, was abolished in 2004. Turkey was now party to Protocol 6 to the European Convention on human Rights on the abolition of the death penalty and to Protocol 13 of the European Convention on Human Rights, which abolishes the death penalty even at time of war.

387. Since 1987, Turkish citizens are granted the right to individual application to the European Court of Human Rights (ECtHR). Its compulsory jurisdiction has been recognized in 1990.

388. Relevant legislation on freedom of expression is being harmonized with the case law of the ECtHR and other international instruments.

389. Turkey is determined to fight against torture and ill treatment, with a zero-tolerance policy.

390. Turkey has issued a standing invitation to Special Procedures in 2001 and closely collaborates with all international monitoring bodies and mandate holders.

391. As a result of the provisions contained in the constitutional amendment package adopted by referendum on 12 September 2010, human rights and fundamental freedoms have been expanded and the constitutional system is brought in line with Turkey's international obligations. The amendments eliminated several shortcomings referred to in the judgments of the ECtHR, and enabled the implementation of several recommendations of, inter alia, the Council of Europe Commissioner for Human Rights, the Venice Commission, the European Commission against Racism and Intolerance, the Monitoring Committee of the Parliamentary Assembly of the Council of Europe, the Committee on the Elimination of Discrimination against Women, the Committee on the Elimination of Racial Discrimination.

392. Among the improvements brought by the recent Constitutional Reform were:

- the inclusion of positive discrimination as a constitutional right for persons who require social protection, such as women, children, the elderly and the disabled;
- constitutional guarantees for the protection of personal data;
- constitutional guarantees for children's right to access "adequate protection and care" and to "establish and maintain a personal and direct relationship with parents", safeguarding the principle of the best interest of the child;
- broadening of the scope and extent of freedom of organization, especially union rights;
- the definition of the right of petition as a constitutional right;
- the overcoming of the unconstitutionality problem that prevented the establishment of an ombudsman office;
- the fact that the dissolution of political parties won't result in automatic banning of Parliamentarians member of the dissolved party;
- the judicial review for the decisions of the Supreme Military Council;
- the judicial review for all disciplinary decisions against civil servants and other public officials without exception;
- the introduction of the right to individual application to the Constitutional Court regarding the fundamental rights and freedoms;
- the improvement of the Constitutional Court and the Supreme Council of Judges and Public Prosecutors to ensure a more effective functioning of the judiciary, and the strengthening of its independence;
- the constitutional guarantee to prevent civilians from being tried by military courts.

393. The Anti-Terror Law was amended in July 2010 to ensure that all children suspects, without distinction of age, would be tried under the same regime in the relevant juvenile courts.

394. At the adoption of its Universal Periodic Review Working Group report on 12 May , Turkey had accepted 95 of the 152 recommendations made during the review. At the Human Rights Council session, Turkey announced that 25 of the 39 pending recommendations were accepted, partly accepted or already implemented. A detailed assessment of these recommendations was provided in the addendum to the report of the working group.

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

395. Yemen noted that Turkey had an important role to play in the political and social life in the region and internationally and constituted a model to be followed in the field of democracy and respect for human rights. Yemen referred to Turkey's recent referendum and acceptance of 85

per cent of recommendations submitted to it as testimony to the serious attitude shown by the Turkish Government and people to democracy.

396. Algeria congratulated Turkey for the recent constitutional amendments adopted by referendum, which will strengthen democracy. It welcomed the Government's commitment to human rights, illustrated by tangible progress in the economic, social and cultural rights of large segments of the population. With regard to the Mavi Marmara humanitarian flotilla for Gaza, Algeria, noted that it represented a strong gesture of solidarity towards the Palestinian people, and reiterated its empathy and support to Turkey. It acknowledged Turkey's acceptance of the four recommendations presented by Algeria.

397. Armenia, while appreciating Turkey's acceptance of several of its recommendations, drew attention to issues of minority rights and further steps needed to address them. Armenia referred, inter alia, to limitations of the exercise of religious practices for respective minority groups; recent attacks by the general public against Roma, Kurds and non-Muslim minorities; xenophobic and racist remarks, particularly towards Armenians, by representatives in high authority; and the use of Article 301 of the Penal Code to stigmatize dissenting voices. Armenia also regretted the rejection of its recommendation on creating conditions for the realisation of the right to truth, without which it would be immensely difficult to heal historic wounds.

398. Azerbaijan commended Turkey's open and transparent approach during its UPR, a testimony of its commitment to cooperate with the international human rights machinery. It made two recommendations on women rights and inter-cultural and inter-religious dialogue that were accepted. It welcomed the comprehensive human rights reform undertaken, including constitutional amendments, and noted with concern that terrorism continued to cause problems and reiterated its support in the struggle against it.

399. Qatar noted Turkey's acceptance of many recommendations, its serious approach, positive attitude and its cooperation with various human rights mechanisms. Qatar welcomed Turkey's human rights achievements. Reference was made to the development of a legal framework for human rights protection, for the fight against discrimination in all its forms and the promotion of the role of women. Qatar commended Turkey for its key international role for peace in the region.

400. Egypt acknowledged Turkey's detailed replies to each recommendation, which was indicative of the serious approach adopted by Turkey towards the UPR process. It appreciated the recent developments in relation to the provision for positive discrimination for certain vulnerable groups. It commended efforts aimed at protecting the rights of women and children, and combating trafficking in persons and violence against women. Egypt welcomed Turkey's determination and willingness to continue its efforts to protect human rights while it exercises its sovereign right of enacting and implementing laws and policies in line with its international obligations.

401. Cyprus expressed its regret that the human rights recommendations it submitted during the review of Turkey were openly rejected on purely subjective, political grounds and about the apparent failure in the collective responsibility to uphold the credibility and integrity of the peer review mechanism. It stressed that international obligations, especially those concerning human rights, can in no case be waived simply on the ground of political positions. Cyprus referred to the letter it sent to the President of the Council, circulated as A/HRC/15/G/2, regarding the statements made by Turkey during Cyprus' review, and added that the Council should not allow that the UPR mechanism be used for the dissemination of political allegations.

402. Bahrain acknowledged that Turkey has adopted a set of measures reflecting the extent to which the country is committed to promote human rights and work with the UN system. It welcomed Turkey's acceptance of an important number of recommendations, including the one put forward by Bahrain. It also took note the reform of Turkey's legal framework, particularly in the field of human rights, in order to be in line with international standards.

403. The Bolivarian Republic of Venezuela highlighted Turkey's constitutional reform and other efforts to adequate its legal framework for strengthening the promotion and protection of human rights, particularly in favor of vulnerable groups. It also welcomed the establishment of the institution of the Ombudsman. It recognized the progress achieved in education, which guarantees universal access and combats school desertion through social subsidies. It encouraged Turkey to continue these successful policies.

404. Pakistan was pleased to note Turkey's acceptance of a majority of recommendations and the process for establishing a National Human Rights Institution in full compliance with the Paris Principles. Pakistan commended Turkey's on-going human rights reforms, especially anti-discrimination laws, to promote tolerance and inclusiveness as well as its efforts to combat trafficking in human beings. Pakistan valued Turkey's international level efforts to support interfaith dialogue and its readiness to continue such efforts.

405. United Kingdom of Great Britain and Northern Ireland welcomed the result of the recent referendum on the constitutional reform and encouraged the quick implementation of this and other reforms. It also noted improvements in equality and non-discrimination legislation, and efforts to address torture and disproportionate use of force by the police. Turkey's acceptance of a large number of important recommendations was welcomed, including ratification of OP-CAT and the development of a national preventive mechanism. Turkey was also encouraged to consider the positive realisation of the right to freedom of expression by abolishing or revising Articles 301 and 318 of the Penal Code.

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

406. Mouvement contre le racisme et pour l'amitié entre les peuples, International Educational Development and International Alliance of Women, in a joint statement, regretted Turkey's persistent failure to recognize ethnic and other minorities and restrictions imposed to freedom of expression under the Anti-terrorism Act. They encouraged Turkey to continue and strengthen its efforts in the field of human rights, including to: protect women and girls against violence and discrimination, reduce impunity and ensure the independence of the judiciary.

407. Amnesty International urged Turkey to: issue guidance to the courts for implementing amendments to anti-terrorism legislation, end the prosecution of children in the adult criminal justice system, and investigate all allegations of torture and ill-treatment of children. It called for progress on commitments to establish a national human rights board, independent police complaints commission, equality and non-discrimination commission as well as a national human rights institution. It called on Turkey to commit to continue with the legal reform necessary to guarantee the respect for freedom of expression, including the repeal of Articles 301 and 318 of the Penal Code.

408. The Islamic Human Rights Commission welcomed the changes made in the last eight years in Turkey, in particular in the domain of combating torture and the treatment of minorities. However, the treatment towards Muslim women wearing the headscarf remains unchanged, notwithstanding the fact that 70 per cent of Muslim women in Turkey wear it. It mentioned a recent decision by CEDAW on this regard and urged Turkey to abolish the headscarf ban and provide these women with the same rights that other Turkish citizens enjoy.

409. Sudwind Entwicklungspolitik expressed concern about Turkey's unwillingness to withdraw its reservation to Article 27 of ICCPR on minority rights, Articles 301 and 318 of the Penal Code that legitimize the harassment and persecution of human rights defenders. Missing and killed people are not accounted for. It urged Turkey to devote more attention to regular and participatory political processes to solve conflicts in peace and end aggression against the Kurds. It referred to the refugee situation and in particular to the financial and other difficulties facing asylum seekers from non-European countries.

