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2-18 June 2008

**REPORT OF THE HUMAN RIGHTS COUNCIL
ON ITS EIGHTH SESSION**

Vice-President and Rapporteur: Mr. Alejandro Artucio (Uruguay)

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Part One: Resolutions, decisions and President's statements

I. Resolutions adopted by the Council at its eighth session

**8/1. Conference facilities and financial support
for the Human Rights Council**

The Human Rights Council,

Bearing in mind General Assembly resolutions 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007,

Recalling Council decision 3/104 of 8 December 2006 on conference facilities and financial support for the Council and the report of the Secretary-General on its implementation (A/62/125),

1. *Reaffirms* the need to ensure the provision of necessary financial resources to the Council and its working groups in order to discharge its mandate fully, as stipulated in General Assembly resolution 60/251 and implemented by Council resolution 5/1;

2. *Expresses its concern* at the delays in the submission of documents to the Council, including those relating to the universal periodic review, and in particular the delays in the translation of documents into the six official languages of the United Nations, and in this context requests the Office of the United Nations High Commissioner for Human Rights and the Conference Services Division at the United Nations Office at Geneva to make an assessment of the situation and to report back to the Council at its ninth session with proposals for adequate measures, bearing in mind the necessity of maintaining financial efficiency, to address these problems;

3. *Reaffirms* that the Council will consider favourably the adoption of a decision on the webcasting of all public proceedings of its various working groups, taking into account the principles of transparency, equal treatment and non-selectivity and, in this context, requests the Department of Public Information of the United Nations Office at Geneva to make an assessment of the situation and to report back to the Council at its ninth session with proposals for adequate measures, including the necessary resources to establish a permanent capacity for webcasting.

*28th meeting
18 June 2008*

Adopted without a vote.

**8/2. Optional Protocol to the International Covenant
on Economic, Social and Cultural Rights**

The Human Rights Council,

Reaffirming the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling that, in the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/24), the World Conference encouraged the Commission on Human Rights to continue the examination of optional protocols to the International Covenant on Economic, Social and Cultural Rights,

Recalling also that the Vienna Declaration and Programme of Action, the 2005 World Summit Outcome and General Assembly resolution 60/251 establishing the Human Rights Council all affirm that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing and must be treated in a fair and equal manner, on the same footing and with the same emphasis,

Bearing in mind previous resolutions of the Council and the Commission on Human Rights on the realization of economic, social and cultural rights, and in particular Council resolution 1/3 on the Open-ended Working Group on an optional protocol to the International Covenant on Economic, Social and Cultural Rights,

Welcoming the report of the Working Group (A/HRC/8/7) and the decision to transmit the draft optional protocol to the International Covenant on Economic, Social and Cultural Rights to the Council for its consideration,

1. *Adopts* the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights annexed to the present resolution;
2. *Recommends* that the General Assembly, in accordance with paragraph 5 (c) of its resolution 60/251, adopt the following draft resolution:

“The General Assembly,

Welcoming the adoption by the Human Rights Council, through its resolution ..., of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights,

1. *Adopts* and opens for signature, ratification and accession the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the text of which is annexed to the present resolution;
2. *Recommends* that the Optional Protocol be opened for signature at a signing ceremony in Geneva in March 2009 and requests the Secretary-General and the United Nations High Commissioner for Human Rights to provide the necessary assistance.”

Annex

OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Preamble

The States Parties to the present Protocol,

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

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

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

Reaffirming the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms,

Recalling that each State Party to the International Covenant on Economic, Social and Cultural Rights (hereinafter referred to as the Covenant) undertakes to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the Covenant by all appropriate means, including particularly the adoption of legislative measures,

Considering that, in order further to achieve the purposes of the Covenant and the implementation of its provisions, it would be appropriate to enable the Committee on Economic, Social and Cultural Rights (hereinafter referred to as the Committee) to carry out the functions provided for in the present Protocol,

Have agreed as follows:

Article 1

Competence of the Committee to receive and consider communications

1. A State Party to the Covenant that becomes a Party to the present Protocol recognizes the competence of the Committee to receive and consider communications as provided for by the provisions of the present Protocol.
2. No communication shall be received by the Committee if it concerns a State Party to the Covenant which is not a Party to the present Protocol.

Article 2

Communications

Communications may be submitted by or on behalf of individuals or groups of individuals, under the jurisdiction of a State Party, claiming to be victims of a violation of any of the economic, social and cultural rights set forth in the Covenant by that State Party. Where a communication is submitted on behalf of individuals or groups of individuals, this shall be with their consent unless the author can justify acting on their behalf without such consent.

Article 3

Admissibility

1. The Committee shall not consider a communication unless it has ascertained that all available domestic remedies have been exhausted. This shall not be the rule where the application of such remedies is unreasonably prolonged.

2. The Committee shall declare a communication inadmissible when:
 - (a) It is not submitted within one year after the exhaustion of domestic remedies, except in cases where the author can demonstrate that it had not been possible to submit the communication within that time limit;
 - (b) The facts that are the subject of the communication occurred prior to the entry into force of the present Protocol for the State Party concerned unless those facts continued after that date;
 - (c) The same matter has already been examined by the Committee or has been or is being examined under another procedure of international investigation or settlement;
 - (d) It is incompatible with the provisions of the Covenant;
 - (e) It is manifestly ill-founded, not sufficiently substantiated or exclusively based on reports disseminated by mass media;
 - (f) It is an abuse of the right to submit a communication; or when
 - (g) It is anonymous or not in writing.

Article 4

Communications not revealing a clear disadvantage

The Committee may, if necessary, decline to consider a communication where it does not reveal that the author has suffered a clear disadvantage, unless the Committee considers that the communication raises a serious issue of general importance.

Article 5

Interim measures

1. At any time after the receipt of a communication and before a determination on the merits has been reached, the Committee may transmit to the State Party concerned for its urgent consideration a request that the State Party take such interim measures as may be necessary in exceptional circumstances to avoid possible irreparable damage to the victim or victims of the alleged violations.
2. Where the Committee exercises its discretion under paragraph 1 of the present article, this does not imply a determination on admissibility or on the merits of the communication.

Article 6

Transmission of the communication

1. Unless the Committee considers a communication inadmissible without reference to the State Party concerned, the Committee shall bring any communication submitted to it under the present Protocol confidentially to the attention of the State Party concerned.
2. Within six months, the receiving State Party shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been provided by that State Party.

Article 7

Friendly settlement

1. The Committee shall make available its good offices to the parties concerned with a view to reaching a friendly settlement of the matter on the basis of the respect for the obligations set forth in the Covenant.
2. An agreement on a friendly settlement closes consideration of the communication under the present Protocol.

Article 8

Examination of communications

1. The Committee shall examine communications received under article 2 of the present Protocol in the light of all documentation submitted to it, provided that this documentation is transmitted to the parties concerned.
2. The Committee shall hold closed meetings when examining communications under the present Protocol.
3. When examining a communication under the present Protocol, the Committee may consult, as appropriate, relevant documentation emanating from other United Nations bodies, specialized agencies, funds, programmes and mechanisms, and other international organizations, including from regional human rights systems, and any observations or comments by the State Party concerned.
4. When examining communications under the present Protocol, the Committee shall consider the reasonableness of the steps taken by the State Party in accordance with Part II of the Covenant. In doing so, the Committee shall bear in mind that the State Party may adopt a range of possible policy measures for the implementation of the rights set forth in the Covenant.

Article 9

Follow-up to the views of the Committee

1. After examining a communication, the Committee shall transmit its views on the communication, together with its recommendations, if any, to the parties concerned.
2. The State Party shall give due consideration to the views of the Committee, together with its recommendations, if any, and shall submit to the Committee, within six months, a written response, including information on any action taken in the light of the views and recommendations of the Committee.
3. The Committee may invite the State Party to submit further information about any measures the State Party has taken in response to its views or recommendations, if any, including as deemed appropriate by the Committee, in the State Party's subsequent reports under articles 16 and 17 of the Covenant.

Article 10

Inter-State communications

1. A State Party to the present Protocol may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the Covenant. Communications under this article may be received and considered only if submitted by a State Party that has made a declaration recognizing in

regard to itself the competence of the Committee. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration. Communications received under this article shall be dealt with in accordance with the following procedure:

(a) If a State Party to the present Protocol considers that another State Party is not fulfilling its obligations under the Covenant, it may, by written communication, bring the matter to the attention of that State Party. The State Party may also inform the Committee of the matter. Within three months after the receipt of the communication the receiving State shall afford the State that sent the communication an explanation, or any other statement in writing clarifying the matter which should include, to the extent possible and pertinent, reference to domestic procedures and remedies taken, pending or available in the matter;

(b) If the matter is not settled to the satisfaction of both States Parties concerned within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter to the Committee, by notice given to the Committee and to the other State;

(c) The Committee shall deal with a matter referred to it only after it has ascertained that all available domestic remedies have been invoked and exhausted in the matter. This shall not be the rule where the application of the remedies is unreasonably prolonged;

(d) Subject to the provisions of subparagraph (c) of the present paragraph the Committee shall make available its good offices to the States Parties concerned with a view to a friendly solution of the matter on the basis of the respect for the obligations set forth in the Covenant;

(e) The Committee shall hold closed meetings when examining communications under the present article;

(f) In any matter referred to it in accordance with subparagraph (b) of the present paragraph, the Committee may call upon the States Parties concerned, referred to in subparagraph (b), to supply any relevant information;

(g) The States Parties concerned, referred to in subparagraph (b) of the present paragraph, shall have the right to be represented when the matter is being considered by the Committee and to make submissions orally and/or in writing;

(h) The Committee shall, with all due expediency after the date of receipt of notice under subparagraph (b) of the present paragraph, submit a report, as follows:

- (i) If a solution within the terms of subparagraph (d) of the present paragraph is reached, the Committee shall confine its report to a brief statement of the facts and of the solution reached;
- (ii) If a solution within the terms of subparagraph (d) is not reached, the Committee shall, in its report, set forth the relevant facts concerning the issue between the States Parties concerned. The written submissions and record of the oral submissions made by the States Parties concerned shall be attached to the report. The Committee may also communicate only to the States Parties concerned any views that it may consider relevant to the issue between them.

In every matter, the report shall be communicated to the States Parties concerned.

2. A declaration under paragraph 1 of the present article shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter that is the subject of a communication already transmitted under

the present article; no further communication by any State Party shall be received under the present article after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party concerned has made a new declaration.

Article 11

Inquiry procedure

1. A State Party to the present Protocol may at any time declare that it recognizes the competence of the Committee provided for under this article.
2. If the Committee receives reliable information indicating grave or systematic violations by a State Party of any of the economic, social and cultural rights set forth in the Covenant, the Committee shall invite that State Party to cooperate in the examination of the information and to this end to submit observations with regard to the information concerned.
3. Taking into account any observations that may have been submitted by the State Party concerned as well as any other reliable information available to it, the Committee may designate one or more of its members to conduct an inquiry and to report urgently to the Committee. Where warranted and with the consent of the State Party, the inquiry may include a visit to its territory.
4. Such an inquiry shall be conducted confidentially and the cooperation of the State Party shall be sought at all stages of the proceedings.
5. After examining the findings of such an inquiry, the Committee shall transmit these findings to the State Party concerned together with any comments and recommendations.
6. The State Party concerned shall, within six months of receiving the findings, comments and recommendations transmitted by the Committee, submit its observations to the Committee.
7. After such proceedings have been completed with regard to an inquiry made in accordance with paragraph 2, the Committee may, after consultations with the State Party concerned, decide to include a summary account of the results of the proceedings in its annual report provided for in article 15.
8. Any State Party having made a declaration in accordance with paragraph 1 of the present article may, at any time, withdraw this declaration by notification to the Secretary-General.

Article 12

Follow-up to the inquiry procedure

1. The Committee may invite the State Party concerned to include in its report under articles 16 and 17 of the Covenant details of any measures taken in response to an inquiry conducted under article 11 of the present Protocol.
2. The Committee may, if necessary, after the end of the period of six months referred to in article 11, paragraph 6, invite the State Party concerned to inform it of the measures taken in response to such an inquiry.

Article 13

Protection measures

A State Party shall take all appropriate measures to ensure that individuals under its jurisdiction are not subjected to any form of ill-treatment or intimidation as a consequence of communicating with the Committee pursuant to the present Protocol.

Article 14

International assistance and cooperation

1. The Committee shall transmit, as it may consider appropriate, and with the consent of the State Party concerned, to United Nations specialized agencies, funds and programmes and other competent bodies, its views or recommendations concerning communications and inquiries that indicate a need for technical advice or assistance, along with the State Party's observations and suggestions, if any, on these views or recommendations.
2. The Committee may also bring to the attention of such bodies, with the consent of the State Party concerned, any matter arising out of communications considered under the present Protocol which may assist them in deciding, each within its field of competence, on the advisability of international measures likely to contribute to assisting States Parties in achieving progress in implementation of the rights recognized in the Covenant.
3. A trust fund shall be established in accordance with the relevant procedures of the General Assembly, to be administered in accordance with the financial regulations and rules of the United Nations, with a view to providing expert and technical assistance to States Parties, with the consent of the State Party concerned, for the enhanced implementation of the rights contained in the Covenant, thus contributing to building national capacities in the area of economic, social and cultural rights in the context of the present Protocol.
4. The provisions of this article are without prejudice to the obligations of each State Party to fulfil its obligations under the Covenant.

Article 15

Annual report

The Committee shall include in its annual report a summary of its activities under the present Protocol.

Article 16

Dissemination and information

Each State Party undertakes to make widely known and to disseminate the Covenant and the present Protocol and to facilitate access to information about the views and recommendations of the Committee, in particular, on matters involving that State Party, and to do so in accessible formats for persons with disabilities.

Article 17

Signature, ratification and accession

1. The present Protocol is open for signature by any State that has signed, ratified or acceded to the Covenant.
2. The present Protocol is subject to ratification by any State that has ratified or acceded to the Covenant. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
3. The present Protocol shall be open to accession by any State that has ratified or acceded to the Covenant.
4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 18

Entry into force

1. The present Protocol shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the tenth instrument of ratification or accession.
2. For each State ratifying or acceding to the present Protocol, after the deposit of the tenth instrument of ratification or accession, the protocol shall enter into force three months after the date of the deposit of its instrument of ratification or accession.