410. In a joint statement, ILGA Europe and COC Nederland urged Turkey to reconsider its position on the recommendation 102.10 regarding non-discrimination of women and persons of minority ethnicity, sexual orientation and gender identity. It further recommended to explicitly include sexual orientation and gender identity as grounds of non-discrimination in the draft law on non-discrimination and the development of an equality board. It drew

attention to ongoing hate-crimes targeted at transgender people and mentioned that they remain unpunished or un-investigated.

411. Conscience and Peace Tax International (CPTI) raised concerns about freedom of opinion and expression in relation to Turkey's rejection of recommendations for specific changes to articles 301 and 318 of the Penal Code and the Anti-Terror law. CPTI referred to activists sentenced to imprisonment, under article 318, for demonstrating in support of conscientious objectors. CPTI urged Turkey to swiftly adopt a legislation that provides for conscientious objectors to opt for alternative service of a civilian nature.

412. The Syriac Universal Alliance invited Turkey to start a constructive dialogue on critical issues that need to be addressed by Turkey and the international community. While welcoming Turkey's cooperation and replies regarding minority rights, it stressed that much work still needs to be done. For instance, group rights are usually circumvented or misrepresented. It stated that Turkey continues to deny the official existence of the Arameans, unlike other minorities. It regretted that the concept of minorities was not updated and aligned with international standards during the recent constitutional reform.

413. European Centre for Law and Justice (ECLJ) pointed to concerns raised about the discrimination and public hostility suffered by religious minorities. According to ECLJ, it was the climate of hostility maintained by the media that had led to an upsurge in murder of priests. ECLJ stated that the promotion of tolerance and dialogue among civilizations should not only be a product for export, but also promoted in Turkish society.

414. Human Rights Watch welcomed the constitutional reform. It urged the Government to proceed with the long-promised full revision of the constitution to remove restrictions on freedom of expression, the rights of minority groups and other limits to fundamental rights. It urged Turkey to sign and ratify the Convention for the Protection of all Persons from Enforced Disappearances and to lift the geographical limitation to the 1951 Refugee Convention. It was concerned that the law to establish a national human rights institution was not in line with the Paris Principles and called on Turkey to reopen investigation into state officials' negligence and possible collusion in the killing of journalist and editor Harat Dink. Finally, they urged Turkey to implement the Law on the Protection of the Family.

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

415. The representative of Turkey thanked Human Rights Council members and observers states, and all stakeholders. He assured that all comments were duly noted and that Turkey has a political willingness to overcome all difficulties.

416. Regarding criticism on religious freedom, Turkey felt that some of the information provided by non-governmental organizations was not up to date.

417. On torture and ill-treatment, the Government was adamant in its zero-tolerance policy without exception. The Government was not condoning such violations and was doing its best to eradicate totally these practices, despite possible remaining marginal cases. The OP-CAT was presently before the Parliament, in the final stage of adoption, and there was no doubt that it will be ratified. National preventive mechanisms were being set up though it was not possible at this stage to say when they will be operative.

418. The representative of Turkey stated that he was personally part of a group responsible for the dialogue with non-Muslim minorities and that, despite what was mentioned by some speakers, there was no judgement of the European Court on Human Rights against Turkey on discrimination of religious minorities. Such an assertion was thus a misrepresentation of the reality.

419. Domestic violence was not tolerated. The establishment of an anti-discrimination and equality board and other control mechanisms were priorities in the Government's programme. Turkey took note of the comments made on freedom of expression and added that, the recent amendments to the law required the authorization of the Ministry of Justice for prosecutors to pursue further prosecutions. In the last period, the Ministry of Justice denied 97 such authorizations for court action. On the Harat Dink's case, the Government will implement the

judgement of the European Court on Human Rights and will take measures to prevent similar violations in the future.

420. Turkey stated that it had spared no efforts to ensure that the UPR is conducted in, *inter alia*, a non-selective, non confrontational and constructive manner, and will continue to do so. The implementation of accepted recommendations should be a priority for all examined States. The UPR inter-active dialogue and the adoption of the WG report have provided a useful overview. Turkey reiterated its commitment to provide a mid-term report in two years time.

### **Guyana**

421. The review of Guyana was held on 11 May 2010 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

- (a) The national report submitted by Guyana in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/8/GUY/1);
- (b) The compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/8/GUY/2); and
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/8/GUY/3).

422. At its 19th meeting, on 23 September 2010, the Human Rights Council considered and adopted the outcome of the review on Guyana (see section C below).

423. The outcome of the review on Guyana comprises the report of the Working Group on the Universal Periodic Review (A/HRC/15/14), together with the views of Guyana concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/15/14/Add.1).

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

424. Guyana stated that it was pleased to be present and to participate in the adoption of the draft report on its universal periodic review. The delegation recalled that during the working group session in May 2010, 112 recommendations were made to Guyana, 57 of which enjoyed the support of Guyana. Of these 57 recommendations, 14 recommendations were already implemented, 40 recommendations were at various stages of implementation and 2 recommendations were pending implementation. The delegation further recalled that during the working group session Guyana undertook to examine 55 recommendations, and to provide its responses thereto. The delegation proceeded to report its responses to each of recommendations, which were already submitted in its Addendum.

425. With regard to Recommendations 70.1 to 70.13, which related to international human rights instruments, Guyana stated that it supported Recommendations 70.1, 70.3 and 70.12; partially supported Recommendations 70.4 and 70.6; noted Recommendation 70.9 and voluntarily committed to consult and report to the Human Rights Council in two years time on the abolition of the death penalty; noted Recommendations 70.10, 70.11 and 70.12 and voluntarily committed to consult and report in one year's time in relation to the ILO Convention No. 169.

426. In relation to Recommendation 70.1, Guyana informed that, since its review in May 2010, it had acceded to the two Optional Protocols on the Convention on the Rights of the Child and ratified the International Convention on the Protection of Rights of Migrant Workers and Members of their Families.

427. As regards Recommendation 70.14 which concerned the adoption of national refugee legislation, the delegation emphasized that due to limited resources Guyana did not consider such legislation a priority at this time and also did not consider it an issue. The delegation therefore indicated that it noted Recommendation 70.14.
428. With regard to Recommendations 70.15 to 70.18, which related to standing invitations for special procedures, the delegation indicated that Guyana noted these recommendations, and, reiterated Guyana's readiness to continue to respond to invitations and to offer full collaboration with the mandate holders. Guyana has made efforts over the least 2 years to improve its responsiveness to the many requests for information and questionnaires from the various mandate holders and remained committed to submit its outstanding State Party reports before the end of 2010.
429. As regards Recommendation 70.19 which concerned the invitation to the Special Rapporteur on Torture, the delegation indicated that Guyana noted this recommendation and volunteered to consider it further and report to the Human Rights Council.
430. The delegation expressed Guyana's support for Recommendations 70.20, 70.21 and 70.22. In relation to Recommendations 70.21 and 70.22, the delegation emphasized the completion of the appointment of the four constitutional Human Rights Commissions ( the Ethnic Relations, the Women and Gender Equality, Rights of the Child and the Indigenous Peoples Commissions) with offices and budgetary allocations provided for advocacy as change agents, as well as complaints mechanisms with investigative and redress mandates. The prohibition of all forms of discrimination in the revised 2003 Constitution and a bevy of statutory instruments allow for complaints, redress and rectification where it does occur. Guyana emphasized there was no state condoned or directed discrimination of any form.
431. With regard to Recommendations 70.23 to 70.35 all of which related to the abolition of the death penalty, the delegation emphasized that public opinion in Guyana strongly favoured the retention of the death penalty. Guyana noted these recommendations and voluntarily committed to continue to consider and consult on the abolition of the death penalty and to report to the Human Rights Council in two years. With this in mind, Guyana has tabled an amendment to the Criminal Law (Offences) Act which provides for varied sentences for different categories of murder including life imprisonment and lesser sentences of imprisonment, as well as access to parole. This bill will be debated in the National Assembly in October 2010.
432. With regard to Recommendations 70.36 to 70.41, which related to the abolition of corporal punishment, the delegation stated that public opinion in Guyana was not in favour of the abolition of corporal punishment. The delegation indicated that Guyana has noted these recommendations and was voluntarily committed to consult and report on the results of the consultative process. In this regard, the delegation pointed out that consultations in Guyana were on-going on a draft Education Bill which included discussion on the issue of corporal punishment. Furthermore, Guyana has tabled amendments to the Training School Act and the Juvenile Offenders Act to remove corporal punishment from juvenile detention centres, which demonstrated Guyana's commitment to protecting children from all forms of abuse. These bills will be debated in October 2010 in the National Assembly. The delegation also emphasized that the Protection of Children Act 2009, the Domestic Violence Act 1997 and the Child Care Protection Agency offered a legislative and administrative framework to protect children from abuse.
433. The delegation stated that Guyana supported Recommendation 70.42 and referred to constitutional provisions which specified that a person can only be detained for up to 72 hours before being charged and three months for an accused to be brought before the courts. Guyana also supported Recommendation 70.43 on increasing the age of criminality and volunteered to report the outcomes of the on-going consultations in relation to the new draft Juvenile Justice Bill.
434. With regard to Recommendations 70.44 and 70.45, the delegation stated that these recommendations were noted and not accepted by Guyana. The delegation stated that the

reasons for its non-acceptance were elaborated in the Addendum to the working group report. Furthermore, Guyana supported the first part of Recommendation 70.46, and noted the second part. In this regard, the delegation reiterated Guyana's commitment made before the UPR Working Group to continue to investigate, based on available information and witnesses, all those responsible for the wave of criminal violence in 2002-2008 whether they were part of the violent criminal gangs or the "Phantom Squad".

435. As regards Recommendations 70.47 to 70.53, which refer to decriminalizing consensual same sex relations and discrimination against gay, lesbian, bi-sexual and trans-gender persons, the delegation recalled that Guyana did attempt to include "sexual orientation" in the anti-discrimination clause in the revised constitution but that this was defeated in 2003. Whilst Guyana did not discriminate against persons based on their sexual orientation, it did not deny that interpersonal prejudices existed, based on cultural and religious beliefs. The delegation indicated that Guyana noted these recommendations and voluntarily committed to hold consultations over the next two years and to reflect the outcome of this democratic process in its domestic laws. Recommendations 70.54 and 70.55 were also noted.

436. The delegation stated that Guyana re-affirmed its commitment to holding consultations with civil society, the four Human Rights Commissions, various levels of government and state agencies, and the National Assembly on the follow-up to the UPR process. It also reported its initiatives to strengthen the government-NGO partnership to reduce and prevent domestic and sexual violence.

437. With regards to the Optional Protocol on children in armed conflict which Guyana acceded to, the delegation assured the Human Rights Council that 14 year olds have not been recruited into the Guyana Defence Force for more than 30 years. However, in order to be in compliance with this Protocol, Guyana will remove the relevant clause in the Defence Act that provided for 14 year olds to be recruited before the end of the year.

438. The delegation stated that Guyana's Low Carbon Development Strategy and its second Poverty Reduction Strategy Programme (2008-2012) formed the basis of Guyana's developmental agenda. Guyana is also proud of its socio-economic achievements and its budgetary commitment to poverty reduction, although it recognized that there was still much more to be overcome. Guyana remained committed to achieving equitable access to the delivery of goods and services especially for its poor, vulnerable and "differently-abled" citizens, within its available resources.

439. The delegation stated that Guyana, being a developing country and a newly emerging democracy with many challenges, was proud of its constitutional and parliamentary reforms and its model of shared governance. However, it must be recognized that these reforms and the model of shared governance were only introduced seven years ago. Guyana remained irrevocably committed to democracy and the protection of human rights, rule of law, and good governance for its people.

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

440. Cuba noted that the efforts made by Guyana to guarantee basic rights such as education, health, food, housing, water and social security, had been recognized during the review. It highlighted the cultural, ethnic and religious diversity of Guyana, which is protected by the Constitution. Cuba also observed that Guyana had accepted several recommendations and that another large group of recommendations had either already been implemented or were in the process of being implemented. It considered that this attested to the resolve of the government to make progress in the protection of human rights. Cuba noted, in particular, the priority attached to ensuring the right to food and measures taken to reduce hunger and promote food security. It encouraged Guyana to continue its efforts in the protection of human rights.

441. Algeria expressed its appreciation for measures taken since the presentation of the National Report. It noted that Guyana was an emerging democracy and a developing nation, and that it faced a myriad of challenges. Algeria considered, of particular value, efforts made by Guyana to promote food security and alleviate the impact of the economic crisis. It also

welcomed Guyana's readiness to continue its efforts to address the issue of violence against girls as it had recommended. Algeria expressed satisfaction of the fact that Guyana was in the process of implementing recommendations it had made in relation to reducing poverty and promoting access to food, as well as intensifying programmes aimed at mitigating the negative impact of climate change on food security and the environment.

442. Morocco indicated that Guyana had demonstrated a firm commitment to the social, economic and cultural development of its people during its review. It welcomed the institutional and legislative measures taken by Guyana, which were aimed at the gradual improvement of the structure for the promotion and protection of human rights, as well as the projects that were undertaken, such as the establishment of an independent national human rights institution and the review of several human rights instruments with a view to their ratification. Morocco highlighted a number of innovative initiatives taken by Guyana including: its strategy for reducing carbon emissions, its national strategy for the progressive eradication of poverty and its training programmes in human rights for law enforcement authorities and personnel.

443. The United Kingdom of Great Britain and Northern Ireland (UK) thanked Guyana for clearly expressing its position on outstanding recommendations and indicated its interest in learning of Guyana's position on those recommendations that were noted and subjected to further consideration. It stated that it was grateful to Guyana for accepting some of the recommendations made during the review. The UK referred to those recommendations on the abolition of the death penalty and the establishment of an independent inquiry into abuses allegedly committed by a phantom death squad which did not receive the support of Guyana, and stated that these recommendations continue to represent important issues that required attention. It thanked Guyana for the impressive level of information presented and for their ongoing engagement with the UPR process.

444. China noted with appreciation that Guyana had given great importance to the outcome of the UPR which was demonstrated in its acceptance of most of the recommendations made and its preparation for the follow-up. China expressed its gratitude for Guyana's efforts in developing the national economy with committed dedication to the realization of the MDGs and the implementation of its poverty reduction programme. In this regard, it noted that Guyana had adopted a series of laws and regulations to promote human rights, singling out as a priority the relation with the Amerindian communities. China observed that as a developing country, Guyana is faced with special challenges and called on the international community to continue to provide support to Guyana.

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

445. Amnesty International (AI) regretted that Guyana did not commit to establishing an independent enquiry into abuses allegedly committed by death squads. AI expressed its disappointment that Guyana rejected recommendations to establish a moratorium on executions with a view to abolishing the death penalty. Nevertheless, it welcomed Guyana's commitment to continue the consideration of this issue over the next two years and to report its findings to the Council. AI also urged Guyana to remove legislation that discriminated against individuals on the basis of their sexual orientation and to repeal laws that criminalize sexual activity between consenting adults of the same sex. It welcomed Guyana's commitment to hold consultations on the issue of discrimination on the basis of sexual orientation.

446. Action Canada for Population and Development (ACPD) on behalf of the Society Against Sexual Orientation Discrimination (SASOD) welcomed Guyana's commitment to holding consultations on issues affecting LGBT people over the next two years and expressed its willingness to work with the government. ACPD stated that the 2003 attempt to include "sexual orientation" in Guyana's Constitution as a basis for discrimination had not been genuine as the issue had been presented in a separate bill to the National Assembly and the government had signalled its intention not to support it. ACPD added that it would be erroneous to say that no state-sanctioned discrimination, based on sexual orientation, existed in

Guyana, and noted that several provisions of the Criminal Code criminalized sexual intimacy between consenting adult men in private. It called on Guyana to repeal these provisions.

#### 4. Concluding remarks of the State under Review

447. The delegation thanked Cuba, Algeria, Morocco, the United Kingdom and China for their supportive comments to Guyana. It also expressed its gratitude to Cuba and China for their assistance to Guyana. In relation to Guyana's Human Rights Commissions, the delegation explained the democratic process of nominations and appointments, which was in accordance with its shared governance, and emphasised that nominees were determined by civil society.

448. In relation to the statement made by the United Kingdom, the delegation expressed Guyana's assurance that all efforts were being made to improving and modernising the police force and the security sector. Guyana will continue to consult and, based on a democratic process, will be able to make changes as determined by popular views.

449. In relation to the statement by Amnesty International, the delegation reiterated that the amendment to the Criminal Law (Offences) Act will be debated before Parliament in October. This amendment allowed for varied sentencing for different categories of murder, in addition to the death penalty.

450. In relation to the statement by SASOD, the delegation stated that this NGO appeared to have been misinformed about the constitutional process that took place in relation to the attempt to include sexual orientation in the Constitution. The delegation explained that the Human Rights Task Force of the Constitutional Reform Commission, comprising of Parliamentary Parties and civil society, recommended the inclusion of the phrase "sexual orientation" in the new anti-discrimination clause in the Constitution. It was supported by the National Assembly in 2001. However, the religious groups then exerted pressure on the government and the opposition and demanded that the bill be sent back for review. This was done in 2003, following a two year delay. At that stage the anti-discrimination clause included "sexual-orientation". On the day in question there was a vote of conscience on both sides and the phrase "sexual orientation" did not win the support of Parliament. The delegation invited SASOD to verify this account by consulting the parliamentary records.

451. The delegation stated that there was no discrimination of LGBT persons in the state sector. It emphasised that profound culture and religious beliefs, particularly by the Christian Evangelical Movement, has strengthened the position against the LGBT issue. The delegation stated that the willingness of the government to openly discuss this issue was a clear indication of its intention to establish a comfort zone with the people of Guyana. The government was willing to work with civil society on this issue and emphasized that the final outcome would reflect the democratic will of the people.

#### Kuwait

452. The review of Kuwait was held on 14 May 2010 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

- (a) The national report submitted by Kuwait in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/8/KWT/1);
- (b) The compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/8/KWT/2); and
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/8/KWT/3).

453. At its 19th meeting, on 23 September 2010, the Human Rights Council considered and adopted the outcome of the review on Kuwait (see section C below).