Article 19

Amendments

1. Any State Party may propose an amendment to the present Protocol and submit it to the Secretary-General of the United Nations. The Secretary-General shall communicate any proposed amendments to States Parties, with a request to be notified whether they favour a meeting of States Parties for the purpose of considering and deciding upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a meeting, the Secretary-General shall convene the meeting under the auspices of the United Nations. Any amendment adopted by a majority of two thirds of the States Parties present and voting shall be submitted by the Secretary-General to the General Assembly for approval and thereafter to all States Parties for acceptance.
2. An amendment adopted and approved in accordance with paragraph 1 of this article shall enter into force on the thirtieth day after the number of instruments of acceptance deposited reaches two thirds of the number of States Parties at the date of adoption of the amendment. Thereafter, the amendment shall enter into force for any State Party on the thirtieth day following the deposit of its own instrument of acceptance. An amendment shall be binding only on those States Parties which have accepted it.

Article 20

Denunciation

1. Any State Party may denounce the present Protocol at any time by written notification addressed to the Secretary-General of the United Nations. Denunciation shall take effect six months after the date of receipt of the notification by the Secretary-General.
2. Denunciation shall be without prejudice to the continued application of the provisions of the present Protocol to any communication submitted under articles 2 and 10 or to any procedure initiated under article 11 before the effective date of denunciation.

Article 21

Notification by the Secretary-General

The Secretary-General of the United Nations shall notify all States referred to in article 26, paragraph 1 of the Covenant of the following particulars:

- (a) Signatures, ratifications and accessions under the present Protocol;
- (b) The date of entry into force of the present Protocol and of any amendment under article 19;
- (c) Any denunciation under article 20.

Article 22

Official languages

1. The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.
2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States referred to in article 26 of the Covenant.

*28th meeting
18 June 2008*

Adopted without a vote.

8/3. Mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions

The Human Rights Council,

Recalling the Universal Declaration of Human Rights, which guarantees the right to life, liberty and security of person, and the relevant provisions of the International Covenant on Civil and Political Rights,

Having regard to the legal framework of the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions, including the provisions contained in Commission on Human Rights resolution 1992/72 of 5 March 1992 and General Assembly resolution 47/136 of 18 December 1992,

Welcoming the universal ratification of the Geneva Conventions of 12 August 1949, which alongside human rights law provide an important framework of accountability in relation to extrajudicial, summary or arbitrary executions,

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

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

Mindful of all relevant General Assembly and Commission on Human Rights resolutions on extrajudicial, summary or arbitrary executions, in particular Commission resolution 2004/37 of 19 April 2004 and Assembly resolution 61/173 of 19 December 2006,

Acknowledging that extrajudicial, summary or arbitrary executions are crimes under the Rome Statute of the International Criminal Court,

Convinced of the need for effective action to combat and to eliminate the abhorrent practice of extrajudicial, summary or arbitrary executions, which represents a flagrant violation of the inherent right to life,

Dismayed that, in a number of countries, impunity, the negation of justice, continues to prevail and often remains the main cause of the continued occurrence of extrajudicial, summary or arbitrary executions,

1. *Strongly condemns once again* all extrajudicial, summary or arbitrary executions, in all their forms, that continue to take place throughout the world;

2. *Acknowledges* the importance of relevant special procedures of the Council, in particular the Special Rapporteur on extrajudicial, summary or arbitrary executions, in their key role as early warning mechanisms in preventing the crime of genocide, crimes against humanity and war crimes, and encourages the relevant special procedures, within their mandates, to cooperate towards this end;

3. *Demands* that all States ensure that the practice of extrajudicial, summary or arbitrary executions is brought to an end and that they take effective action to combat and eliminate the phenomenon in all its forms;

4. *Reiterates* the obligation of all States to conduct exhaustive and impartial investigations into all suspected cases of extrajudicial, summary or arbitrary executions, to identify and bring to justice those responsible, while ensuring the right of every person to a fair and public hearing by a competent, independent and impartial tribunal established by law, to grant adequate compensation within a reasonable time to the victims or their families and to adopt all necessary measures, including legal and judicial measures, in order to bring an end to impunity and to prevent the recurrence of such executions, as stated in the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions;

5. *Takes note* of the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (A/HRC/8/3), as well as the recommendations made in previous years, and invites States to give them due consideration;

6. *Commends* the important role the Special Rapporteur on extrajudicial, summary or arbitrary executions plays towards eliminating extrajudicial, summary or arbitrary executions and encourages the Special Rapporteur to continue, within the framework of his or her mandate, to collect information from all concerned, to respond effectively to information that comes before him or her, to follow up on communications and country visits and to seek the views and comments of Governments and to reflect them, as appropriate, in the elaboration of his or her reports;

7. *Requests* the Special Rapporteur, in carrying out his or her mandate:

(a) To continue to examine situations of extrajudicial, summary or arbitrary executions in all circumstances and for whatever reason, and to submit his or her findings on an annual basis, together with conclusions and recommendations, to the Council and the

General Assembly, and to draw the attention of the Council to serious situations of extrajudicial, summary or arbitrary executions that warrant immediate attention or where early action might prevent further deterioration;

(b) To continue to draw the attention of the High Commissioner for Human Rights to serious situations of extrajudicial, summary or arbitrary executions that warrant immediate attention or where early action might prevent further deterioration;

(c) To respond effectively to information which comes before him or her, in particular when an extrajudicial, summary or arbitrary execution is imminent or threatened or when such an execution has occurred;

(d) To enhance further his or her dialogue with Governments, as well as to follow up on recommendations made in reports after visits to particular countries;

(e) To continue monitoring the implementation of existing international standards on safeguards and restrictions relating to the imposition of capital punishment, bearing in mind the comments made by the Human Rights Committee in its interpretation of article 6 of the International Covenant on Civil and Political Rights, as well as the Second Optional Protocol thereto;

(f) To apply a gender perspective in his or her work;

8. *Urges* States:

(a) To cooperate with and assist the Special Rapporteur in the performance of his or her task, to supply all necessary information requested by him or her and to react appropriately and expeditiously to his or her urgent appeals, and those Governments that have not yet responded to communications transmitted to them by the Special Rapporteur to answer without further delay;

(b) To give serious consideration to responding favourably to the Special Rapporteur's requests to visit their countries;

(c) To ensure appropriate follow-up to the recommendations and conclusions of the Special Rapporteur, including by providing information to the Special Rapporteur on the actions taken on those recommendations;

9. *Welcomes* the cooperation established between the Special Rapporteur and other United Nations mechanisms and procedures in the field of human rights, and encourages the Special Rapporteur to continue efforts in that regard;

10. *Requests* the Secretary-General to provide the Special Rapporteur with adequate human, financial and material resources in order to enable him or her to carry out the mandate effectively, including through country visits;

11. *Decides* to extend the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions for three years;

12. *Also decides* to continue to consider this matter in conformity with its programme of work.

*28th meeting
18 June 2008*

Adopted without a vote.

8/4. The right to education

The Human Rights Council,

Reaffirming all previous resolutions of the Commission on Human Rights on the right to education, inter alia, resolution 2005/21 of 15 April 2005,

Recalling that everyone shall enjoy the human right to education, which is enshrined, inter alia, in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child and other pertinent international instruments,

Recalling also that in the United Nations Millennium Declaration, it is resolved that children everywhere, boys and girls alike, will be able to complete a full course of primary schooling and that girls and boys will have equal access to all levels of education by 2015, and emphasizing the importance of realizing the right to education in attaining the Millennium Development Goals,

Affirming that the realization of the right to education, including for girls and persons belonging to vulnerable groups, contributes to the eradication of poverty and of racism, racial discrimination, xenophobia and related intolerance,

Deeply concerned that some 72 million children, 57 per cent of whom are girls and 37 million of whom live in conflict-affected fragile States, are out of school, and that 774 million adults, 64 per cent of whom are women, still lack basic literacy skills, despite progress made in recent years towards achieving the goals of the Education for All initiative agreed upon at the World Education Forum, held in Dakar in April 2000,

Affirming that good governance and the rule of law will assist all States to promote and protect human rights, including the right to education,

Bearing in mind the need for adequate financial resources so that everyone can realize their right to education, and the importance in this regard of national resource mobilization, as well as international cooperation,

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

1. *Welcomes* the work of the Special Rapporteur on the right to education and takes note of his reports on girls' right to education (E/CN.4/2006/45, as well as Add.1), on the right to education of persons with disabilities (A/HRC/4/29, as well as Adds.1, 2 and 3) and on the right to education in emergency situations (A/HRC/8/10, as well as Adds.1, 2, 3 and 4), and of the report of the Secretary-General on economic, social and cultural rights (A/HRC/7/58);
2. *Notes with interest* the work carried out by the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child in the promotion of the right to education, notably through the issuing of general comments and concluding observations and the holding of days of general discussion;
3. *Welcomes* the work undertaken by the Office of the United Nations High Commissioner for Human Rights in the promotion of the right to education at the country, regional and headquarters levels, including the development of a list of indicators on the right to education;
4. *Also welcomes* the contribution of the United Nations Children's Fund and that of the United Nations Educational, Scientific and Cultural Organization towards attaining the Millennium Development Goals of achieving universal primary education and eliminating gender disparity in education and the goals of the Education for All initiative agreed upon at the World Education Forum;
5. *Further welcomes* the establishment of the Education Cluster by the Inter-Agency Standing Committee in November 2006 as an important mechanism to assess and address, in a coordinated manner, educational needs in emergency situations, including by promoting the implementation of the minimum standards for education in emergencies developed by the Inter-Agency Network for Education in Emergencies, and calls on donors to support it financially;
6. *Welcomes* the proclamation by the General Assembly of the World Programme for Human Rights Education, which began on 1 January 2005, and the continued progress of the United Nations Literacy Decade launched on 13 February 2003;
7. *Urges* all States:
 - (a) To give full effect to the right to education and to guarantee that this right is recognized and exercised without discrimination of any kind;
 - (b) To take all appropriate measures to eliminate obstacles limiting effective access to education, notably by girls, including pregnant girls and young mothers, children living in poor communities and rural areas, children belonging to minority groups, indigenous children, migrant children, refugee children, internally displaced children, children affected by armed conflicts, children affected by natural disasters, children with disabilities, children affected by infectious diseases, including HIV/AIDS, sexually exploited children, children deprived of their liberty, children living in the street, working children and orphaned children;
 - (c) To ensure that primary education is compulsory, accessible and available free to all;

(d) To promote the renewal and expansion of basic formal education of good quality, which includes both early childhood care and education and primary education, using inclusive and innovative approaches, including regulations, to increase access and attendance for all;

(e) To recognize and promote lifelong learning for all, in both formal and informal settings and to support domestic literacy programmes, including vocational education components and non-formal education, in order to reach marginalized children, youth and adults, especially girls and women, and persons with disabilities, to ensure that they enjoy the right to education;

(f) To improve all aspects of the quality of education aimed at ensuring excellence of all persons so that recognized and measurable learning outcomes are achieved by all, especially in literacy, numeracy, essential life skills and human rights education;

(g) To emphasize the development of quality indicators and monitoring instruments, to consider undertaking or supporting studies on best practices for elaborating and implementing strategies for improving the quality of education and meeting the learning needs of all, to give appropriate priority to the collection of quantitative and qualitative data relating to disparities in education, including gender disparities and disparities affecting persons with disabilities, and to carry out surveys and build up a knowledge base in order to provide advice on the use of information and communication technologies in education;

(h) To improve school infrastructure, guarantee a safe school environment and promote school health, education on reproductive health issues and preventive education against HIV/AIDS and drug abuse;

(i) To reinforce the mainstreaming of human rights education, intercultural education and education for peace in educational activities, in order to strengthen respect for human rights and fundamental freedoms;

(j) To adopt effective measures to encourage regular attendance at school and reduce school dropout rates;

(k) To support the implementation of plans and programmes of action to ensure quality education and improved enrolment and retention rates for boys and girls and the elimination of gender discrimination and gender stereotypes in educational curricula and materials, as well as in the process of education;

(l) To adapt education, if necessary, in order to suit the specific needs of women, girls, teenagers and persons with disabilities;

(m) To enhance the status and working conditions of teachers, address shortages of qualified teachers, and promote the training of teachers so that they can respond to diversity in the classroom;

(n) To take all appropriate legislative, administrative, social and educational measures, in accordance with the best interest of the child, to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation,

including sexual abuse in schools, and in this context to take measures to eliminate corporal punishment in schools, and to incorporate in their legislation appropriate sanctions for violations and the provision of redress and rehabilitation for victims;

(o) To take all measures to ensure an inclusive education system, inter alia for persons with disabilities and, in particular, to ensure that no child is prevented from receiving free primary education on account of his or her disability;

(p) To ensure that the right to education is respected in emergency situations and, in this regard, underlines the importance of this right being realized by States to the maximum of their available resources, and, where necessary, by international organizations, to the extent possible, and based, inter alia, on assessed need by the State concerned, as an integral part of their humanitarian response to emergency situations;

(q) To support the efforts of developing countries, in particular least developed countries, to give full effect to the right to education and achieve the Millennium Development Goals relating to education and the goals of the Education for All initiative agreed upon at the World Education Forum, including with enhanced resources of all types, namely financial and technical, through the Education for All fast-track initiative in support of country-led national education plans;

8. *Reaffirms* the importance of developing further the regular dialogue between the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization, other partners that pursue the goals of the Dakar Framework for Action and the Special Rapporteur, with a view to integrating further the right to education into the operational activities of the United Nations system, invites them to pursue that dialogue and reiterates its invitation to the United Nations Children's Fund and the United Nations Educational, Scientific and Cultural Organization to submit to the Council information pertaining to their activities in promoting primary education, with specific reference to women and children, particularly girls, persons with disabilities and education in the context of emergency situations;

9. *Decides* to extend the mandate of the Special Rapporteur on the right to education for a period of three years:

(a) To gather, request, receive and exchange information from all relevant sources, including Governments, intergovernmental organizations, civil society, including non-governmental organizations, and other concerned stakeholders, on the realization of the right to education and on obstacles limiting effective access to education, and to make recommendations on appropriate measures to promote and protect the right to education;

(b) To intensify efforts aimed at identifying ways and means to overcome obstacles and difficulties in the realization of the right to education;

(c) To make recommendations that could contribute to the realization of the Millennium Development Goals, and in particular of development goals 2 and 3, and of the goals of the Education for All initiative agreed upon at the World Education Forum;

(d) To integrate a gender perspective throughout all of his work;

(e) To review the interdependence and interrelatedness of the right to education with other human rights;

(f) To cooperate with the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization, the International Labour Organization, the Office of the United Nations High Commissioner for Human Rights, the Office of the United Nations High Commissioner for Refugees, other special rapporteurs, representatives, experts and members of working groups of the Human Rights Council, and other relevant United Nations bodies, including human rights treaty bodies, and regional organizations, as well as to pursue the dialogue with the World Bank;

(g) To report to the Council on a yearly basis, in accordance with the Council's programme of work, and to report yearly to the General Assembly on an interim basis;

10. *Requests* the Special Rapporteur to take fully into account, in the discharge of his mandate, all provisions of the present resolution;

11. *Requests* all States to continue cooperating with the Special Rapporteur with a view to facilitating his tasks in the discharge of his mandate, and to respond favourably to his requests for information and visits;

12. *Requests* the Secretary-General to provide the Special Rapporteur with all the assistance necessary for the execution of his mandate;

13. *Decides* to continue its consideration of the right to education under the same agenda item.

*28th meeting
18 June 2008*

Adopted without a vote.

8/5. Promotion of a democratic and equitable international order

The Human Rights Council,

Recalling all previous resolutions of the General Assembly and the Commission on Human Rights on this issue, in particular General Assembly resolution 61/160 of 19 December 2006 and the Commission on Human Rights resolution 2005/57 of 20 April 2005,

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

Affirming that the enhancement of international cooperation for the promotion of all human rights should continue in full conformity with the purposes and principles of the Charter of the United Nations and international law, as set forth in articles 1 and 2 of the Charter, and,

inter alia, with full respect for sovereignty, territorial integrity, political independence, the non-use of force, or the threat of force, in international relations, and non-intervention in matters that are essentially within the domestic jurisdiction of any State,

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

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

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

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

1. *Affirms* that everyone and every people have the right to a democratic and equitable international order;

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

3. *Further affirms* that a democratic and equitable international order requires, inter alia, the realization of the following:

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

(b) The right of peoples and nations to permanent sovereignty over their natural wealth and resources;

(c) The right of every human person and all peoples to development, as a universal and inalienable right and an integral part of fundamental human rights;

(d) The right of all peoples to peace;

(e) The right to an international economic order based on equal participation in the decision-making process, interdependence, mutual interest, international solidarity and cooperation among all States;

- (f) International solidarity, as a right of peoples and individuals;
- (g) The promotion and consolidation of transparent, democratic, just and accountable international institutions in all areas of cooperation, in particular through the implementation of the principles of full and equal participation in their respective decision-making mechanisms;
- (h) The right to equitable participation of all, without any discrimination, in domestic as well as global decision-making;
- (i) The principle of equitable regional and gender-balanced representation in the composition of the staff of the United Nations system;
- (j) The promotion of a free, just, effective and balanced international information and communication order, based on international cooperation for the establishment of a new equilibrium and greater reciprocity in the international flow of information, in particular correcting the inequalities in the flow of information to and from developing countries;
- (k) The promotion of an inclusive global technology and knowledge society directed towards bridging the technology and knowledge divide, promoting a universal, equitable and non-discriminatory access to knowledge and technologies;
- (l) Respect for cultural diversity and the cultural rights of everyone;
- (m) The right of every person and all peoples to a healthy environment and to an enhanced international cooperation that respond effectively to the needs of assistance of national efforts of adaptation to climate change, particularly in developing countries, and that promote the fulfilment of international agreements in the field of mitigation;
- (n) The promotion of equitable access to benefits from the international distribution of wealth through enhanced international cooperation, in particular in international economic, commercial and financial relations;
- (o) The enjoyment by everyone of ownership of the common heritage of mankind in connection to a public right of access to culture;
- (p) The shared responsibility of the nations of the world for managing worldwide economic and social issues as well as threats to international peace and security that should be exercised multilaterally;

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

5. *Urges* all actors on the international scene to build an international order based on inclusion, justice, peace, equality and equity, human dignity, mutual understanding and promotion of and respect for cultural diversity and universal human rights, and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance;
6. *Reaffirms* that all States should promote the establishment, maintenance and strengthening of international peace and security and, to that end, should do their utmost to achieve general and complete disarmament under effective international control, as well as to ensure that the resources released by effective disarmament measures are used for comprehensive development, in particular that of developing countries;
7. *Expresses its rejection* of unilateralism and stresses its commitment to multilateralism and multilaterally agreed solutions, in accordance with the Charter of the United Nations and international law, as the only reasonable method of addressing international problems;
8. *Recalls* the proclamation by the General Assembly of its determination to work urgently for the establishment of an international economic order based on equity, sovereign equality, interdependence, common interest and cooperation among all States, irrespective of their economic and social systems, which shall correct inequalities and redress existing injustices, make it possible to eliminate the widening gap between the developed and the developing countries, and ensure steadily accelerating economic and social development and peace and justice for present and future generations;
9. *Reaffirms* that the international community should devise ways and means to remove current obstacles and meet the challenges to the full realization of all human rights and to prevent the continuation of human rights violations resulting there from throughout the world;
10. *Urges* States to continue their efforts, through enhanced international cooperation, towards the establishment of a democratic and equitable international order;
11. *Requests* the human rights treaty bodies, the Office of the United Nations High Commissioner for Human Rights and the mechanisms of the Human Rights Council and the Human Rights Council Advisory Committee to pay due attention, within their respective mandates, to the present resolution and to make contributions towards its implementation;
12. *Requests* the Secretary-General to bring the present resolution to the attention of Member States, United Nations organs, bodies and components, intergovernmental organizations, in particular the Bretton Woods institutions, and non-governmental organizations and to disseminate it on the widest possible basis;
13. *Decides* to continue consideration of the matter under the same agenda item in accordance with the annual program of work.

Adopted by a recorded vote of 33 to 13 with 1 abstention:

In favour: Angola, Azerbaijan, Bangladesh, Bolivia, Brazil, Cameroon, China, Cuba, Djibouti, Egypt, Gabon, Guatemala, India, Indonesia, Jordan, Madagascar, Malaysia, Mali, Mauritius, Nicaragua, Nigeria, Pakistan, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Uruguay, Zambia;

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

Abstaining: Ghana,¹ Mexico.

8/6. Mandate of the Special Rapporteur on the independence of judges and lawyers

The Human Rights Council,

Guided by articles 7, 8, 9, 10 and 11 of the Universal Declaration of Human Rights and articles 2, 4, 9, 14 and 26 of the International Covenant on Civil and Political Rights, and bearing in mind the Vienna Declaration and Programme of Action,

Recalling the Basic Principles on the Independence of the Judiciary; the Basic Principles on the Role of Lawyers; the Guidelines on the Role of Prosecutors and the Bangalore Principles of Judicial Conduct,

Convinced that an independent and impartial judiciary, an independent legal profession and the integrity of the judicial system are essential prerequisites for the protection of human rights and for ensuring that there is no discrimination in the administration of justice,

Recalling all the previous resolutions and decisions of the Commission on Human Rights and the General Assembly on the independence of the judiciary and on the integrity of the judicial system,

Acknowledging the importance of the Special Rapporteur's ability to cooperate closely, within the framework of his or her mandate, with the Office of the United Nations High Commissioner for Human Rights in the fields of advisory services and technical cooperation, in an effort to guarantee the independence of judges and lawyers,

Recognizing the importance of bar associations and professional associations of judges and non-governmental organizations in the defence of the principles of the independence of judges and lawyers,

Noting with concern the increasingly frequent attacks on the independence of judges, lawyers and court officials,

¹ The representative of Ghana subsequently stated that her delegation had intended to vote in favour of the draft resolution.

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

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

1. *Commends* the Special Rapporteur on the independence of judges and lawyers for the important work undertaken in the discharge of his mandate;

2. *Decides* to extend the mandate of the Special Rapporteur for a period of three years, and requests the Special Rapporteur:

(a) To inquire into any substantial allegations transmitted to him or her and to report his or her conclusions and recommendations thereon;

(b) To identify and record not only attacks on the independence of the judiciary, lawyers and court officials but also progress achieved in protecting and enhancing their independence, and make concrete recommendations, including the provision of advisory services or technical assistance when they are requested by the State concerned;

(c) To identify ways and means to improve the judicial system, and make concrete recommendations thereon;

(d) To study, for the purpose of making proposals, important and topical questions of principle with a view to protecting and enhancing the independence of the judiciary and lawyers and court officials;

(e) To apply a gender perspective in his or her work;

(f) To continue to cooperate closely, while avoiding duplication, with relevant United Nations bodies, mandates and mechanisms and with regional organizations;

(g) To report regularly to the Council in accordance with its programme of work, and annually to the General Assembly;

3. *Urges* all Governments to cooperate with and assist the Special Rapporteur in the performance of his or her tasks, to provide all information and to respond to communications transmitted to them by the Special Rapporteur without undue delay;

4. *Calls upon* Governments to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries, and urges them to enter into a constructive dialogue with the Special Rapporteur with respect to the follow-up to and implementation of his or her recommendations so as to enable him or her to fulfil his or her mandate even more effectively;

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

6. *Decides* to continue consideration of this issue in accordance with its annual programme of work.

*28th meeting
18 June 2008*

Adopted without a vote.

8/7. Mandate of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises

The Human Rights Council,

Recalling Commission on Human Rights resolution 2005/69 of 20 April 2005 on the responsibilities of transnational corporations and related business enterprises with regard to human rights,

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

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

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

Emphasizing that transnational corporations and other business enterprises have a responsibility to respect human rights,

Recognizing that proper regulation, including through national legislation, of transnational corporations and other business enterprises, and their responsible operation can contribute to the promotion, protection and fulfilment of and respect for human rights and assist in channelling the benefits of business towards contributing to the enjoyment of human rights and fundamental freedoms,

Concerned that weak national legislation and implementation cannot effectively mitigate the negative impact of globalization on vulnerable economies, fully realize the benefits of globalization or derive maximally the benefits of activities of transnational corporations and other business enterprises and that therefore efforts to bridge governance gaps at the national, regional and international levels are necessary,

1. *Welcomes* the reports of the Special Representative and in particular the identification, through the process of consultations, studies and analysis, of a framework based on three overarching principles of the State duty to protect all human rights from abuses by, or involving, transnational corporations and other business enterprises, the corporate responsibility to respect all human rights, and the need for access to effective remedies, including through appropriate judicial or non-judicial mechanisms;

2. *Recognizes* the need to operationalize this framework with a view to providing more effective protection to individuals and communities against human rights abuses by, or involving, transnational corporations and other business enterprises, and to contribute to the consolidation of existing relevant norms and standards and any future initiatives, such as a relevant, comprehensive international framework;

3. *Welcomes* the broad range of activities undertaken by the Special Representative in the fulfilment of his mandate, including in particular the comprehensive, transparent and inclusive consultations conducted with relevant and interested actors in all regions;

4. *Decides* to extend the mandate of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises for a period of three years, and requests the Special Representative:

(a) To provide views and concrete practical recommendations on ways to strengthen the fulfilment of the duty of the State to protect all human rights from abuses by or involving transnational corporations and other business enterprises, including through international cooperation;

(b) To elaborate further on the scope and content of the corporate responsibility to respect all human rights and to provide concrete guidance to business and other stakeholders;

(c) To explore options and make recommendations, at the national, regional and international level, for enhancing access to effective remedies available to those whose human rights are impacted by corporate activities;

(d) To integrate a gender perspective throughout his work and to give special attention to persons belonging to vulnerable groups, in particular children;

(e) Identify, exchange and promote best practices and lessons learned on the issue of transnational corporations and other business enterprises, in coordination with the efforts of the human rights working group of the Global Compact;

(f) To work in close coordination with United Nations and other relevant international bodies, offices, departments and specialized agencies, and in particular with other special procedures of the Council;

(g) To promote the framework and to continue to consult on the issues covered by the mandate on an ongoing basis with all stakeholders, including States, national human rights institutions, international and regional organizations, transnational corporations and other business enterprises, and civil society, including academics, employers' organizations, workers' organizations, indigenous and other affected communities and non-governmental organizations, including through joint meetings;

(h) To report annually to the Council and the General Assembly;

5. *Encourages* all Governments, relevant United Nations agencies, funds and programmes, treaty bodies, civil society actors, including non-governmental organizations, as well as the private sector to cooperate fully with the Special Representative in the fulfilment of his mandate, inter alia, through the submission of comments and suggestions on the issues related to his mandate;

6. *Requests* the Office of the United Nations High Commissioner for Human Rights to organize, within the framework of the Council, a two-day consultation bringing together the Special Representative of the Secretary-General, States, business representatives and all relevant stakeholders, including non-governmental organizations and representatives of victims of corporate abuse, in order to discuss ways and means to operationalize the framework, and to submit a report on the meeting to the Council, in accordance with its programme of work;

7. *Invites* international and regional organizations to seek the views of the Special Representative when formulating or developing relevant policies and instruments;

8. *Requests* the Secretary-General and the High Commissioner for Human Rights to provide all the necessary assistance to the Special Representative for the effective fulfilment of his mandate;

9. *Decides* to continue consideration of this question in conformity with the annual programme of work of the Council.

*28th meeting
18 June 2008*

Adopted without a vote.