454. The outcome of the review on Kuwait comprises the report of the Working Group on the Universal Periodic Review (A/HRC/15/15), together with the views of Kuwait concerning the

recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/15/15/Add.1).

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

455. Kuwait welcomed the very important recommendations issued by the Working Group. During the interactive dialogue, Kuwait shared the measures it undertook to promote and protect human rights and fundamental freedoms, without any kind of politicization and selectivity. Kuwait had shown that the protection of human rights was reflected in its Constitution, including its article 29 relating to equality of rights and duties.

456. The delegation also provided information on the efforts undertaken by the State to ensure human dignity for all of those living in Kuwait. Kuwait stressed the fact that human rights have always been a fundamental element in the development of all public policies in the fields of education, health, the environment, the rights of workers, foreign workers, the independence of women, the rights of children, the elderly and those with special needs.

457. Kuwait approved 114 out of 159 recommendations made during the review in the working group, a large number of which are already being implemented. Kuwait reviewed a number of other recommendations prior to the 15th session of the Human Rights Council. Its response is contained in the Addendum to the Working Group report. A number of those recommendations were not supported, as they ran counter to the provisions of the Constitution, Islamic Sharia and other laws or contained inaccurate or incorrect information. Kuwait approved a further 9 recommendations. A total of 123 recommendations have been approved by Kuwait. The fact that Kuwait had not acknowledged certain recommendations did not mean that Kuwait will not apply some of them following the amendment of some national legislation.

458. Illegal residency was one of the major difficulties and challenges Kuwait was striving to face. State bodies were trying to determine the nationality of these residents but a large number of them hid identity documents because they fear they will be deprived of some advantageous benefits. Kuwait has endeavoured to facilitate the lives of these workers in Kuwait by providing them with all of the necessary benefits particularly in the fields of education and health. Despite all of the difficulties encountered Kuwait was reviewing very seriously the ways to resolve these problems in line with the Constitution and national laws.

459. Kuwait took note of the recommendation on the Rome Statute, although it has signed this Statute.

460. Kuwait took note of some recommendations relating to domestic workers and approved the recommendation pertaining to the 5th paragraph of the new labour law which required the Minister to adopt the necessary decrees for this particular group of workers. These came into force with the adoption of Ministerial Decree 1182 of 2010. Article 8 of this Decree stipulates the rights and benefits of domestic workers, including salary, maximum working hours, leave and living conditions.

461. Kuwait has made all the necessary efforts to promote the role of women in society and approved the recommendation pertaining to equal opportunities, including for diplomatic posts. Kuwait had established a national workplan to ensure gender equality, in accordance with CEDAW's recommendations. Kuwait was undertaking further efforts to enhance the role of women in the judiciary, and took note of this recommendation.

462. Kuwait has also approved the recommendations to extend an open-ended invitation to the Council's special procedures and to abrogate the Kafala law and to set up a national human rights institution in line with the Paris Principles. The establishment of this institution had the support of everyone at the very highest level. Kuwait reassured the Council that it will implement all the accepted recommendations.

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

463. Qatar noted that Kuwait had accepted the three recommendations it had made on an independent national human rights institution; sharing information about the experience of Bait al-Zakat in the humanitarian field; and juvenile justice. Qatar felt that the acceptance of so many recommendations by Kuwait as well as its open and cooperative spirit during the interactive dialogue demonstrated the sincerity of Kuwait in its interaction with the UPR process and other human rights mechanisms.

464. Algeria welcomed the efforts made by Kuwait in raising living standards, which had resulted in a high standard of development as also reflected in its human rights situation. Algeria expressed appreciation that Kuwait had accepted the four recommendations which it had made and encouraged Kuwait to continue to strengthen and consolidate its achievements in the human rights area. Algeria drew attention to the role played by Kuwait at the international level, in particular the development assistance Kuwait provided to other countries.

465. Saudi Arabia noted the positive interaction by Kuwait with all human rights mechanisms as well as its readiness to cooperate and engage in dialogue on human rights, as demonstrated by the acceptance of most recommendations. Saudi Arabia observed that the review of the human rights situation in Kuwait had been a useful opportunity to learn about the efforts undertaken by Kuwait to develop its legislation and institutions with a view to promoting and protecting human rights. Saudi Arabia appreciated these efforts and encouraged their continuation.

466. Yemen noted that Kuwait was a pioneer in the region and was an example to be followed with regard to democracy and respect for human rights. The success of the parliamentary elections, which had resulted in a vibrant parliament in which women also participated, was a vital sign for the level of democracy achieved in Kuwait. Yemen further noted that the acceptance of a large number of recommendations during the review showed the sincerity of the Kuwaiti Government in the promotion of human rights principles.

467. Syrian Arab Republic appreciated the seriousness demonstrated by Kuwait in the UPR process, referring also to the acceptance by Kuwait of most recommendations. Syria expressed understanding for the rejection of recommendations that were not in line with the cultural or religious values of Kuwait or were outside the scope of internationally recognized norms. Syria noted that Kuwait had a long-standing record of working towards the promotion and protection of human rights, without losing sight of its cultural and religious heritage.

468. Bahrain expressed appreciation for the positive steps which Kuwait had taken in accepting and implementing a number of recommendations made during the review, including recommendations made by Bahrain regarding the rights of persons with disabilities; and the strengthening of health indicators and providing health services to all segments of society. Bahrain welcomed Kuwait's provision of health services to all, especially children and elderly persons, as well as free education up to university level, in addition to education for persons with disabilities and their integration in society.

469. Jordan welcomed the positive steps which Kuwait had taken, including with regard to the continuing development and amendment of legislation relevant to the promotion and protection of human rights and fundamental freedoms. In particular, Jordan appreciated measures taken to strengthen the role of women in society. Jordan noted that Kuwait's interaction with the UPR Working Group had demonstrated the importance it attached to the cooperation with the United Nations and the Office of the High Commissioner for Human Rights.

470. Azerbaijan congratulated Kuwait for accepting the recommendation to extend a standing invitation to all special procedures, particularly its favourable response to the request for a visit by the Special Rapporteur on trafficking in persons, especially women and children. Azerbaijan noted that Kuwait accepted Azerbaijan's recommendations relating to establishing a national human rights institution; and a plan of action for promotion of gender equality.

471. Egypt noted the efforts undertaken at the national level for the promotion and protection of human rights and Kuwait's good cooperation with the UPR and other human rights

mechanisms. Egypt welcomed Kuwait's acceptance of recommendations to create a national human rights institution in line with the Paris Principles and prepare a national plan to promote gender equality. Egypt appreciated Kuwait's efforts to combat trafficking and to protect the rights of children, as well as the aid which Kuwait provided at the international level in the event of natural catastrophes, and for development assistance.

472. Morocco welcomed the cooperative spirit demonstrated by Kuwait in accepting many recommendations, including those made by Morocco on the environment, human trafficking, dialogue between religions and civilizations, education, and training on human rights. Morocco reiterated its appreciation for the humane approach taken by Kuwait in its immigration policy. Morocco noted that the Kuwaiti experience was characterized by a good balance between the requirements of democracy and modernity and adherence to Kuwait's cultural and religious values. Morocco expressed appreciation for programmes designed to protect the most vulnerable segments of society.

473. Tunisia expressed appreciation for efforts undertaken by Kuwait to further promote human rights values in line with relevant international instruments. Tunisia appreciated in particular achievements in strengthening the right of women and enabling women to play an important role in the political field, including by allowing them to vote and run as candidates in parliamentary elections. Tunisia believed that the Kuwaiti endeavour to achieve a balance between the rights of women and family harmony would have a positive effect on the further development of society.

474. Djibouti encouraged Kuwait to continue acceding to international instruments. Djibouti praised Kuwait for the establishment of several funds that had a positive impact on the situation of human rights in developing countries. Djibouti encouraged Kuwait to continue its efforts to adopt and develop legislation, particularly the bill aimed at combating trafficking in human persons. Djibouti also encouraged Kuwait on establishing a national human rights institution and promoting the rights of children and women.

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

475. Action internationale pour la paix et le développement dans la région des Grands Lacs welcomed that ratified international treaties have the same binding force as domestic law. It noted, inter alia, that Kuwait had an active and free media, was committed to providing free health services without discrimination and provided international assistance at the rate of more than 0.7% of GDP. It further noted the measures taken to dismantle illegal networks for the exploitation of foreign workers in cooperation with the ILO; and the crucial role played by Kuwait in developing the Arab Action Plan for human rights education.

476. Comité International pour le Respect et l'Application de la Charte Africaine des Droits de l'Homme et des Peuples (CIRAC) welcomed the concrete measures undertaken by Kuwait to ensure the effective enjoyment of all human rights, including through the establishment of the Women's Affairs Commission, the Supreme Human Rights Committee. CIRAC noted that Kuwaiti international assistance in the fields of economic and social rights reflected its strong commitment to MDGs and firm resolve for the promotion and protection of human rights.

477. Verein Sudwind Entwicklungspolitik regretted Kuwait's rejection of the recommendations to ratify optional protocols to human rights treaties. It, however, welcomed positive developments in the fields of international criminal justice and the rights of stateless persons. It urged Kuwait to consider a moratorium on the death penalty and reconsider its opposition to ending the death penalty. It expressed concern about the inequality of women in Kuwait, particularly of migrant women domestic workers, and about human trafficking.