8/8. Torture and other cruel, inhuman or degrading treatment or punishment

The Human Rights Council,

Reaffirming that no one should be subjected to torture as defined in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, or other cruel, inhuman or degrading treatment or punishment,

Recalling that freedom from torture and other cruel, inhuman or degrading treatment or punishment is a non-derogable right that must be protected under all circumstances, including in times of international and internal armed conflict or internal disturbance, and that the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment is affirmed in the relevant international instruments,

Recalling also that the prohibition of torture has been recognized as a peremptory norm of international law,

Recalling further that a number of international, regional and domestic courts have held the prohibition of cruel, inhuman or degrading treatment or punishment to be customary international law,

Noting that, under the Geneva Conventions of 1949, torture and inhuman treatment are a grave breach and that, under the Statute of the International Criminal Tribunal for the Former Yugoslavia, the Statute of the International Criminal Tribunal for Rwanda and the Rome Statute of the International Criminal Court, acts of torture can constitute crimes against humanity and war crimes,

Acknowledging the adoption of the International Convention for the Protection of All Persons from Enforced Disappearances by the General Assembly in its resolution 61/177 of 20 December 2006, as well as Council resolution 7/26 on the International Convention for the Protection of All Persons from Enforced Disappearances, and recognizing that the entry into force of the Convention, as soon as possible, through its ratification by 20 States, and its implementation will make a significant contribution to the prevention of torture, including through prohibiting places of secret detention,

Commending the persistent efforts by civil society, in particular non-governmental organizations, to combat torture and to alleviate the suffering of victims of torture,

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

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

Recalling also all relevant resolutions of the General Assembly and the Economic and Social Council and reaffirming the Commission on Human Rights resolutions on the subject,

1. *Condemns* all forms of torture and other cruel, inhuman or degrading treatment or punishment, which are and shall remain prohibited at any time and in any place whatsoever and can thus never be justified, and calls upon all Governments to implement fully the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment;

2. *Condemns in particular* any action or attempt by States or public officials to legalize, authorize or acquiesce in torture under any circumstances, including on grounds of national security or through judicial decisions;

3. *Decides* to extend the mandate of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment for a further period of three years:

(a) To seek, receive, examine and act on information from Governments, intergovernmental organizations, civil society organizations, individuals and groups of individuals regarding issues and alleged cases concerning torture or other cruel, inhuman or degrading treatment or punishment;

(b) To conduct country visits with the consent or at the invitation of Governments;

(c) To study, in a comprehensive manner, trends, developments and challenges in relation to combating and preventing torture and other cruel, inhuman or degrading treatment or punishment, and to make recommendations and observations concerning appropriate measures to prevent and eradicate such practices;

(d) To identify, exchange and promote best practices on measures to prevent, punish and eradicate torture and other cruel, inhuman or degrading treatment or punishment;

(e) To integrate a gender perspective throughout the work of his or her mandate;

(f) To continue to cooperate with the Committee against Torture, the Subcommittee for the Prevention of Torture and relevant United Nations mechanisms and bodies and, as appropriate, regional organizations and mechanisms, national human rights institutions, national preventive mechanisms and civil society, including non-governmental organizations;

(g) To report on his or her activities, observations, conclusions and recommendations to the Council, in accordance with its programme of work, and annually on the overall trends and developments with regard to his or her mandate to the General Assembly;

4. *Welcomes* the report of the Special Rapporteur (A/HRC/7/3) and the recommendations contained therein;

5. *Urges* States:

(a) To cooperate with and assist the Special Rapporteur in the performance of his or her task, to supply all necessary information requested by him or her and to react appropriately and expeditiously to his or her urgent appeals, and those Governments that have not yet responded to communications transmitted to them by the Special Rapporteur to answer without further delay;

(b) To give serious consideration to responding favourably to the Special Rapporteur's requests to visit their countries;

(c) To ensure appropriate follow-up to the recommendations and conclusions of the Special Rapporteur;

6. *Also urges* States:

(a) To implement effective measures to prevent torture and other cruel, inhuman or degrading treatment or punishment, particularly in places of detention and other places where persons are deprived of their liberty, including education and training for personnel, who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment;

(b) To take persistent, determined and effective measures to have all allegations of torture or other cruel, inhuman or degrading treatment or punishment promptly and impartially examined by the competent national authority, to hold persons who encourage, order, tolerate or perpetrate acts of torture responsible, to have them brought to justice and severely punished,

including the officials in charge of the place of detention where the prohibited act is found to have been committed, and to take note, in this respect, of the Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol) as a useful tool in efforts to combat torture;

(c) To ensure that no statement established to have been made as a result of torture is invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made;

(d) Not to expel, return (“refouler”), extradite or in any other way transfer a person to another State where there are substantial grounds for believing that the person would be in danger of being subjected to torture; the Council recognizes in this respect that diplomatic assurances, where used, do not release States from their obligations under international human rights, humanitarian and refugee law, in particular the principle of non-refoulement;

(e) To ensure that victims of torture or other cruel, inhuman or degrading treatment or punishment obtain redress and are awarded fair and adequate compensation and receive appropriate socio-medical rehabilitation, and in this regard encourages the development of rehabilitation centres for victims of torture;

(f) To ensure that all acts of torture are offences under domestic criminal law, and emphasizes that acts of torture are serious violations of international human rights law and humanitarian law and can constitute crimes against humanity and war crimes and that the perpetrators are liable to prosecution and punishment;

(g) Not to punish personnel for not obeying orders to commit acts amounting to torture or other cruel, inhuman or degrading treatment or punishment;

(h) To protect medical and other personnel for their role in documenting torture or any other form of cruel, inhuman or degrading treatment or punishment and in treating victims of such acts;

(i) To ensure appropriate follow-up to conclusions and views on individual communications of the relevant treaty bodies, including the Committee against Torture and the Subcommittee on the Prevention of Torture;

(j) To adopt a gender-sensitive approach in the fight against torture and other cruel, inhuman or degrading treatment or punishment, paying special attention to violence against women;

(k) To become parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as a matter of priority as well as to give early consideration to signing and ratifying its Optional Protocol and, once parties, to designate or establish truly independent and effective national preventive mechanisms;

7. *Reminds* States that:

(a) Corporal punishment, including of children, can amount to cruel, inhuman or degrading punishment or even to torture;

(b) Intimidation and coercion, as described in article 1 of the Convention against Torture, including serious and credible threats, as well as death threats, to the physical integrity of the victim or of a third person, can amount to cruel, inhuman or degrading treatment or to torture;

(c) Prolonged incommunicado detention or detention in secret places may facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment, and urges all States to respect the safeguards concerning the liberty, security and the dignity of the person;

8. *Welcomes* the reports of the Committee against Torture, submitted in accordance with article 24 of the Convention;

9. *Takes note* of the reports of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture and calls upon the Board of the Fund to report to the Council in accordance with the annual programme of work;

10. *Requests* the Secretary-General to ensure, within the overall budgetary framework of the United Nations, the provision of an adequate and stable level of staffing, as well as the necessary technical facilities for the bodies and mechanisms involved in combating torture and assisting victims of torture, in order to ensure their effective performance commensurate with the strong support expressed by Member States for combating torture and assisting victims of torture;

11. *Recognizes* the global need for international assistance to victims of torture, stresses the importance of the work of the Board of Trustees of the Fund and appeals to all Governments, organizations and individuals to contribute annually to the Fund, preferably with a substantial increase in the contributions, and encourages contributions to the Special Fund established by the Optional Protocol to the Convention to help finance the implementation of the recommendations made by the Subcommittee on Prevention, as well as education programmes of national preventive mechanisms;

12. *Calls upon* all Governments, the United Nations High Commissioner for Human Rights and United Nations bodies and agencies, as well as relevant intergovernmental and non-governmental organizations, to commemorate, on 26 June, the United Nations International Day in Support of Victims of Torture, as proclaimed by the General Assembly in its resolution 52/149 of 12 December 1997;

13. *Decides* to continue to consider this matter in conformity with its annual programme of work.

*28th meeting
18 June 2008*

Adopted without a vote.

8/9. Promotion of the right of peoples to peace

The Human Rights Council,

Recalling all previous resolutions on this issue adopted by the General Assembly and the Commission on Human Rights,

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

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

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

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

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

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

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

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

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

Reaffirming the importance of ensuring respect for the principles of sovereignty, territorial integrity and political independence of States and non-intervention in matters which are essentially within the domestic jurisdiction of any State, in accordance with the Charter and international law,

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

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

Recognizing that peace and development are mutually reinforcing, including in the prevention of armed conflict,

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

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

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

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

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

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

1. *Reaffirms* that the peoples of our planet have a sacred right to peace;
2. *Also reaffirms* that the preservation of the right of peoples to peace and the promotion of its implementation constitute a fundamental obligation of each State;
3. *Stresses* that peace is a vital requirement for the promotion and protection of all human rights for all;
4. *Also stresses* that the deep fault line that divides human society, between the rich and the poor, and the ever-increasing gap between the developed and developing worlds pose a major threat to global prosperity, peace, security and stability;
5. *Emphasizes* that ensuring the exercise of the right of peoples to peace and its promotion demand that the policies of States be directed towards the elimination of the threat of war, particularly nuclear war, the renunciation of the use or threat of use of force in international relations and the settlement of international disputes by peaceful means on the basis of the Charter of the United Nations;

6. *Affirms* that all States should promote the establishment, maintenance and strengthening of international peace and security and an international system based on respect of the principles enshrined in the Charter of the United Nations and the promotion of all human rights and fundamental freedoms, including the right to development and the right of peoples to self-determination;

7. *Urges* all States to respect and to put into practice the principles and purposes of the Charter in their relations with all other States, irrespective of their political, economic or social systems, or of their size, geographical location or level of economic development;

8. *Reaffirms* the duty of all States, in accordance with the principles of the Charter, to use peaceful means to settle any dispute to which they are parties and the continuance of which is likely to endanger the maintenance of international peace and security, and encourages States to settle their disputes as early as possible, as a vital requirement for the promotion and protection of all human rights of everyone and all peoples;

9. *Underlines* the vital importance of education for peace as a tool to foster the realization of the right of peoples to peace, and encourages States, United Nations specialized agencies and intergovernmental and non-governmental organizations to contribute actively to this endeavour;

10. *Requests* the United Nations High Commissioner for Human Rights to convene, before April 2009, and taking into account previous practices, a three-day workshop on the right of peoples to peace, with the participation of two experts from countries of each of the five regional groups, in order:

(a) To further clarify the content and scope of this right;

(b) To propose measures that raise awareness of the importance of realizing this right;

(c) To suggest concrete actions to mobilize States, intergovernmental and non-governmental organizations in the promotion of the right of peoples to peace;

11. *Also requests* the High Commissioner for Human Rights:

(a) To select as soon as possible those 10 experts, through consultations with States and relevant stakeholders;

(b) To timely extend an invitation to those experts in order to attend the workshop and actively participate in it, including by presenting discussion papers on the subjects identified in paragraph 10 above;

(c) To report on the outcome of the workshop to the Council at its eleventh session, to be held in June 2009;

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

13. *Decides* to continue considering the issue at its eleventh session under the same agenda item.

*28th meeting
18 June 2008*

Adopted by a recorded vote of 32 to 13, with 2 abstentions. The voting was as follows:

In favour: Angola, Azerbaijan, Bangladesh, Bolivia, Brazil, Cameroon, China, Cuba, Djibouti, Egypt, Gabon, Ghana, Guatemala, Indonesia, Jordan, Madagascar, Malaysia, Mali, Mauritius, Nicaragua, Nigeria, Pakistan, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Uruguay, Zambia;

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

Abstaining: India, Mexico.

8/10. Human rights of migrants: mandate of the Special Rapporteur on the human rights of migrants

The Human Rights Council,

Reaffirming the Universal Declaration of Human Rights, which proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

Recalling all international norms and standards relevant to the human rights of migrants,

Recalling also Commission on Human Rights resolutions 1999/44 of 27 April 1999, 2002/62 of 25 April 2002 and 2005/47 of 19 April 2007, and General Assembly resolutions on the human rights of migrants,

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

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

Resolved to ensure respect for the human rights and fundamental freedoms of all migrants,

1. *Decides* to extend for a period of three years the mandate of the Special Rapporteur on the human rights of migrants, with the following functions:

(a) To examine ways and means to overcome the obstacles existing to the full and effective protection of the human rights of migrants, recognizing the particular vulnerability of women, children and those undocumented or in an irregular situation;

- (b) To request and receive information from all relevant sources, including migrants themselves, on violations of the human rights of migrants and their families;
 - (c) To formulate appropriate recommendations to prevent and remedy violations of the human rights of migrants, wherever they may occur;
 - (d) To promote the effective application of relevant international norms and standards on the issue;
 - (e) To recommend actions and measures applicable at the national, regional and international levels to eliminate violations of the human rights of migrants;
 - (f) To take into account a gender perspective when requesting and analyzing information, and to give special attention to the occurrence of multiple discrimination and violence against migrant women;
 - (g) To give particular emphasis to recommendations on practical solutions with regard to the implementation of the rights relevant to the mandate, including by identifying best practices and concrete areas and means for international cooperation;
 - (h) To report regularly to the Council, according to its annual programme of work, and to the General Assembly, at the request of the Council or the Assembly;
2. *Requests* the Special Rapporteur, in carrying out his or her mandate, to take into consideration relevant human rights instruments of the United Nations to promote and protect the human rights of migrants;
 3. *Also requests* the Special Rapporteur, in carrying out this mandate, to request, receive and exchange information on violations of the human rights of migrants from Governments, treaty bodies, specialized agencies, special rapporteurs for various human rights questions and from intergovernmental organizations, other competent organizations of the United Nations system and non-governmental organizations, including migrants' organizations, and to respond effectively to such information;
 4. *Further requests* the Special Rapporteur, as part of his or her activities, to continue his or her programme of visits, which contribute to improving the protection afforded to the human rights of migrants and to the broad and full implementation of all the aspects of his or her mandate;
 5. *Requests* the Special Rapporteur, in carrying out his or her mandate, to take into account bilateral and regional negotiations that aim at addressing, inter alia, the return and reinsertion of migrants who are undocumented or in an irregular situation;
 6. *Encourages* Governments to give serious consideration to inviting the Special Rapporteur to visit their countries so as to enable him or her to fulfil the mandate effectively;

7. *Also encourages* Governments to also cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, to furnish all information requested, to consider the implementation of the recommendations contained in the reports of the Special Rapporteur, and to react promptly to his or her urgent appeals;

8. *Requests* all relevant mechanisms to cooperate with the Special Rapporteur;

9. *Requests* the Secretary-General to give the Special Rapporteur all necessary human and financial assistance for the fulfilment of his or her mandate.

*28th meeting
18 June 2008*

Adopted without a vote.

8/11. Human rights and extreme poverty

The Human Rights Council,

Recalling that, in accordance with the Universal Declaration of Human Rights and the international covenants on human rights, the ideal of free human beings enjoying freedom from fear and want can be achieved only if conditions are created whereby everyone may enjoy his or her economic, social and cultural rights, as well as his or her civil and political rights,

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

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

Recalling also all previous resolutions on the issue of human rights and extreme poverty adopted by the General Assembly and the Commission on Human Rights, as well as its own relevant resolutions including Council resolutions 2/2 and 7/27,

Recalling further the United Nations Millennium Declaration, adopted by Heads of State and Government on the occasion of the Millennium Summit, and their commitment to eradicate extreme poverty and to halve, by 2015, the proportion of the world's people whose income is less than one dollar a day and of those who suffer from hunger,

Recalling that, in its resolution 62/205 of 19 December 2007, the General Assembly proclaimed the Second United Nations Decade for the Eradication of Poverty (2008-2017), in order to support, in an efficient and coordinated manner, the internationally agreed development goals related to poverty eradication, including the Millennium Development Goals,

Bearing in mind the resolutions of the General Assembly on human rights and extreme poverty, and the importance they attach to giving persons living in extreme poverty the wherewithal to organize and participate in all aspects of political, economic and social life,

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

Concerned at the insufficient progress notwithstanding the priority and urgency given by the Heads of State and Government to the eradication of poverty, as expressed in the outcomes of the major United Nations conferences and summits in the economic and social fields,

Reaffirming that the fight against extreme poverty must remain a high priority for the international community,

Stressing the need to better understand the causes and consequences of extreme poverty,

Stressing also that respect for all human rights, which are universal, indivisible and interdependent and interrelated, is of crucial importance for all policies and programmes to fight extreme poverty at the local and national levels,

Expressing its gratitude to the former independent expert on the question of human rights and extreme poverty for the important work accomplished in the discharge of his mandate, and conscious of the necessity to continue this work,

1. *Acknowledges* the report of the Independent Expert on extreme poverty (A/HRC/7/15), and takes note of his proposal to define extreme poverty as the combination of income poverty, human development poverty and social exclusion;
2. *Decides* to extend the mandate of the independent expert on extreme poverty for a period of three years, in order to, inter alia:
 - (a) Further examine the relationship between the enjoyment of human rights and extreme poverty;
 - (b) Identify alternative approaches to the removal of all obstacles, including institutional ones, at the regional, national and international, public, corporate and societal levels, to the full enjoyment of human rights for all people living in extreme poverty;
 - (c) Identify, including in cooperation with international financial organizations, the most efficient measures taken at the national, regional and international levels to promote the full enjoyment of human rights of persons living in extreme poverty;
 - (d) Make recommendations on how people living in extreme poverty can participate in the process towards the full enjoyment of their human rights and the sustainable improvement of their quality of life, including through empowerment and resource mobilization at all levels;
 - (e) Develop cooperation with other United Nations bodies dealing with human rights and that are also active in the fight against extreme poverty;
 - (f) Participate in the assessment of the implementation of the Second United Nations Decade for the Eradication of Poverty, the internationally agreed goals contained in the Millennium Declaration, the Monterrey Consensus (A/CONF.198/11, chap. I, resolution 1,

annex), adopted by the International Conference on Financing for Development in March 2002, and the Plan of Implementation of the World Summit on Sustainable Development;

(g) Work on the impact of discrimination on extreme poverty, bearing in mind the Durban Declaration and Programme of Action adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;

(h) Pay particular attention to the situation and empowerment of women in extreme poverty, applying a gender perspective in his or her work;

(i) Pay particular attention to children living in extreme poverty, as well as to the most vulnerable groups, including persons with disabilities who live in extreme poverty;

(j) Submit recommendations that could contribute to the realization of Millennium Development Goals, and in particular of goal 1, which consists in the halving by 2015 the proportion of people whose income is less than one dollar a day and the proportion of people who suffer from hunger, taking into account the role of international assistance and cooperation in reinforcing national actions to reduce extreme poverty;

(k) Continue participating in and contributing to relevant international conferences and events with the aim of promoting the reduction of extreme poverty,

3. *Requests* the Office of the United Nations High Commissioner for Human Rights to give high priority to the question of the relationship between extreme poverty and human rights and *invites* it to pursue further work in this area, integrating and cooperating fully with the Independent Expert in the various activities, notably the Social Forum and the consultation on the draft guiding principles on extreme poverty, and to provide all necessary human and financial resources for the effective fulfilment of the mandate of the independent expert;

4. *Requests* the independent expert to submit an annual report on the implementation of the present resolution to the General Assembly and to the Council, in accordance with their programme of work,

5. *Calls upon* all Governments to cooperate with and assist the independent expert in his or her task, to supply all necessary information requested by him or her and to give serious consideration to responding favourably to the requests of the independent expert to visit their countries, to enable him or her to fulfil his or her mandate effectively,

6. *Invites* relevant United Nations agencies, funds and programmes, treaty bodies and civil society actors, including non-governmental organizations, as well as the private sector, to cooperate fully with the independent expert in the fulfilment of his or her mandate,

7. *Decides* to continue its consideration of the question of human rights and extreme poverty, in accordance with its programme of work.

*28th meeting
18 June 2008*

**8/12. Special Rapporteur on trafficking in persons,
especially women and children**

The Human Rights Council,

Reaffirming all previous resolutions on the problem of trafficking in persons, especially women and children, in particular General Assembly resolutions 61/144 and 61/180, and also decision 2004/110 of 19 April 2004 of the Commission on Human Rights establishing the mandate of the Special Rapporteur,

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

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

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

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

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

Recalling also the resolve of the Heads of State and Government expressed in the United Nations Millennium Declaration to intensify efforts to fight transnational organized crime in all its dimensions, including trafficking in human beings,

Taking note of the Vienna Forum against Trafficking in Persons in the framework of the United Nations Global Initiative to Fight Human Trafficking, held from 13 to 15 February 2008, and of the thematic debate on the issue of trafficking in persons in the framework of the General Assembly on 3 June 2008,

Recognizing that victims of trafficking are particularly exposed to racism, racial discrimination, xenophobia and related intolerance and that women and girl victims are often subject to multiple forms of discrimination and violence, including on the grounds of their gender, age, ethnicity, culture and religion, as well as their origins, and that these forms of discrimination themselves may fuel trafficking in persons,

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

1. *Expresses concern at:*

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

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

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

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

2. *Urges Governments:*

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

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

(c) To ensure protection and assistance to the victims of trafficking with full respect for their human rights;

(d) To actively promote the rehabilitation of victims of trafficking by providing them with access to adequate physical and psychological care and services, including those related to HIV/AIDS, as well as shelter, legal assistance and help lines;

(e) To take all appropriate measures to ensure that victims of trafficking are not penalized for being trafficked and that they do not suffer from revictimization as a result of actions taken by Government authorities, bearing in mind that they are victims of exploitation;

(f) To adopt or strengthen legislative or other measures to discourage the demand that fosters all forms of exploitation of persons and leads to trafficking in persons;

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

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

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

(j) To cooperate with each other and with relevant intergovernmental and non-governmental organizations to ensure the effective countering of trafficking in persons;

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

(l) To consider strengthening existing regional mechanisms aimed at combating trafficking in persons or to establish such mechanisms where they do not exist;

(m) To consider signing and ratifying and States parties to implement relevant United Nations legal instruments, such as the United Nations Convention against Transnational Organized Crime and the Protocols thereto, in particular the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention;

3. *Takes note* of the work undertaken by the Special Rapporteur on trafficking in persons, especially women and children;

4. *Decides* to extend the mandate of the Special Rapporteur on trafficking in persons, especially women and children, for a period of three years, in order to, inter alia:

(a) Promote the prevention of trafficking in persons in all its forms and the adoption of measures to uphold and protect the human rights of victims;

(b) Promote the effective application of relevant international norms and standards and to contribute to the further improvement of them;

(c) Integrate a gender and age perspective throughout the work of his or her mandate, inter alia through the identification of gender- and age-specific vulnerabilities in relation to the issue of trafficking in persons;

(d) Identify and share best practices as well as challenges and obstacles in order to uphold and protect the human rights of the victims and to identify protection gaps in this regard;

(e) Give particular emphasis to recommendations on practical solutions with regard to the implementation of the rights relevant to the mandate, including by the identification of concrete areas and means for international cooperation to tackle the issue of trafficking in persons;

(f) Request, receive and exchange information on trafficking in persons from Governments, treaty bodies, special procedures, specialized agencies, intergovernmental organizations and non-governmental organizations and other relevant sources, as appropriate, and, in accordance with current practice, respond effectively to reliable information on alleged human rights violations with a view to protecting the human rights of actual or potential victims of trafficking;

(g) Work in close cooperation, while avoiding unnecessary duplication, with other special procedures and subsidiary organs of the Council, relevant United Nations bodies and mechanisms, including the Inter-agency Coordination Group on Trafficking in Persons, the treaty bodies and regional human rights mechanisms, as well as national human rights institutions and civil society and the private sector;

(h) Report annually, starting in 2009, on the implementation of the present resolution to the Council and the General Assembly, according to their respective programmes of work;

5. *Requests* the United Nations High Commissioner for Human Rights to ensure that the Special Rapporteur receives the resources necessary to enable him or her to discharge the mandate fully;

6. *Requests* the Office of the United Nations High Commissioner for Human Rights to submit to the Council, at its ninth session, a report on the latest developments in the United Nations relating to combating trafficking in persons as well as on the activities of the Office on this issue, including by presenting the recommended Principles and Guidelines on Human Rights and Human Trafficking developed by the Office;

7. *Calls upon* all Governments to cooperate with the Special Rapporteur and to consider responding favourably to his or her requests to visit their countries and to provide him or her with all the necessary information related to the mandate to enable him or her to fulfil the mandate effectively;

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

*28th meeting
18 June 2008*

Adopted without a vote.

8/13. Elimination of discrimination against persons affected by leprosy and their family members

The Human Rights Council,

Recalling the provisions of the Universal Declaration of Human Rights, including Article 1 that all human beings are born free and equal in dignity and rights, and that they are endowed with reason and conscience and should act towards one another in a spirit of brotherhood,

Recalling also the provisions of the International Covenant on Economic, Social and Cultural Rights, including article 12,

Taking note of the work of the Special Rapporteur on the right of everyone to enjoy the highest attainable standard of physical and mental health,

Noting the report of the Special Rapporteur on the right of everyone to enjoy the highest attainable standard of physical and mental health (A/58/427), in which he reported that persons affected by leprosy and their family members often suffer stigma and discrimination born of ignorance and prejudice,

Recognizing that more than 16 million people affected by leprosy have been cured worldwide since the 1980s and that leprosy as a disease has been scientifically and medically proven to be curable and manageable,

Recognizing also that tens of millions of people and their family members still suffer from leprosy not only as a disease but also from political, legal, economic or social discrimination and ostracization due to society's lack of knowledge and misguided notions, such as leprosy being incurable or hereditary, and that the issue of leprosy is not only a matter of medicine or health but also one of discrimination that can give rise to a clear violation of human rights,

Taking note of the previous work done by the Commission on Human Rights and its mechanism on discrimination against persons affected by leprosy and their family members,

Encouraging States to share best practices on combating discrimination against persons affected by leprosy and their family members and also on their efforts to achieve full recovery from and manage this disease,

1. *Affirms* that persons affected by leprosy and their family members should be treated as individuals with dignity and are entitled to all basic human rights and fundamental freedoms under customary international law, relevant conventions and national constitutions and laws;

2. *Calls upon* Governments to take effective measures to eliminate any type of discrimination against persons affected by leprosy and their family members, including awareness-raising;

3. *Requests* the Office of the United Nations High Commissioner for Human Rights to include the issue of discrimination against persons affected by leprosy and their family members as an important matter in its human rights education and awareness-raising activities;

4. *Also requests* the Office of the United Nations High Commissioner for Human Rights to collect information on the measures that Governments have taken to eliminate discrimination against persons affected by leprosy and their family members, and, if extrabudgetary funding is available, to hold a meeting to exchange views among relevant actors, including Governments, observers of the United Nations, relevant United Nations bodies, specialized agencies and programmes, non-governmental organizations, scientists, medical experts as well as representatives of persons affected by leprosy and their family members, and to transmit a report to the Council and the Human Rights Council Advisory Committee;

5. *Requests* the Human Rights Council Advisory Committee to examine the report referred to in paragraph 4 above, and formulate a draft set of principles and guidelines for the elimination of discrimination against persons affected by leprosy and their family members, and to submit it to the Council for its consideration by September 2009;

6. *Decides* to consider this issue based on these reports submitted to the Council in September 2009.

*28th meeting
18 June 2008*

Adopted without a vote.

8/14. Situation of human rights in Myanmar

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights, and reaffirming Council resolutions S-5/1 of 2 October 2007, 6/33 of 14 December 2007 and 7/31 of 28 March 2008,

Welcoming the report of the Special Rapporteur on the human rights situation in Myanmar (A/HRC/8/12) while calling on the Myanmar authorities to extend full cooperation to the Special Rapporteur, including by inviting him to visit Myanmar as soon as possible,

Being deeply concerned that the urgent calls contained in the above-mentioned resolutions, as well as of other United Nations bodies concerning the human rights situation in Myanmar have not been met and further emphasizing that, without significant progress towards meeting these calls of the international community, the human rights situation in Myanmar will continue to deteriorate,

Expressing its condolences to those who suffered loss as a result of Cyclone Nargis, and welcoming the efforts of international, regional and national organizations to bring relief to the survivors of this natural disaster and noting the commitment made by the authorities of Myanmar, on 25 May, to grant unfettered access to relief workers to the affected areas,

Expressing also its deep concern that the country's political processes are not transparent, inclusive, free and fair, and at the decision of the Government of Myanmar to proceed with the constitutional referendum in an atmosphere of intimidation and in disregard with international standards of free and fair elections at a time of dire humanitarian need,

Being concerned about reported widespread violations of human rights and international humanitarian law in the Kayin State and Bago Division,

Being most concerned by the decision, once again, to extend the house arrest of the General Secretary of the National League for Democracy, Daw Aung San Suu Kyi, on 27 May 2008, and by reports that there are as many as 1,900 other political prisoners, many held without charge and in unknown locations,

Being concerned that no effort has been made to investigate and prosecute the perpetrators of the violent crackdown on peaceful mass demonstrations of September 2007 and of the ensuing human rights violations, including enforced disappearances, arbitrary detentions, torture and ill-treatment,

1. *Condemns* the ongoing systematic violations of human rights and fundamental freedoms of the people of Myanmar;
2. *Strongly urges* the Government of Myanmar to desist from further politically motivated arrests and to release all political prisoners without delay and without conditions;
3. *Calls upon* the Government to fully implement the commitments it has made to the Secretary-General on granting immediate, full and unhindered access by relief workers to all persons in need throughout the country, to cooperate fully with all humanitarian organizations, in particular in the Irrawaddy Delta, to refrain from sending people back to areas where they cannot have access to emergency relief and to ensure that return is voluntary and occurs in safety and with dignity;
4. *Strongly urges* the Government of Myanmar to end all forms of discrimination and protect civil, political, economic, social and cultural rights, on the basis of the Universal Declaration of Human Rights, and, in particular, to comply with its human rights obligations under the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child in this regard;
5. *Condemns* the recruitment of child soldiers into both the Government armed forces, contrary to its international obligations, and non-State armed groups, and calls for an absolute and immediate stop to this appalling activity;
6. *Calls for* a full, transparent, effective, impartial and independent investigation into all reports of human rights violations, including enforced disappearances, arbitrary detentions, torture, ill-treatment, forced labour and forced displacement, and for bringing those responsible to justice in order to end impunity for violations of human rights;
7. *Strongly calls on* the Government of Myanmar to engage in a real process of dialogue and national reconciliation with the full and genuine participation of representatives of all political parties and ethnic groups who have been excluded from the political process;

8. *Expresses* its strong support for the good offices mission and commitment of the Secretary-General, and encourages the Government of Myanmar to take early steps to admit his Special Representative on Myanmar, Ibrahim Gambari, to facilitate a genuine and inclusive political process, and calls on the Government of Myanmar to ensure full cooperation with the Secretary-General, his representative and the Special Rapporteur;

9. *Strongly urges* the Government of Myanmar to receive, as soon as possible, the Special Rapporteur and to cooperate fully with him to implement the recommendations contained in his reports (A/HRC/6/14, A/HRC/7/18, A/HRC/7/24 and A/HRC/8/12), as well as Council resolutions S-5/1, 6/33 and 7/31;

10. *Requests* the Special Rapporteur to report to the Council on the fulfilment of his mandate, and in particular, on the implementation of its relevant resolutions;

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

*28th meeting
18 June 2008*

Adopted without a vote.