478. Human Rights Watch welcomed the Government's support for recommendations on protecting the labour rights of domestic workers and granting stateless persons permanent residence which would help address two of the most pressing human rights concerns in the country. It contested Kuwait's claim that all persons living within its territory who describe themselves as stateless, also known as "Bidun" are in fact illegal residents who hide other nationalities. It also noted that Kuwait's Law on the Organization of the Judiciary prohibited

courts from reviewing matters related to state sovereignty, including individuals' claims to nationality, effectively barring stateless residents from contesting their legal status in a court of law. It urged Kuwait to grant the Bidun permanent residency status and equal access to civil rights as soon as possible, and to expedite a review of pending claims to nationality.

479. Refugees International noted that the lack of legal status of the Bidun negatively impacted in all areas of life, including identity, family life, residence, health, jobs, and political voice. It also noted that Bidun children could not obtain a birth certificate because their parents were not given marriage certificates. They could not access government education. Health care offered free of charge to citizens was withheld from the Bidun. Refugees International urged Kuwait to formulate and implement a plan to secure civil and political rights, including transparent evaluation of all unresolved Bidun cases, to immediately direct the Minister of Health to register every child at birth; and revise its nationality law, particularly regarding the equal right of women to pass on their nationality to their children.

480. Cairo Institute for Human Rights Studies (CIHRS) noted that while international treaties enjoy the power of law according to the Constitution, Kuwait's legislation was in contradiction to ratified international treaties, particularly its Press and Publication Law, and undermined the independence of the judiciary. No political parties officially existed in Kuwait. CIHRS called on Kuwait to refrain from violating freedom of expression through detention, trial, and deportation of individuals exercising these rights, to modify the Press and Publication Law, and to strengthen guarantees for judicial independence.

481. Canadian HIV/AIDS Legal Network urged Kuwait to give serious consideration to the recommendation that called for the elimination of discrimination against lesbian, gay, bisexual and transgender persons, particularly to consider decriminalizing same-sex relations between consenting adults with a view to ensuring the rights to privacy and non-discrimination. It further urged Kuwait to repeal provisions which criminalize dressing as a member of the opposite sex.

482. Human Rights Information and Training Centre appreciated Kuwait's efforts to improve its human rights record and made a number of suggestions. Regarding the long-standing issue of persons without citizenship, referred to as "Bidun", it recommended that Kuwait take more decisive steps and benefit from the experience of scholars and civil society experts specialized in this area, with a view to settling this problem. It further recommended the speedy establishment of the Public Manpower Authority under the auspices of the Minister for Social Affairs and Labour, with a view to abolishing the sponsorship (kafala) system. Referring to serious human rights violations against domestic workers, the Centre highlighted the urgent need for regulation of their employment relationship. Finally, it emphasized the importance of awareness-raising on human rights issues.

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

483. Kuwait expressed appreciation to all speakers from States and civil society. The delegation explained that Kuwait is an open society without political prisoners. It is a small democratic country with a population of 1 million Kuwaitis and 2 million foreigners. While, it is also a developing country seeking modernization, Kuwait stated that it would like to respect its own system, traditions and customs, of which it is proud.

484. Replying to the points raised by civil society, the delegation committed to conveying their statements to the Government. The problem of illegal residents, has existed for many years and is one that Kuwaiti authorities at all levels wish to solve. In the short term, Kuwait has been providing illegal residents with their basic rights and the provision of services such as education and health benefits. They also had the right to use the justice system and go to court. A Committee has been established composed of ex-Parliamentarians, and it is hoped that a long-term solution to the problem will be found in the very near future. The delegation also drew attention to the many benefits accruing from citizenship and to the illegal resident issue as a matter of national security.

485. The delegation recalled that Kuwait also spends almost 2 per cent of its GNP on international development assistance.

486. Regarding the situation domestic workers, the delegation recognized that abuses do occur, as that no society was perfect, and that these issues were being handled, including by resorting to the courts and cooperating with the relevant authorities of sending countries.
487. Kuwait has freedom of information and the Prime Minister has the right to go to the court against those who would defame him.
488. While, capital punishment is in accordance with Islamic laws, Kuwait has not applied the death penalty for some time. The delegation stated that the judiciary is a separate authority with full independence from the executive and legislative branches of the Government.

## Belarus

489. The review of Belarus was held on 12 May 2010 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:
- (a) The national report submitted by Belarus in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/8/BLR/1);
  - (b) The compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/8/BLR/2); and
  - (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/8/BLR/3).
490. At its 19th meeting, on 23 September 2010, the Human Rights Council considered and adopted the outcome of the review on Belarus (see section C below).
491. The outcome of the review on Belarus comprises the report of the Working Group on the Universal Periodic Review (A/HRC/15/16), together with the views of Belarus concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/15/16/Add.1).

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

492. The delegation noted that the universal periodic review process was a unique opportunity to critically analyze the human rights situation in all countries, including Belarus. During the review, Belarus, like other countries, ascertained advanced experiences of other countries in the field of human rights and had an opportunity to share with them its own achievements. The main objective which was drawn from the results of the review remained the establishment of effective system of the protection and promotion of human rights at the national level.
493. The delegation expressed its appreciation for the active participation and important contribution of the members of and observer states of the Human Rights Council during the review. Belarus received a number of constructive and valuable recommendations concerning the improvement of its national system for the protection and promotion of human rights. According to the delegation, open and result-oriented approach of Belarus to the review was demonstrated by its specific actions and Belarus remained one of a few countries that had started the implementation of recommendations made during the review even before the adoption of the report of the Working Group.
494. The delegation informed that, at the initiative of the government, the Office of the High Commissioner for Human Rights (OHCHR) held, in July, a seminar on the universal periodic review in Minsk, the result of which was the adoption of a plan to develop a road map for cooperation between Belarus and OHCHR as well as other international organizations in view of the effective implementation of the accepted recommendations.

495. The delegation reported that the draft report of the Working Group included 93 recommendations concerning various aspects of human rights. In a spirit of constructive engagement, Belarus accepted 55 recommendations right away during the Working Group session held in May. The remaining recommendations were considered and thoroughly studied in view of existing capacity and international obligations of Belarus. Additionally, Belarus proceeded following the rationale of accepting a maximum number of recommendations with an expectation to receive relevant assistance from international organizations. As a result, Belarus accepted 75 recommendations out of 93, which constituted 70 percent of all recommendations made to Belarus.

496. The delegation stated Belarus' intention to develop an inter-agency plan of action for the implementation of the accepted recommendations made during the review, which would give an opportunity to the Government to expand its concrete efforts aimed at promoting and protecting human rights.

497. The delegation clarified its position regarding the recommendations which Belarus did not accept at this stage. It noted that the abolition of the death penalty did not fall within the competence of the Government, as the decision on the application of the death penalty sentences was adopted through national referendum, which, like in other countries, had the highest legal power. In addition, abolition of the death penalty was not a requirement of international law. At the same time, the Government, following Europe's trend to abolish the death penalty, continued its efforts to mould public opinion in favour of the abolition and actively cooperated with international and regional organizations. The delegation informed that an event on the abolition of the death penalty was organized under the auspices of the Council of Europe on the date of the HRC plenary session in Minsk, which was attended by the representatives of the government, the parliament and civil society.

498. The delegation noted that Belarus was recommended to ratify a number of international human rights treaties. In this respect, the delegation highlighted the fact that Belarus was party to almost all core international human rights treaties. Nevertheless, the Government intended to continue adhering to the conventions, provisions of which would complement and strengthen national legislation and could be implemented with available resources at the national level. As an example, the delegation mentioned the acceptance of the recommendation by Belarus to accede to the Convention on the Rights of Persons with Disabilities. It informed that the domestic procedure for the accession to the Convention was completed even before the approval of the report by the HRC Plenary. The issue of ratification of other instruments would be further considered at a later stage.

499. The delegation reiterated that Belarus attached great importance to issues of mass media activities, democratic elections and freedom of association. It stated that the national legislation was fully consistent with international obligations of Belarus, in particular with the International Covenant on Civil and Political Rights. A new media law, which was drafted with consultative assistance of OSCE, entered into force in 2009 and was aimed at further strengthening media freedom. According to the delegation, the Electoral Code of Belarus was amended in 2010 by taking into account recommendations of OSCE in order to ensure more transparency in the electoral system and strengthen the guarantees of fair elections. The delegation noted that it was still early to draw conclusions about effectiveness of those laws.

500. The delegation considered insufficiently justified the proposal to revise legislation concerning non-governmental organizations. It informed that 2 274 non-governmental organizations carried out their activities in Belarus, and 68 new NGOs were registered in the first half of 2010. According to the delegation, the above mentioned figures vividly proved the absence of any legal obstacles for the registration and full functioning of NGOs in Belarus. It noted that the dynamics of the development of civil society in Belarus was at least not lower than in other countries.

501. The delegation assured that the recommendations made during the review that could not be accepted by Belarus at this stage would remain under the consideration of the Government during the next review. In this respect, the fact that a number of recommendations were rejected at this stage did not mean that they would not be implemented.

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

502. The Russian Federation welcomed the Government's decision to expand its obligations under international human rights treaties and to subsequently undertake relevant measures at the national level, and to contribute to the constructive dialogue on human rights issues at the international level. It took note of Belarus' cooperation in the universal periodic review process, which was demonstrated in the discussion of the Working Group and by the Government's position expressed regarding recommendations. The Russian Federation expressed confidence that the implementation of accepted recommendations made in the review would further the progress documented in a broad areas of human rights in Belarus.

503. Algeria commended Belarus for the progress achieved in civil and political rights as well as in economic, social and cultural rights and noted that the progress would make the country one of the first in its region and beyond to achieve the Millennium Development Goals. Algeria appreciated the fact that 70 percent of the recommendations made had been accepted, including four recommendations made by Algeria. There had been indications that recommendations that had not been accepted were still under consideration, which attested the Government's exemplary commitment to the universal periodic review.

504. Cuba stated that the review in the Working Group confirmed Belarus' political commitment towards the promotion and protection of human rights. The universal periodic review identified some of achievements in the area of human rights such as illiteracy eradication, free education and health, low levels of maternal and infant mortality and the drastic reduction of HIV/AIDS. It commended Belarus for having accepted a large number of recommendations, including those put forward by Cuba. It encouraged Belarus to continue working for the improvement of the social and economic development of its people.

505. Venezuela noted with appreciation Belarus' readiness to provide thorough information which assisted in the constructive discussion on the progress made and the remaining challenges in promoting human rights. Venezuela stated that thanks to adequate investments in social policy, Belarus provided guarantees for full enjoyment of social rights for all in an inclusive and non-discriminatory manner. Venezuela appreciated that Belarus met Millennium Development Goals in the areas of poverty reduction, gender equality, and access to primary education before the set deadlines. The delegation encouraged Belarus to continue to invest in the implementation of social policies.

506. Syrian Arab Republic thanked the Government for the detailed information which clarified Belarus' position towards the various recommendations made during the review and demonstrated Belarus' sincere efforts to implement a maximum number of recommendations possible in order to promote and protect human rights for all. It encouraged Belarus to continue its efforts and invited it to fulfil its human rights commitments in accordance with the Charter of the United Nations and the Universal Declaration of Human Rights.

507. Bahrain noted that Belarus adopted necessary measures to implement the recommendations made during the review and to strengthen and promote human rights that demonstrated the Government's readiness to further the progress in the area of human rights and its commitment to the United Nations. Bahrain noted with appreciation Belarus' efforts to provide free access to healthcare and to combat trafficking in human beings, including the establishment of rehabilitation centres for the victims of the human trafficking.

508. Viet Nam noted with appreciation Belarus' achievements in promoting and protecting human rights and fundamental freedoms in the past years. It highlighted the fact that Belarus was among those countries that had implemented the Millennium Development Goals related to poverty eradication, gender equality and access to primary school. It welcomed the active cooperation of Belarus with international organizations and the UN human rights mechanisms, including the treaty-bodies and special procedures. It commended Belarus for accepting the majority of recommendations during the review and appreciated Belarus' commitment towards the follow-up of the accepted recommendations.

509. Azerbaijan noted Belarus' comprehensive and substantive responses to the recommendations, which clearly showed the country's commitment to the promotion and

protection of human rights. It congratulated Belarus on the adoption of a Global Plan of Action against human trafficking by the United Nations General Assembly this July which had been initiated and launched by Belarus and commended the establishment of the International Training Centre on Migration and Combating Human Trafficking.

510. Egypt commended Belarus for achieving the Millennium Development Goals related to the eradication of poverty, universal primary education and promoting gender equality, before the set deadline. It also acknowledged Belarus' efforts in combating trafficking of human beings and encouraged Belarus to strengthen its active role on this issue at the national and international level. Egypt noted with appreciation the Government's efforts in the area of the rights of women and children. Finally, it expressed confidence that Belarus would be in a position to sustain its endeavours aimed at the promotion and protection of all human rights, through a holistic approach and a consolidated national human rights infrastructure by engaging the relevant stakeholders.

511. Morocco appreciated Belarus' efforts made to combat trafficking in human beings, in particular the establishment of the International Training Centre on Migration and Combating Human Trafficking. Morocco welcomed the fact that Belarus achieved development goals enshrined in the Millennium Declaration before the deadline, and adopted measures to promote equality between men and women and the rights of the vulnerable persons. It encouraged Belarus to continue to make constructive progress in the promotion and protection of human rights.

512. Uzbekistan noted with appreciation that Belarus accepted two recommendations which Uzbekistan put forward related to the improvement of the living standards of the people and the combat of racial discrimination and intolerance. It noted that Belarus undertook constant measures to improve the human rights situation in the country through the establishment of legal and institutional basis. It acknowledged the fact that Belarus was party to most international human rights instruments and was applying their provisions in its national legislation. Uzbekistan welcomed the Government's efforts to ensure the rights to health and education and noted Belarus' achievements in combating trafficking in human beings. According to Uzbekistan, the review illustrated that Belarus developed and improved its national human rights system.

513. China noted that Belarus achieved remarkable progress in economic and social development and in human rights, and the Millennium Development Goals regarding poverty eradication, gender equality and primary education. It also acknowledged the fact that Belarus continued working to improve its legal system and to invest in public health and social security, and accepted most of the recommendations and committed to their implementation, despite the challenges it faced as a developing country.

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

514. The Rencontre Africaine pour la Défense des Droits de l'Homme (RADDHO) acknowledged the positive changes that took place in Belarus since 2008 and led to the improvement in the enjoyment of economic and social rights, including the rights to work, health and education. However, it noted that several obstacles to the freedom of expression and assembly remained, in particular procedures for the registration of human rights defenders, political parties and independent media. RADDHO observed that the situation of the Roma community remained frail. It noted that Belarus was the last European country to apply the death penalty and called for its prompt abolition.

515. Amnesty International (AI) urged Belarus to declare an immediate moratorium on executions with a view to abolishing the death penalty. It stated that Belarus was the only country in Europe to continue to carry out executions and noted that Vasily Yuzepchuk and Andrei Zhuk were executed in March 2010. AI was also concerned that prisoners and their relatives were not informed in advance of the date of execution. AI noted that Belarus committed to ensure fair trials and to strictly respect the absolute prohibition of torture and welcomed Belarus' commitment to introduce a definition of torture into national legislation. AI further called on the Government to ensure prompt, impartial and comprehensive

investigations into all complaints of torture and other ill-treatment and urged the authorities to take the necessary measures to ensure freedom of expression and association for all, including by simplifying the registration procedures for NGOs, and by abolishing Article 193.1 of the Criminal Code.

516. The International Gay and Lesbian Human Rights Commission reminded that Belarus received recommendations to promote equality, including on grounds of sexual orientation and gender identity; to include these grounds in anti-discrimination legislation and to develop public education and police sensitivity programs. These recommendations were consistent with Belarus' commitment to the principles of equality and non-discrimination and, thus, urged it to accept them. It requested Belarus to ensure that lesbian, gay, bisexual and transgender citizens are treated equally to all other citizens. It reiterated the various calls that were made during the Working Group to guarantee the freedom of expression, assembly and association for all citizens accordingly to obligations stemming from the International Covenant on Civil and Political Rights.

517. CIVICUS noted with regret that the position of Belarus during the interactive dialogue had been mostly formal and non-constructive. CIVICUS regretted the fact that Belarus rejected most of the recommendations concerning urgent issues such as the abolition or at least moratorium of the death penalty; guaranteeing freedom of association; simplifying the registration procedure of associations, political parties and other forms of non-governmental organizations. The ban on activities of unregistered NGOs should be abolished and criminal responsibility for such activities should be excluded from the Criminal Code. CIVICUS expressed hope that the review of the law on non-commercial organizations planned next year would improve the situation of civil society and that Belarus would implement the recommendations of the United Nations Human Rights Committee and submit overdue reports.

518. The Northern Alliance for Sustainability (ANPED) welcomed the fact that Belarus accepted the recommendation no. 97.8 which confirmed Belarus' intention to continue its action-oriented policy on the environmental protection. It also appreciated the acceptance of the recommendations no. 98.31 made by Norway which related to violations against human rights defenders, journalists and students. ANPED drew to the attention of the Human Rights Council the following important issues that the environmental movement faced in Belarus: the activities aimed at the protection of environment were not freely carried out because of article 193-1 of the Criminal Code which criminalised any activity of a non-registered organisation; and citizens and interest groups of many cities were not in a position to freely express their position on environmental issues. In this respect, ANPED considered it important for Belarus to accept the recommendation no. 98.23 made by Belgium. It expressed hope that the Government would find a possibility to return to the discussion of this issue.

519. While welcoming Belarus' announcement concerning the invitation of eight special procedures mandate holders, Conscience and Peace Tax International (CPTI) regretted that the list did not include the Special Rapporteur on freedom of religion or belief. CPTI urged Belarus to invite this mandate holder, who could investigate persistent reports of harassment of minority religious denominations and assess progress towards implementation of the right of conscientious objection to military service. It encouraged the continuation and deepening of the engagement with the civil society for the drafting of the Alternative Service Law, and hoped that this would help to produce a text compatible with international standards on the implementation of the right of conscientious objection to military service. Finally, CPTI expressed its hope that pending the early promulgation of legislation a halt would be put to the prosecution and imprisonment of conscientious objectors.

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

520. The delegation thanked again to all delegations for their active participation and support expressed to Belarus' efforts in the human rights protection. The delegation assured that Belarus would continue its cooperation with the Human Rights Council on various human rights issues.