II. Decisions adopted by the Council at its eighth session

8/101. Outcome of the universal periodic review: Bahrain

The Human Rights Council,

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

Having conducted the review of Bahrain on 7 April 2008, in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on Bahrain which is constituted of the report of the Working Group on the review of Bahrain (A/HRC/8/19 and Corr.1), together with the views of Bahrain concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/8/52, chap. VI).

*13th meeting
9 June 2008*

Adopted without a vote.

8/102. Outcome of the universal periodic review: Ecuador

The Human Rights Council,

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

Having conducted the review of Ecuador on 7 April 2008, in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on Ecuador which is constituted of the report of the Working Group on the review of Ecuador (A/HRC/8/20 and Corr.1), together with the views of Ecuador concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/8/52, chap. VI).

*13th meeting
9 June 2008*

Adopted without a vote.

8/103. Outcome of the universal periodic review: Tunisia

The Human Rights Council,

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

Having conducted the review of Tunisia on 8 April 2008, in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on Tunisia which is constituted of the report of the Working Group on the review of Tunisia (A/HRC/8/21 and Corr.1), together with the views of Tunisia concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/8/52, chap. VI).

*14th meeting
9 June 2008*

Adopted without a vote.

8/104. Outcome of the universal periodic review: Morocco

The Human Rights Council,

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

Having conducted the review of Morocco on 8 April 2008 in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on Morocco which is constituted of the report of the Working Group on the review of Morocco (A/HRC/8/22 and Corr.1), together with the views of Morocco concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/8/52, chap. VI).

*14th meeting
9 June 2008*

Adopted without a vote.

8/105. Outcome of the universal periodic review: Finland

The Human Rights Council,

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

Having conducted the review of Finland on 9 April 2008 in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on Finland which is constituted of the report of the Working Group on the review of Finland (A/HRC/8/24), together with the views of Finland concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/8/52, chap. VI and A/HRC/8/24/Add.1).

*14th meeting
9 June 2008*

Adopted without a vote.

8/106. Outcome of the universal periodic review: Indonesia

The Human Rights Council,

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

Having conducted the review of Indonesia on 9 April 2008 in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on Indonesia which is constituted of the report of the Working Group on the review of (A/HRC/8/23), together with the views of Indonesia concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/8/52, chap. VI).

*15th meeting
10 June 2008*

Adopted without a vote.

8/107. Outcome of the universal periodic review: United Kingdom of Great Britain and Northern Ireland

The Human Rights Council,

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

Having conducted the review of the United Kingdom of Great Britain and Northern Ireland on 10 April in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on the United Kingdom of Great Britain and Northern Ireland which is constituted of the report of the Working Group on the review of the United Kingdom of Great Britain and Northern Ireland (A/HRC/8/25), together with the views of the United Kingdom of Great Britain and Northern Ireland concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/8/52, chap. VI and A/HRC/8/25/Add.1).

*15th meeting
10 June 2008*

Adopted without a vote.

8/108. Outcome of the universal periodic review: India

The Human Rights Council,

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

Having conducted the review of India on 10 April in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on India which is constituted of the report of the Working Group on the review of India (A/HRC/8/26), together with the views of India concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/8/52, chap. VI and A/HRC/8/26/Add.1).

*15th meeting
10 June 2008*

Adopted without a vote.

8/109. Outcome of the universal periodic review: Brazil

The Human Rights Council,

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

Having conducted the review of Brazil on 11 April in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on Brazil which is constituted of the report of the Working Group on the review of Brazil (A/HRC/8/27), together with the views of Brazil concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/8/52, chap. VI).

*15th meeting
10 June 2008*

Adopted without a vote.

8/110. Outcome of the universal periodic review: Philippines

The Human Rights Council,

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

Having conducted the review of Philippines on 11 April in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on Philippines which is constituted of the report of the Working Group on the review of Philippines (A/HRC/8/28), together with the views of the Philippines concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/8/52, chap. VI and A/HRC/8/28/Add.1).

*16th meeting
10 June 2008*

Adopted without a vote.

8/111. Outcome of the universal periodic review: Algeria

The Human Rights Council,

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

Having conducted the review of Algeria on 14 April in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on Algeria which is constituted of the report of the Working Group on the review of Algeria (A/HRC/8/29), together with the views of Algeria concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/8/52, chap. VI).

*16th meeting
10 June 2008*

Adopted without a vote.

8/112. Outcome of the universal periodic review: Poland

The Human Rights Council,

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

Having conducted the review of Poland on 14 April in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on Poland which is constituted of the report of the Working Group on the review of Poland (A/HRC/8/30), together with the views of Poland concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/8/52, chap. VI and A/HRC/8/30/Add.1).

*16th meeting
10 June 2008*

Adopted without a vote.

8/113. Outcome of the universal periodic review: Netherlands

The Human Rights Council,

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

Having conducted the review of the Netherlands on 15 April in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on the Netherlands which is constituted of the report of the Working Group on the review of the Netherlands (A/HRC/8/31), together with the views of the Netherlands concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/8/52, chap. VI and A/HRC/8/31/Add.1).

*17th meeting
11 June 2008*

Adopted without a vote.

8/114. Outcome of the universal periodic review: South Africa

The Human Rights Council,

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

Having conducted the review of South Africa on 15 April in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on South Africa which is constituted of the report of the Working Group on the review of South Africa (A/HRC/8/32), together with the views of South Africa concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/8/52, chap. VI).

*17th meeting
11 June 2008*

Adopted without a vote.

8/115. Outcome of the universal periodic review: Czech Republic

The Human Rights Council,

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

Having conducted the review of the Czech Republic on 16 April in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on the Czech Republic which is constituted of the report of the Working Group on the review of the Czech Republic (A/HRC/8/33), together with the views of the Czech Republic concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/8/52, chap. VI and A/HRC/8/33/Add.1).

*17th meeting
11 June 2008*

Adopted without a vote.

8/116. Outcome of the universal periodic review: Argentina

The Human Rights Council,

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

Having conducted the review of Argentina on 16 April in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on Argentina which is constituted of the report of the Working Group on the review of Argentina (A/HRC/8/34 and Corr.1), together with the views of Argentina concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/8/52, chap. VI).

*18th meeting
11 June 2008*

Adopted without a vote.

8/117. Outcome of the universal periodic review: Gabon

The Human Rights Council,

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

Having conducted the review of Gabon on 5 May in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on Gabon which is constituted of the report of the Working Group on the review of Gabon (A/HRC/8/35), together with the views of Gabon concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/8/52, chap. VI).

*18th meeting
11 June 2008*

Adopted without a vote.

8/118. Outcome of the universal periodic review: Ghana

The Human Rights Council,

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

Having conducted the review of Ghana on 5 May in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on Ghana which is constituted of the report of the Working Group on the review of Ghana (A/HRC/8/36), together with the views of Ghana concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/8/52, chap. VI).

*18th meeting
11 June 2008*

Adopted without a vote.

8/119. Outcome of the universal periodic review: Guatemala

The Human Rights Council,

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

Having conducted the review of Guatemala on 6 May in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on Guatemala which is constituted of the report of the Working Group on the review of Guatemala (A/HRC/8/38), together with the views of Guatemala concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/8/52, chap. VI).

*18th meeting
11 June 2008*

Adopted without a vote.

8/120. Outcome of the universal periodic review: Peru

The Human Rights Council,

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

Having conducted the review of Peru on 6 May in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on Peru which is constituted of the report of the Working Group on the review of Peru (A/HRC/8/37), together with the views of Peru concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/8/52, chap. VI).

*19th meeting
12 June 2008*

Adopted without a vote.

8/121. Outcome of the universal periodic review: Benin

The Human Rights Council,

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

Having conducted the review of Benin on 7 May in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on Benin which is constituted of the report of the Working Group on the review of Benin (A/HRC/8/39), together with the views of Benin concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/8/52, chap. VI).

*19th meeting
12 June 2008*

Adopted without a vote.

8/122. Outcome of the universal periodic review: Switzerland

The Human Rights Council,

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

Having conducted the review of Switzerland on 8 May in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on Switzerland which is constituted of the report of the Working Group on the review of Switzerland (A/HRC/8/41), together with the views of Switzerland concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/8/52, chap. VI and A/HRC/8/41/Add.1).

*19th meeting
12 June 2008*

Adopted without a vote.

8/123. Outcome of the universal periodic review: Republic of Korea

The Human Rights Council,

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

Having conducted the review of the Republic of Korea on 7 May in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on the Republic of Korea which is constituted of the report of the Working Group on the review of the Republic of Korea (A/HRC/8/40), together with the views of the Republic of Korea concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/8/52, chap. VI and A/HRC/8/40/Add.1).

*19th meeting
12 June 2008*

Adopted without a vote.

8/124. Outcome of the universal periodic review: Pakistan

The Human Rights Council,

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

Having conducted the review of Pakistan on 8 May in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on Pakistan which is constituted of the report of the Working Group on the review of Pakistan (A/HRC/8/42), together with the views of Pakistan concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/8/52, chap. VI and A/HRC/8/42/Add.1).

*20th meeting
12 June 2008*

Adopted without a vote.

8/125. Outcome of the universal periodic review: Zambia

The Human Rights Council,

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

Having conducted the review of Zambia on 9 May in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on Zambia which is constituted of the report of the Working Group on the review of Zambia (A/HRC/8/43), together with the views of Zambia concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/8/52, chap. VI and A/HRC/8/43/Add.1).

*20th meeting
12 June 2008*

Adopted without a vote.

8/126. Outcome of the universal periodic review: Japan

The Human Rights Council,

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

Having conducted the review of Japan on 9 May in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on Japan which is constituted of the report of the Working Group on the review of Japan (A/HRC/8/44), together with the views of Japan concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/8/52, chap. VI and A/HRC/8/44/Add.1).

*20th meeting
12 June 2008*

Adopted without a vote.

8/127. Outcome of the universal periodic review: Ukraine

The Human Rights Council,

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

Having conducted the review of Ukraine on 13 May in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on Ukraine which is constituted of the report of the Working Group on the review of Ukraine (A/HRC/8/45), together with the views of Ukraine concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/8/52, chap. VI).

*20th meeting
12 June 2008*

Adopted without a vote.

8/128. Outcome of the universal periodic review: Sri Lanka

The Human Rights Council,

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

Having conducted the review of Sri Lanka on 13 May in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on Sri Lanka which is constituted of the report of the Working Group on the review of Sri Lanka (A/HRC/8/46), together with the views of Sri Lanka concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/8/52, chap. VI and A/HRC/8/46/Add.1).

*21st meeting
13 June 2008*

Adopted without a vote.

8/129. Outcome of the universal periodic review: France

The Human Rights Council,

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

Having conducted the review of France on 14 May in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on France which is constituted of the report of the Working Group on the review of France (A/HRC/8/47), together with the views of France concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/8/52, chap. VI and A/HRC/8/47/Add.1).

*21st meeting
13 June 2008*

Adopted without a vote.

8/130. Outcome of the universal periodic review: Tonga

The Human Rights Council,

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

Having conducted the review of Tonga on 14 May in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on Tonga which is constituted of the report of the Working Group on the review of Tonga (A/HRC/8/48), together with the views of Tonga concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/8/52, chap. VI).

*21st meeting
13 June 2008*

Adopted without a vote.

8/131. Outcome of the universal periodic review: Romania

The Human Rights Council,

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

Having conducted the review of Romania on 15 May in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on Romania which is constituted of the report of the Working Group on the review of Romania (A/HRC/8/49), together with the views of Romania concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/8/52, chap. VI and A/HRC/8/49/Add.1).

*22nd meeting
13 June 2008*

Adopted without a vote.

8/132. Outcome of the universal periodic review: Mali

The Human Rights Council,

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

Having conducted the review of Mali on 15 May in conformity with all the relevant provisions contained in Council resolution 5/1;

Adopts the outcome of the universal periodic review on Mali which is constituted of the report of the Working Group on the review of Mali (A/HRC/8/50), together with the views of Mali concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/8/52, chap. VI and A/HRC/8/50/Add.1).

*22nd meeting
13 June 2008*

Adopted without a vote.

III. President's statements adopted by the Council at its eighth session

PRST/8/1. Modalities and practices for the universal periodic review process

On 9 April 2008, the President of the Council made a statement reading as follows:

I. Modalities of work for troika members before the session of the Working Group on the Universal Periodic Review

1. States that wish to raise questions and/or issues with the State under review may do so via the troika, which shall relay them to the Secretariat. These questions and/or issues should conform to the basis of the review, as identified by the Human Rights Council in paragraph 1 of the annex to its resolution 5/1 on institution-building of the Council, and shall be raised in a manner that is consistent with the principles and objectives of the universal periodic review, as stated in resolution 5/1, and be based mainly on the three universal periodic review documents.
2. The Secretariat shall then transmit all questions and/or issues to the State under review no later than 10 working days before the date of the review in the Working Group on the Universal Periodic Review.
3. The troika members shall cluster the questions and/or issues in accordance with the content and the structure of the report prepared by the State under review.
4. As the universal periodic review is, inter alia, a transparent process, the questions and/or issues will be circulated among Member and Observer States after being relayed to the State under review.
5. The State under review is sovereign in addressing the questions and/or issues it chooses to answer of those transmitted to it by the troika members or raised during the proceedings of the Working Group.

II. Modalities for the Review in the Working Group

6. The interactive dialogue of the universal periodic review exercise takes place solely in the Working Group of the Universal Periodic Review.
7. The State under review will be given up to 60 minutes in the Working Group, to be used for:
 - (a) Initial presentation of the national report/responses to written questions;
 - (b) Replies to the questions raised from the floor during the interactive dialogue, if desired;
 - (c) Concluding comments at the end of the review, in an interactive dialogue under the guidance of the President.