521. In response to interventions of NGOs, the delegation stated that comments and concerns of non-governmental organizations would be noted in the implementation of the recommendations made in the review. In response to environmental issues addressed by a stakeholder, the delegation stated that Belarus paid a special attention to environmental issues and held active dialogue with relevant stakeholders in the framework of the Orhus Convention and other similar conventions.

522. The delegation referred to a number of achievements made by Belarus in the past 20 years of its independence, including political stability and well-functioning economy. It expressed Belarus' readiness to continue open discussions on all issues concerning the work of the Human Rights Council and the human rights protection in general, in view of its national interests.

523. In conclusion, the delegation positively assessed the results of the review and expressed its gratitude to OHCHR for its assistance and to the members of Troika for their constructive support during the review.

## **B. General debate on agenda item 6**

524. At its 20th meeting, on 23 September 2010, the Council held a general debate on agenda item 6, during which the following made statements:

(a) Representatives of States Members of the Council: Argentina, Belgium (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), Brazil, China, Cuba, Hungary, Poland, Russian Federation, United States of America;

(b) Representatives of the following observer States: Algeria, Armenia, Austria, Azerbaijan, Colombia, Cyprus, Honduras, Romania, Sudan, Turkey;

(c) Observers for the following non-governmental organizations: Action Canada for Population and Development (also on behalf of the Franciscans International), Amnesty International, Colombian Commission of Jurists, Human Rights Watch, International Indian Treaty Council, Verein Sudwind Entwicklungspolitik.

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

### **Kyrgyzstan**

525. At the 14th meeting, on 21 September 2010, the Council adopted draft decision 15/101 without a vote (for the text as adopted, see part one, chapter II).

### **Guinea**

526. At the 14th meeting, on 21 September 2010, the Council adopted draft decision 15/102 without a vote (for the text as adopted, see part one, chapter II).

### **Lao People's Democratic Republic**

527. At the 15th meeting, on 21 September 2010, the Council adopted draft decision 15/103 without a vote (for the text as adopted, see part one, chapter II).

### **Spain**

528. At the 15th meeting, on 21 September 2010, the Council adopted draft decision 15/104 without a vote (for the text as adopted, see part one, chapter II).

### **Lesotho**

529. At the 15th meeting, on 21 September 2010, the Council adopted draft decision 15/105 without a vote (for the text as adopted, see part one, chapter II).

**Kenya**

530. At the 16th meeting, on 22 September 2010, the Council adopted draft decision 15/106 without a vote (for the text as adopted, see part one, chapter II).

**Armenia**

531. At the 16<sup>th</sup> meeting, on 22 September 2010, the Council adopted draft decision 15/107 without a vote (for the text as adopted, see part one, chapter II).

**Sweden**

532. At the 17th meeting, on 22 September 2010, the Council adopted draft decision 15/108 without a vote (for the text as adopted, see part one, chapter II).

**Grenada**

533. At the 17th meeting, on 22 September 2010, the Council adopted draft decision 15/109 without a vote (for the text as adopted, see part one, chapter II).

**Turkey**

534. At the 17th meeting, on 22 September 2010, the Council adopted draft decision 15/110 without a vote (for the text as adopted, see part one, chapter II).

**Guyana**

535. At the 18th meeting, on 23 September 2010, the Council adopted draft decision 15/111 without a vote (for the text as adopted, see part one, chapter II).

**Kuwait**

536. At the 18th meeting, on 23 September 2010, the Council adopted draft decision 15/112 without a vote (for the text as adopted, see part one, chapter II).

**Belarus**

537. At the 18th meeting, on 23 September 2010, the Council adopted draft decision 15/113 without a vote (for the text as adopted, see part one, chapter II).

## **VII. Human rights situation in Palestine and other occupied Arab territories**

### **A. Follow-up to Human Rights Council resolutions S-9/1, S-12/1 and 13/9**

538. At the 23rd meeting, on 27 September 2010, the High Commissioner introduced her report on the status of implementation of Council resolution 13/9 on follow-up to the report of the United Nations Independent International Fact-Finding Mission on the Gaza Conflict (A/HRC/15/52), and the report of the Secretary-General on the progress made in the implementation of the recommendations of the United Nations Independent International Fact-Finding Mission on the Gaza Conflict (A/HRC/15/51), in accordance with Council resolution 12/1.

539. At the same meeting, on the same day, Christian Tomuschat, Chairperson-Rapporteur of the Committee of independent experts in international humanitarian and human rights laws, established by Council resolution 13/9, to monitor and assess any domestic, legal or other proceedings undertaken by both the Government of Israel and the Palestinian side, in the light of General Assembly resolution 64/254, presented the report of the Committee (A/HRC/15/50). The other two members of the Committee, Justice Mary McGowan and Param Cumaraswamy, were also present.

540. At the same meeting, the representatives of Israel and Palestine made statements as the concerned parties.

541. During the ensuing interactive dialogue on the report of the Committee, at the same meeting, the following made statements and asked the members of the Committee questions:

(a) Representatives of States Members of the Council: Bahrain, Bangladesh, Brazil, China, Cuba, Egypt<sup>1</sup> (also on behalf of the Non-Aligned Movement), Libyan Arab Jamahiriya, Malaysia, Pakistan (on behalf of the Organization of the Islamic Conference), Qatar, Saudi Arabia, Senegal, Switzerland, Syrian Arab Republic<sup>1</sup> (also on behalf of the Group of Arab States), United States of America;

(b) Representative of the following observer States: Algeria, Indonesia, Iran (Islamic Republic of), Iraq, Lebanon, Morocco, Sudan, Tunisia, Turkey, United Arab Emirates, Yemen;

(c) Observers for intergovernmental organizations: European Union, League of Arab States;

(d) Observers for the following non-governmental organizations: Amnesty International, BADIL resource center for Palestinian residency and refugee rights, Fédération Internationale des Ligues des Droits de l'Homme (also on behalf of Al-Haq, Law in the Service of Man), Palestinian Centre for Human Rights, United Nations Watch.

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

## **B. General debate on agenda item 7**

543. At its 23rd and 24th meetings, on 27 September 2010, the Council held a general debate on agenda item 7, during which the following made statements:

(a) The representatives of Israel and the Syrian Arab Republic, as concerned countries, and the representative of Palestine, as a concerned party;

(b) Representatives of States Members of the Council: Bahrain, Belgium (on behalf of the European Union, Albania, Bosnia and Herzegovina, Croatia, Montenegro, the Republic of Moldova, Serbia, The former Yugoslav Republic of Macedonia and Turkey), Cuba, Egypt<sup>1</sup> (on behalf of Non-Aligned Movement), Libyan Arab Jamahiriya, Malaysia, Maldives, Nigeria (on behalf of the Group of African States), Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Russian Federation, Saudi Arabia, Spain, Switzerland, Syrian Arab Republic<sup>1</sup> (on behalf of the Group of Arab States), Thailand, United States of America;

(c) Representatives of the following observer States: Afghanistan, Algeria, Democratic People's Republic of Korea, Egypt, Iceland, Indonesia, Iran (Islamic Republic of), Lebanon, Morocco, Oman, Sri Lanka, Sudan, Turkey, Venezuela (Bolivarian Republic of), Yemen;

(d) Observers for the following non-governmental organizations: Al-Haq - The law in the service of Man (also on behalf of Al Mezan Centre for Human Rights, BADIL Resource Center for Palestinian Residency and Refugee Rights, Defence for Children International, Palestinian Centre for Human Rights and Women's Centre for Legal Aid and Counseling), Association for World Education, BADIL Resource Center for Palestinian Residency and Refugee Rights, Cairo Institute for Human Rights Studies, Charitable Institute for Protecting Social Victims, Coordinating Board of Jewish Organizations (also on behalf of the B'nai B'rith International), European Union of Jewish Students, Human Rights Watch, 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, International Educational Development Inc., International Youth and Student Movement for the United Nations and the International Organization for the Elimination of All Forms of Racial Discrimination), Nord-Sud XXI – North-South XXI, Organization for Defending Victims of Violence, Palestinian Centre for Human Rights (also on behalf of the Fédération Internationale des Ligues des Droits de

l'Homme), Rencontre Africaine pour la Défense des Droits de l'Homme, United Nations Watch, World Union for Progressive Judaism.

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

## **VIII. Follow-up to and implementation of the Vienna Declaration and Programme of Action**

### **A. General debate on agenda item 8**

544. At its 22nd meeting, on 24 September 2010, the Council held a general debate on agenda item 8, during which the following made statements:

(a) Representatives of States Members of the Council: Argentina, Belgium (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, Turkey and Ukraine), Brazil (on behalf of the Southern Common Market, MERCOSUR), China, Costa Rica<sup>1</sup> (on behalf of the Group of Latin American and Caribbean States), Nigeria (on behalf of the Group of African States), Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Russian Federation, Syrian Arab Republic<sup>1</sup> (also on behalf of the Group of Arab States), United States of America;

(b) Representatives of the following observer States: Algeria, Azerbaijan, Morocco, Slovenia.