III. Report of the Working Group

8. The Working Group shall prepare a factual report of its proceedings, consisting of a summary of the interactive dialogue, which will reflect recommendations and/or conclusions made by delegations during the interactive dialogue.
9. The report of the Working Group shall be prepared by the troika by fully involving the State under review and with the assistance of the Secretariat.
10. The State under review is expected to examine all recommendations made, in accordance with the provisions of the annex to Council resolution 5/1. In all cases, the recommendations that enjoy the support of the State under review are to be identified as such. Other recommendations, together with the comments of the State under review, are to be noted. Both will be included in the report of the Working Group, to be adopted by the Council at its plenary session. The State under review is expected to follow up on the recommendations that enjoy its support as well as on voluntary commitments and pledges.
11. The State under review will inform the Council about its views concerning the recommendations and/or conclusions as well as voluntary commitments/pledges whenever it is in a position to do so, during the meeting of the Working Group, or between the session of the Working Group and the next session of the Council, or during the meeting of the Council at its plenary session.

IV. Modalities at the plenary session

12. The review process starts at Working Group level and ends with the adoption of the outcome of the review by the Council at its plenary session.
13. The report of the Working Group, together with the views of the State under review concerning the recommendations and/or conclusions, as well as voluntary commitments made by the State under review and replies presented by the State under review before the adoption of the outcome by the Council at its plenary session to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group, will constitute the outcome of the review, which shall be adopted by the Council at its plenary session through a standardized decision.
14. A summary of the views expressed on the outcome of the review by the State under review and of 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, will be included in the report of the Council session.

V. General modalities

15. Only the three documents mentioned in paragraph 15 of the annex to Council resolution 5/1 as constituting the basis of the review will be posted on the Extranet.
16. The Council will consider favourably the adoption of a decision on the webcasting of all public proceedings of its various working groups, taking into account the principles of transparency, equal treatment and non-selectivity.

PRST/8/2. Terms of office of special procedures mandate holders

At the 27th meeting, on 18 June 2008, the President of the Council made a statement reading as follows:

1. In accordance with General Assembly resolution 60/251 and Human Rights Council resolution 5/1, a special procedures mandate holder's tenure shall not exceed six years in a particular position (two terms of three years for thematic procedures).
2. The Council guarantees the integrity and independence of the system of special procedures. It will also follow up on the implementation of the code of conduct for special procedures mandate holders, as contained in Council resolution 5/2.
3. In this regard, the President will convey to the Council any information brought to his or her attention, including that by States and/or by the coordination committee of special procedures, concerning cases of persistent non-compliance by a mandate holder with the provisions of Council resolution 5/2, especially prior to the renewal of mandate holders in office.
4. The Council will consider such information and act upon it as appropriate. In the absence of the above-mentioned information, the terms in office of the mandate holders shall be extended for a second three-year term by the Council.

Part Two: Summary of proceedings

I. Organizational and procedural matters

A. Opening and duration of the session

1. The Human Rights Council held its eighth session at the United Nations Office at Geneva from 2 to 18 June 2008. The President of the Council, Mr. Doru Costea, opened the session.
2. In accordance with rule 8 (b) of the rules of procedures of the Council, as contained in part VII of the annex to Council resolution 5/1, the organizational meeting of the eighth session was held on 19 May 2008.
3. The eighth session consisted of 28 meetings held over 13 days (see paragraph 14 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 III).

C. Agenda and programme of work of the session

5. At the 1st meeting, on 2 June 2008, the programme of work for the eighth session was adopted without a vote.

D. Organization of work

6. At the 1st meeting, on 2 June 2008, the President of the Council outlined the modalities for the general debate, which would be five minutes for statements by States members of the Council and concerned countries and three minutes for observers of non-member States of the Council and other observers, including United Nations entities, specialized agencies and related organizations, intergovernmental organizations and other entities, national human rights institutions and non-governmental organizations. The list of speakers would be drawn up in chronological order of registration and the order of speakers would be: concerned countries, if any, followed by States members of the Council, observers for non-member States of the Council, and other observers.
7. At the same meeting, the President of the Council outlined the modalities for the interactive dialogue with special procedures mandate holders, which would be 10 minutes for the presentation of the main report by the mandate holders, with a further 2 minutes for the presentation of each additional report; 5 minutes for concerned countries, if any, and States members of the Council; 3 minutes for statements by observers of non-member States of the Council and other observers, including United Nations entities, specialized agencies and related organizations, intergovernmental organizations and other entities, national human rights institutions and non-governmental organizations; and 5 minutes for concluding remarks by the mandate holder.

8. At the 6th meeting, on 4 June 2008, the President outlined the modalities for the review, rationalization and improvement of mandates, which would be 8 minutes for statements by main sponsors of resolutions relating to the mandate in question; 6 minutes for statements by mandate holders; 5 minutes for statements by concerned countries, if applicable; 3 minutes for statements by States members of the Council; and 2 minutes for statements by observers for non-member States of the Council and other observers, including United Nations entities, specialized agencies and related organizations, intergovernmental organizations and other entities, national human rights institutions and non-governmental organizations. The mandate holder would be given 3 minutes to make final remarks and the main sponsors of the resolution relating to the mandate would be given 5 minutes for the conclusion of the debate.
9. At the 8th meeting, on 5 June 2008, the President outlined the modalities for the discussion on the human rights of women, which would be 5 minutes for the moderator; 5 minutes for each statement by the panellists; 2 minutes for statements by States members of the Council and for statements by observers of non-member States of the Council and other observers, including United Nations entities, specialized agencies and related organizations, intergovernmental organizations and other entities, national human rights institutions and non-governmental organizations, and 5 minutes for the moderator and panellists to respond.
10. At the 10th meeting, on 6 June 2008, the President outlined the modalities for the special event of the Council celebrating the entry into force of the Convention on the Rights of Persons with Disabilities, which would be 7 minutes for each statement by the panellists; 3 minutes for statements by designated States representatives from regional groups; and 3 minutes for statements by two designated civil society representatives.
11. At the 11th meeting, on 6 June 2008, the President outlined the modalities for the special event of the Council on the draft United Nations guidelines for the appropriate use and conditions of alternative care for children, which would be 5 minutes for each statement by the panellists; 3 minutes for statements by designated States representatives from regional groups; 3 minutes for statements by civil society representatives; and 2 minutes for the moderator and panellists to respond.
12. At the 13th meeting, on 9 June 2008, the President outlined the modalities for the consideration of the universal periodic review outcome, which would be 20 minutes for the presentation by the State concerned; 3 minutes for statements by States members of the Council and 2 minutes for statements by observers of non-member States of the Council and United Nations entities, specialized agencies and related organizations for a total duration of 20 minutes; and 2 minutes for statements by other stakeholders, for a total duration of 20 minutes.
13. At the 28th meeting, on 18 June, final comments were made by the representatives of Egypt and Jordan.

E. Meetings and documentation

14. The Council held 28 fully serviced meetings during its eighth session.
15. The texts of the resolutions adopted by the Council are contained in part one of the present report.
16. Annex I contains the agenda of the Council as included in part V of the annex to Council resolution 5/1.
17. Annex II contains the estimated administrative and programme budget implications of Council resolutions.
18. Annex III contains the list of attendance.
19. Annex IV contains the list of documents issued for the eighth session of the Council.
20. Annex V contains the list of special procedures mandate holders appointed by the Council at its eighth session.
21. Annex VI contains the list of members appointed to the expert mechanism on the rights of indigenous peoples and the forum on minority issues.

F. Visits

22. At the 1st meeting, on 2 June 2008, the President of Slovenia, H.E. Danilo Türk, delivered a statement.

G. Review, rationalization and improvement of mandates

Special Rapporteur on the independence of judges and lawyers

23. At the 6th meeting, on 4 June 2008, the representative of Hungary, as the main sponsor of the resolution relating to the mandate of the Special Rapporteur on the independence of judges and lawyers, made a statement.
24. At the same meeting, the Special Rapporteur, Leandro Despouy, made a statement.
25. During the ensuing discussion, at the same meeting, the following made statements:
 - (a) Representatives of States members of the Council: Cuba, India, Pakistan (on behalf of the Organization of the Islamic Conference), Slovenia (on behalf of the European Union);
 - (b) Observers for the following States: Argentina, Ecuador;
 - (c) Observers for non-governmental organizations: Amnesty International, International Commission of Jurists, Permanent Assembly for Human Rights.

26. At the same meeting, the Special Rapporteur made his final remarks.
27. Also at the same meeting, the representative of Hungary made a concluding statement.

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

28. At the 6th meeting, on 4 June 2008, the representative of Denmark, as the main sponsor of the resolution relating to the mandate of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, made a statement.

29. At the same meeting, the Special Rapporteur, Manfred Nowak, made a statement.

30. During the ensuing discussion, at the same meeting, the following made statements:

(a) Representatives of States members of the Council: Canada, Cuba, Indonesia, Russian Federation, Slovenia (on behalf of the European Union), Switzerland;

(b) Observers for the following States: Chile, Norway, Turkey;

(c) Observers for national human rights institutions: Commission on Human Rights of the Philippines (also on behalf of the Advisory Council of Human Rights of Morocco, the German Institute of Human Rights, the National Commission for Human Rights of Togo, the National Consultative Commission on Human Rights of France and the Ugandan Human Rights Commission);

(d) Observers for non-governmental organizations: Association for the Prevention of Torture (also on behalf of Amnesty International, the International Federation of Action by Christians for the Abolition of Torture, the International Rehabilitation Council for Torture Victims and the World Organization against Torture), International Commission of Jurists.

31. At the same meeting, the Special Rapporteur made his final remarks.

32. Also at the same meeting, the representative of Denmark made a concluding statement.

Special Rapporteur on extrajudicial, summary and arbitrary executions

33. At the 7th meeting, on 5 June 2008, the representative of Sweden, as the main sponsor of the resolution relating to the mandate of the Special Rapporteur on extrajudicial, summary and arbitrary executions, made a statement.

34. At the same meeting, the Special Rapporteur, Philip Alston, made a statement.

35. During the ensuing discussion, at the same meeting, the following made statements:

(a) Representatives of States members of the Council: Bangladesh, Cuba, Egypt, India, Pakistan (on behalf of the Organization of the Islamic Conference), Philippines, Russian Federation, Slovenia (on behalf of the European Union), Sri Lanka, Switzerland, Uruguay;

(b) Observers for the following States: Argentina, Algeria, Austria, Belgium, Chile, Colombia, Norway, Singapore;

(c) Observers for non-governmental organizations: Amnesty International, Comisión Jurídica Para el Autodesarrollo de los Pueblos Originarios Andinos (CAPAJ).

36. At the same meeting, the Special Rapporteur made his final remarks.

37. Also at the same meeting, the representative of Sweden made a concluding statement.

Special Rapporteur on the human rights of migrants

38. At the 7th meeting, on 5 June 2008, the representative of Mexico, as the main sponsor of the resolution relating to the mandate of the Special Rapporteur on the human rights of migrants, made a statement.

39. At the same meeting, the Special Rapporteur, Jorge A. Bustamante, made a statement.

40. During the ensuing discussion, at the same meeting, the following made statements:

(a) Representatives of States members of the Council: Brazil, Chile (on behalf of the Group of Latin American and Caribbean States), Philippines, Senegal, Slovenia (on behalf of the European Union);

(b) Observer for the State: Turkey;

(c) Observers for non-governmental organizations: Association of World Citizens, Comisión Jurídica Para el Autodesarrollo de los Pueblos Originarios Andinos (CAPAJ).

41. At the same meeting, the Special Rapporteur made his final remarks.

42. Also at the same meeting, the representative of Mexico made a concluding statement.

Special Representative of the Secretary-General on human rights and transnational corporations and other business enterprises

43. At the 7th meeting, on 5 June 2008, the representative of Norway, as the main sponsor of the resolution relating to the mandate of the Special Representative of the Secretary-General on human rights and transnational corporations and other business enterprises, made a statement.

44. At the same meeting, the Special Representative of the Secretary-General, John Ruggie, made a statement.

45. During the ensuing discussion, at the same meeting, the following made statements:

(a) Representatives of States members of the Council: Bangladesh, Canada, Cuba, Egypt, Malaysia, Nigeria, Pakistan (on behalf of the Organization of the Islamic Conference), Slovenia (on behalf of the European Union), South Africa, Switzerland;

(b) Observer for the State: Belgium;

(c) Observers for non-governmental organizations: Action Aid International (also on behalf of Amnesty International, Human Rights Watch, the International Federation of Human Rights Leagues and the International Commission of Jurists), Bischöfliches Hilfswerk Misereor (also on behalf of Pax Romana, International Cooperation for Development and Solidarity and the Swiss Catholic Lenten Fund), Europe-Third World Centre, Indian Movement Tupaj Amaru (also on behalf of the World Peace Council).

46. At the same meeting, the Special Rapporteur made his final remarks.

47. Also at the same meeting, the representative of Norway made a concluding statement.

Independent expert on the question of human rights and extreme poverty

48. At the 7th meeting, on 5 June 2008, the representative of France, as the main sponsor of the resolution relating to the mandate of the independent expert on the question of human rights and extreme poverty, made a statement.

49. At the same meeting, the independent expert, Maria Magdalena Sepulveda, made a statement.

50. During the ensuing discussion, at the same meeting, the following made statements:

(a) Representatives of States members of the Council: Pakistan (on behalf of the Organization of the Islamic Conference), Senegal, Slovenia (on behalf of the European Union);

(b) Observers for the following States: Algeria, Turkey;

(c) Observers for a non-governmental organization: Franciscans International (also on behalf of the International Movement ATD Fourth World), Mouvement contre le racisme et pour l'amitié entre les peuples (also on behalf of the Europe-Third World Centre, France Libertés: Fondation Danielle Mitterrand and the Women's International League for Peace and Freedom).

51. At the same meeting, the Special Rapporteur made her final remarks.

52. Also at the same meeting, the representative of France made a concluding statement.

Special Rapporteur on trafficking in persons, especially women and children

53. At the 10th meeting, on 6 June 2008, the representatives of Germany and the Philippines, as the main sponsors of the resolution relating to the mandate of the Special Rapporteur on trafficking in persons, especially women and children, made statements.

54. At the same meeting, the Director of the Special Procedures Division of the Office of the United Nations High Commissioner for Human Rights (OHCHR), made a statement.

55. During the ensuing discussion, at the same meeting, the following made statements:

(a) Representatives of States members of the Council: Slovenia (on behalf of the European Union), Sri Lanka;

(b) Observers for the following States: Belarus, Spain, Turkey.

56. At the same meeting, the representative of Germany made a concluding statement.

Special Rapporteur on the right to education

57. At the 10th meeting, on 6 June 2008, the representative of Portugal, as the main sponsor of the resolution relating to the mandate of the Special Rapporteur on the right to education, made a statement.

58. At the same meeting, Tomas Ojea Quintana read out a statement on behalf of the Special Rapporteur on the right to education.