(c) Observers for the following non-governmental organizations: Action Canada for Population and Development, Action Internationale pour la Paix et le Développement des Grands Lacs, Afro Asian People's Solidarity Organization, Agence Internationale pour le Développement, Amnesty International, Association for World Education, Centrist Democratic International, European Union for Public Relations, Femmes Afrique Solidarité, France Libertés (also on behalf of the American Association of Jurists, International Educational Development Inc. and Mouvement contre le racisme et pour l'amitié entre les peuples), Fundación Para la Libertad, Indian Council of Education, International Club for Peace Research, International Humanist and Ethical Union, International Institute for Non-aligned Studies, International Institute for Peace, International Lesbian and Gay Association – Europe, International Service for Human Rights (also on behalf of the Cairo Institute for Human Rights Studies, Canadian HIV/AIDS legal network, Asian Forum for Human Rights and Development (Forum – Asia) and Human Rights Watch), Marangopoulos Foundation For Human Rights, Verein Sudwind Entwicklungspolitik, Widows Rights International, World Federation of Democratic Youth, World Union Progressive Judaism.

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

## **IX. Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up to and implementation of the Durban Declaration and Programme of Action**

### **A. Interactive dialogue with special procedures**

#### **Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance**

545. At the 26th meeting, on 28 September 2010, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Githu Muigai, presented his reports (A/HRC/15/45 and A/HRC/15/53).

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

(a) Representatives of States Members of the Council: Bangladesh, Brazil, China, Djibouti, Libyan Arab Jamahiriya, Malaysia, Maldives, Nigeria (on behalf of Group of African States), Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Poland, Russian Federation, Saudi Arabia, Senegal, Switzerland, Thailand, United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of the following observer States: Algeria, Armenia, Azerbaijan, Denmark, Egypt, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Philippines, Sweden, Venezuela (Bolivarian Republic of);

(c) Observers for intergovernmental organizations: African Union, European Union;

(d) Observers for the following non-governmental organizations: Cairo Institute for Human Rights Studies, Human Rights First, International Movement Against All Forms of Discrimination and Racism, Ligue internationale contre le racisme et l'antisémitisme.

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

#### **Working Group of Experts on People of African Descent**

548. At the 26th meeting, on 28 September 2010, the Chairperson-Rapporteur of the Working Group of Experts on People of African Descent, Mirjana Najcevska, presented report of the Working Group (A/HRC/15/18).

549. At the same meeting, the representative of the United States of America made a statement as a concerned country.

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

(a) Representatives of States Members of the Council: Brazil, Ecuador, Nigeria (on behalf of Group of African States), Senegal;

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

551. At the same meeting, the Chairperson-Rapporteur of the Working Group answered questions and made her concluding remarks.

### **B. General debate on agenda item 9**

552. At its 26th and 27th meetings, on 28 September 2010, the Council held a general debate on agenda item 9, during which the following made statements:

(a) Representatives of States Members of the Council: Belgium (on behalf of the European Union, Albania, Armenia, Bosnia and Herzegovina, Georgia, Iceland, Montenegro, the Republic of Moldova, Serbia, The former Yugoslav Republic of Macedonia and Ukraine), Cuba, Egypt<sup>1</sup> (on behalf of Non-Aligned Movement), Guatemala, Libyan Arab Jamahiriya, Nigeria (on behalf of the Group of African States), Pakistan (on behalf of the Organization of the Islamic Conference), Qatar, Russian Federation, Saudi Arabia, Syrian Arab Republic<sup>1</sup> (on behalf of the Group of Arab States), United States of America;

(b) Representatives of the following observer States: Azerbaijan, Iran (Islamic Republic of), Israel, Kuwait, Turkey;

(c) Observer for the Holy See;

(d) Observers for the following non-governmental organizations: Afro-Asian People's Solidarity Organization, Association for World Education, Association of World Citizens, Cairo Institute for Human Rights Studies, Charitable Institute for Protecting Social Victims, Commission to Study the Organization of Peace, European Union of Public Relations, France-Libertés Fondation Danielle Mitterrand, Fraternité Notre Dame, Inc., International Club for Peace Research, International Educational Development, Inc., International Humanist and Ethical Union, International Institute for Peace, International Islamic Federation of Student Organizations (also on behalf of the World Muslim Congress), International Youth and Student Movement for the United Nations, Liberation, Mbororo Social and Cultural Development Association of Cameroon, Mouvement contre le racisme et pour l'amitié entre les peuples, Organization for Defending Victims of Violence, Rencontre Africaine Pour la Défense des Droits de l'Homme, United Nations Watch, Verein Sudwind Entwicklungspolitik, World Union for Progressive Judaism.

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

## **X. Technical assistance and capacity-building**

### **A. Interactive dialogue with special procedures**

#### **Independent expert on the situation of human rights in Burundi**

553. At the 25th meeting, on 28 September 2010, the President informed the States Members of the Council, observer States and other observers that the interactive dialogue with the independent expert on the situation of human rights in Burundi on the report of the previous mandate holder, Akich Okola, covering the latter's activities and findings since the renewal of his mandate in 2008, will not take place, given that the Government of Burundi had not received the said report. The President further informed that the delegation of Burundi had no objection to deferring the interactive dialogue to the Council's next session in March 2011.

#### **Special Rapporteur on the situation of human rights in Cambodia**

554. At the 27th meeting, on 28 September 2010, the Special Rapporteur on the situation of human rights in Cambodia, Surya Prasad Subedi, presented his report (A/HRC/15/46).

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

556. During the ensuing interactive dialogue at the same meeting, the following made statements and asked the independent expert questions:

(a) Representatives of States Members of the Council: Brazil, China, Japan, Malaysia, Switzerland, Thailand, United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of the following observer States: Algeria, Australia, Canada, Indonesia, Ireland, Lao People's Democratic Republic, Myanmar, Nepal, Philippines, Singapore, Sweden, Viet Nam;

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

(d) Observers for the following non-governmental organizations: Amnesty International, Asian Forum for Human Rights and Development, Human Rights Watch.

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

#### **Independent expert on the situation of human rights in Somalia**

558. At the 29th meeting, on 29 September 2010, the independent expert on the situation of human rights in Somalia, Shamsul Bari, presented his report (A/HRC/15/48).

559. At the same meeting, the representative of Somalia made a statement, as the concerned country.

560. During the ensuing interactive dialogue at the same meeting, the following made statements and asked the independent expert questions:

(a) Representatives of States Members of the Council: Bahrain, Bangladesh, China, Djibouti, Nigeria (on behalf of the Group of African States), Norway, Saudi Arabia, Switzerland, Syrian Arab Republic<sup>1</sup> (on behalf of the Group of Arab States), Thailand, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of the following observer States: Algeria, Australia, Canada, Egypt, Ethiopia, Italy, Kuwait, Sudan, Sweden, Tanzania, Yemen;

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

(d) Observers for the following non-governmental organizations: Cairo Institute for Human Rights Studies, Freedom House, Human Rights Watch, International Educational Development, Inc.

561. At the same meeting, the independent expert answered questions and made his concluding remarks.

## **B. Stand-alone interactive dialogue**

#### **Stand-alone interactive dialogue on assistance to Somalia in the field of human rights**

562. At the 28th meeting, on 29 September 2010, the Council held a stand-alone interactive dialogue on assistance to Somalia in the field of human rights, in accordance with Council decision 14/119. The High Commissioner made opening remarks for the discussion.

563. At the same meeting, the following participants made statements: Abdirahman Haji Aden Ibbi, Shamsul Bari, Augustine P. Mahiga, Mark Bowden, Boubacar Gaoussou Diarra, George Okoth-Obbo, Charles Vincent, Abdullahi M. Shirwa, Omar Farukh Osman.

564. During the ensuing discussion, at the same meeting, the following made statements and asked the participants questions:

(a) Representatives of States Members of the Council: Brazil, Djibouti, Ghana, Japan, Mexico, Nigeria (on behalf of the Group of African States), Pakistan (on behalf of the Organization of the Islamic Conference), Spain, Switzerland, Syrian Arab Republic<sup>1</sup> (on behalf of the Group of Arab States), United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay;

(b) Representatives of the following observer States: Algeria, Australia, Egypt, Ethiopia, Israel, Italy, Kenya, United Arab Emirates, Yemen;

(c) Observer for the United Nations entities, specialized agencies and related organizations: United Nations Children's Fund;

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

(e) Observers for non-governmental organizations: Amnesty International, Cairo Institute for Human Rights Studies.

565. At the same meeting, the following participants answered questions and made their concluding remarks: Abdirahman Haji Aden Ibbi, Augustine P. Mahiga, Mark Bowden, Boubacar Gaoussou Diarra, George Okoth-Obbo, Charles Vincent, Abdullahi M. Shirwa, Omar Farukh Osman.

### **C. General debate on agenda item 10**

566. At its 29th meeting, on 29 September 2010, the Council held a general debate on the country-specific reports submitted under agenda item 2 and introduced by the Chief of the Africa Branch, Field Operation and technical Cooperation Division of the Office of the High Commissioner of Human Rights under agenda item 10.

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

568. During the ensuing general debate, at the same meeting, the following made statements:

(a) Representatives of States Members of the Council: Brazil, Belgium (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, Turkey and Ukraine), Chile, Switzerland, Thailand, United States of America;

(b) Observer for an intergovernmental organization: Organisation internationale de la Francophonie;

(c) Observer for national human rights institutions: International Coordinating Committee of national human rights institutions;

(d) Observers for non-governmental organizations: Human Rights Watch, Rencontre Africaine pour la défense des droits de l'homme.

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