59. During the ensuing discussion, at the same meeting, the following made statements:

(a) Representatives of States members of the Council: Chile² (on behalf of the Group of Latin American and Caribbean States), Cuba, Pakistan (on behalf of the Organization of the Islamic Conference), Slovenia (on behalf of the European Union);

(b) Observers for the following States: Morocco, Turkey;

(c) Observer for a non-governmental organization: Pax Romana (also on behalf of Education and Development-Vides, Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos, the Institute for Planetary Synthesis, the International Federation of University Women, the International Organization for the Right to Education and Freedom of Education, the International Volunteerism Organization for Women, New Humanity, Sokka Gakai International, the Teresian Association, the World Federation of United Nations Associations, the Women's Federation for World Peace International and the Women's World Summit Foundation).

60. At the same meeting, the representative of Portugal made a concluding statement.

H. Selection and appointment of mandate holders

61. At the 28th meeting, on 18 June 2008, the Council appointed mandate holders in accordance with Council resolutions 5/1 and 6/36 (see annex V).

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

62. At the same meeting, the President made a statement highlighting that all mandate holders shall fulfil their responsibilities in strict accordance with the relevant Council resolutions pertaining to these mandates. During the ensuing discussion, at the same meeting, the following made statements:

(a) Representatives of States members of the Council: Guatemala, Portugal, Republic of Korea, Russian Federation and Uruguay (on behalf of the Group of Latin American and the Caribbean States);

(b) Observer for a non-governmental organization: Amnesty International.

I. Selection and appointment of the members of the expert mechanism on the rights of indigenous peoples

63. At the 28th meeting, on 18 June 2008, the Council, pursuant to its resolutions 5/1 and 6/36, appointed five experts to the Human Rights Council expert mechanism on the rights of indigenous peoples. The Council had before it a note by the President of the Council containing nominations of candidates for appointment.

64. The Council appointed the following members: Cathérine Odimba Kombe (Congo), José Mencia Molintas (Philippines), Jannie Lasimbang (Malaysia), José Carlos Morales Morales (Costa Rica) and John Henriksen (Norway) (see annex VI).

65. During the ensuing discussion, at the same meeting, observers for the following non-governmental organizations made statements: Indian Council of South America, Indian Movement “Tupaj Amaru”, International Organization of Indigenous Resource Development (also on behalf of the Assembly of First Nations-National Indian Brotherhood).

J. Forum on minority issues

66. At the 28th meeting, on 18 June 2008, the Council, pursuant to its resolution 6/15, appointed Viktoria Mohasci (Hungary) as Chairperson of the Forum on minority issues (see annex VI).

K. Adoption of the report on the session

67. At the 28th meeting, on 18 June 2008, the Rapporteur and Vice-President of the Council made a statement in connection with the draft report of the Council (A/HRC/8/L.10).

68. The draft report was adopted ad referendum.

69. The Council decided to entrust the Rapporteur with the finalization of the report.

70. At the same meeting, the President of the Council closed the eighth session.

L. Consideration and action on draft proposals

Conference facilities and financial support for the Human Rights Council

71. At the 27th meeting, on 18 June 2008, the President of the Council introduced draft resolution A/HRC/8/L.3.

72. The draft resolution was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 8/1).

Terms of office of special procedures mandate holders

73. At the 27th meeting, the President of the Council introduced draft President's statement PRST/8/2.

74. The draft statement was adopted without a vote (for the text as adopted, see part one, chap. III).

75. At the same meeting, a general comment in connection with the adoption of the statement was made by the representative of Jordan.

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

76. At the 1st meeting, on 2 June 2008, the United Nations High Commissioner for Human Rights gave an update on her activities and those of her Office.

77. During the ensuing general debate, at the 1st and 2nd meetings, on 2 June 2008, statements were made by the following:

(a) Representatives of States members of the Council: Bangladesh, Brazil, Canada, China, Egypt (on behalf of the Group of African States), France, India, Indonesia, Italy, Japan, Malaysia, Mexico, Netherlands, Nigeria, Pakistan (on behalf of the Organization of the Islamic Conference), Philippines, Republic of Korea, Russian Federation, Senegal, Slovenia (on behalf of the European Union, Albania, Armenia, Bosnia and Herzegovina, Croatia, Georgia, Iceland, Moldova, Montenegro, Serbia, the former Yugoslav Republic of Macedonia and Ukraine), South Africa, Sri Lanka, Switzerland, United Kingdom of Great Britain and Northern Ireland;

(b) Observers for the following States: Algeria, Argentina, Burkina Faso, Chile, Ecuador, Ireland, Maldives, Morocco, Nepal, New Zealand, Norway, Thailand, Tunisia, Uzbekistan;

(c) Observer for an intergovernmental organization: International Organization of la Francophonie;

(d) Observers for non-governmental organizations: Comisión Jurídica Para el Autodesarrollo de Los Pueblos Originarios Andinos (CAPAJ), Indian Council of South America, International Service for Human Rights (also on behalf of Action Canada for Population and Development, Amnesty International, the Asian Forum for Human Rights and Development (Forum-Asia), the Asian Legal Resource Centre, the Association for the Prevention of Torture, the Baha'i International Community, the Cairo Institute for Human Rights Studies, the Canadian HIV/AIDS Legal Network, the Centre on Housing Rights and Evictions, the Colombian Commission of Jurists, Conectas Direitos Humanos, Franciscans International, Friends World Committee For Consultation (Quakers), Human Rights Watch, the International Centre for Human Rights and Democratic Development (Rights and Democracy), the International Commission of Jurists, the International Federation of Human Rights Leagues, the Latin American Committee for the Defence of Women's Rights, the Lutheran World Federation and Pax Romana), Nord-Sud XXI (also on behalf of the Arab Lawyers Union, the General Arab Women Federation and the Union of Arab Jurists).

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

78. At the 5th meeting, on 4 June 2008, the Director of the Council and Treaties Division of OHCHR presented reports prepared by the High Commissioner, the Secretary-General and OHCHR under item 3 (see chap. III, para. 106).

79. At the 23rd meeting, on 16 June 2008, the High Commissioner for Human Rights presented her reports under item 7 (see chap. VII, para. 307).

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

A. Special events

1. Special event dedicated to the entry into force of the Convention on the Rights of Persons with Disabilities

80. At the 10th meeting, on 6 June 2008, the Council held a special event dedicated to the entry into force of the Convention on the Rights of Persons with Disabilities, with the participation of the United Nations High Commissioner for Human Rights; Theresia Degener, Professor; Luis Fernando Astorga Gatjens, Executive Director of the Inter-American Institute on Disability and Inclusive Development; Charlotte McClain-Nhlapo, Disability Adviser of the World Bank to East and South Asia and the Pacific Region; and Lex Grandia, Chairperson of the Convention on the Rights of Persons with Disabilities Forum.

81. The special event was opened by a statement by the High Commissioner for Human Rights, followed by statements by the panellists.

82. At the same meeting, the following made statements and asked the panellists questions:

(a) Representatives of States members of the Council: China, Egypt, India, Mexico, Russian Federation, Slovenia (on behalf of the European Union), South Africa;

(b) Observers for the following States: Ecuador (statement by the Vice-President of Ecuador by video message), New Zealand, Spain;

(c) Observers for non-governmental organizations: Inclusion International, Landmine Network Survivors El Salvador.

83. At the same meeting, the panellists made final remarks and answered questions.

2. Special event on the draft United Nations guidelines for the appropriate use and conditions of alternative care for children

84. At the 11th meeting, on 6 June 2008, the Council held a special event on the draft United Nations guidelines for the appropriate use and conditions of alternative care of children, pursuant to Council resolution 7/29, with the participation of the following: Patricia Lamego, Project Manager of the Cabinet of the Special Secretariat for Human Rights of the Presidency of the Republic of Brazil, as coordinator of the Group of Friends; Moushira Khattab, Member Committee on the Rights of the Child; Alexandra Yuster, Senior Adviser of the Social Welfare and Justice Systems Child Protection Section, Programme Division of UNICEF; and Nigel Cantwell, as representative of civil society.

85. In the ensuing brief interactive dialogue, at the same meeting, the following made statements and asked the panellists questions:

(a) Representatives of States members of the Council: Azerbaijan, China, Egypt, Italy, Malaysia, Mexico, Nigeria, Philippines, Russian Federation, Uruguay;

(b) Observers for the following States: Austria, Chile, Morocco, Portugal;

(c) Observers for non-governmental organizations: International Social Service (also on behalf of ECPAT International, Friends World Committee for Consultation (Quakers), the International Federation for Educative Communities (FICE International), the International Foster Care Organization, the International Federation of Social Workers, the International Movement ATD Fourth World, the International Save the Children Alliance, Plan International, SOS-Kinderdorf International, the World Organization against Torture and World Vision International), SOS Kinderdorf International (also on behalf of Defence for Children International, the International Federation of Social Workers, the International Federation of Educative Communities (FICE International), International Social Service and World Vision International).

86. At the 11th meeting, panellists answered questions and made concluding remarks.

B. Follow-up to the special session on the world food crisis

87. At the 10th meeting, on 6 June 2008, the Council followed up on the special session on the negative impact of the worsening world food crisis on the realization of the right to food for all, held on 22 May 2008, as requested by the Council in its resolution S-7/1.

88. At the same meeting, the Special Rapporteur on the right to food, Olivier de Schutter, gave a presentation on his participation in the High-Level Conference on World Food Security of the Food and Agriculture Organization of the United Nations, held on 2 and 3 June 2008, in Rome, and presented his initial conclusions and recommendations.

C. Interactive dialogue with special procedures

Representative of the Secretary-General on the human rights of internally displaced persons

89. At the 2nd meeting, on 2 June 2008, the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin, presented his reports (A/HRC/8/6 and Add.1-4).

90. At the 2nd and 3rd meetings, on 2 and 3 June 2008, the representatives of Azerbaijan, the Democratic Republic of the Congo and Sri Lanka made statements, as concerned countries.

91. During the ensuing interactive dialogue, at the 3rd meeting, on 3 June 2008, the following made statements and asked the Representative of the Secretary-General questions:

(a) Representatives of States members of the Council: Canada, China, Egypt, Indonesia, Italy, Netherlands, Qatar, Russian Federation, Slovenia (on behalf of the European Union), Switzerland;

(b) Observers for the following States: Armenia, Austria, Belgium, Iraq, Ireland, Liechtenstein, Norway;

(c) Observer for an intergovernmental organization: International Organization of la Francophonie;

(d) Observer for a non-governmental organization: Colombian Commission of Jurists (also on behalf of Pax Romana).

92. At the 4th meeting, on 3 June 2008, a statement in exercise of the right of reply was made by the representative of Azerbaijan.

Special Rapporteur on extrajudicial, summary or arbitrary executions

93. At the 2nd meeting, on 3 June 2008, the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston, presented his reports (A/HRC/8/3 and Add.1-6).

94. At the same meeting, Afghanistan, Brazil, Philippines and Sri Lanka made statements, as concerned countries.

95. During the ensuing interactive dialogue, at the 3rd and 4th meetings, on 3 June 2008, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States members of the Council: Bangladesh, Canada, China, Cuba, Egypt, India, Indonesia, Japan, Mexico, Netherlands, Nigeria, Pakistan (also on behalf of the Organization of the Islamic Conference), Philippines, Qatar, Russian Federation, Slovenia (on behalf of the European Union), Sri Lanka;

(b) Observers for the following States: Algeria, Argentina, Chile, Colombia, Ireland, Norway, Singapore, Sudan;

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

(d) Observers for non-governmental organizations: Asian Legal Resource Centre, Colombian Commission of Jurists, Commission of the Churches on International Affairs of the World Council of Churches (also on behalf of the Asian Legal Resource Centre and the International Association of Democratic Lawyers), France Libertés: Fondation Danielle Mitterand, Interfaith International, Nord-Sud XXI, Pax Romana.

96. At the 4th meeting, on the same day, the Special Rapporteur answered questions and made his concluding remarks.

97. At the same meeting, statements in exercise of the right of reply were made by the representatives of Colombia, Iraq, Sri Lanka and Thailand.

Special Rapporteur on the independence of judges and lawyers

98. At the 2nd meeting, on 2 June 2008, the Special Rapporteur on the independence of judges and lawyers, Leandro Despouy, presented his reports (A/HRC/8/4 and Add.1-2).

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

100. During the ensuing interactive dialogue, at the 3rd and 4th meetings, on 3 June 2008, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States members of the Council: Brazil, China, Cuba, Egypt, Italy, Mexico, Netherlands, Russian Federation, Slovenia (on behalf of the European Union), Uruguay;

(b) Observers for the following States: Argentina, Belgium, Chile, Ecuador, Hungary, Iraq, Maldives, New Zealand (also on behalf of Australia);

(c) Observers for non-governmental organizations: Amnesty International, Asian Legal Resource Centre, Comisión Jurídica Para el Autodesarrollo de los Pueblos Originarios Andinos (CAPAJ), Nord-Sud XXI, Society for Threatened Peoples.

101. At the 4th meeting, on 3 June 2008, the Special Rapporteur answered questions and made his concluding remarks.

102. At the same meeting, a statement in exercise of the right of reply was made by the representative of Iraq.

Special Rapporteur on the right to education

103. At the 4th meeting, on 3 June 2008, the Special Rapporteur on the right to education, Vernor Munoz Villalobos, presented his reports (A/HRC/8/10 and Add.1-4).

104. At the same meeting, the representatives of Morocco and Bosnia and Herzegovina made statements, as concerned countries.

105. During the ensuing interactive dialogue, at the 4th and 5th meetings, on 3 and 4 June 2008, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States members of the Council: Brazil, China, Cuba, Egypt, Italy, Malaysia, Qatar, Russian Federation, Slovenia (on behalf of the European Union);

(b) Observers for the following States: Chile, Costa Rica, Luxembourg, Portugal, Sri Lanka, Thailand, Venezuela (Bolivarian Republic of);

(c) Observer for a national human rights institution: Conseil consultatif des droits de l'homme du Maroc;

(d) Observers for non-governmental organizations: Union de l'action féminine, World Vision International (also on behalf of the International Save the Children Alliance).

106. At the 5th meeting, on 4 June 2008, the Special Rapporteur answered questions and made his concluding remarks.

Independent expert on the question of human rights and extreme poverty

107. At the 4th meeting, on 3 June 2008, the independent expert on the question of human rights and extreme poverty, Maria Magdalena Sepulveda, presented the report of the previous mandate holder (A/HRC/7/15).

108. During the ensuing interactive dialogue, at the 4th and 5th meetings, on 3 and 4 June 2008, the following made statements and asked the independent expert questions:

(a) Representatives of States members of the Council: Azerbaijan, Bangladesh, Brazil, China, France, Egypt, India, Indonesia, Pakistan (on behalf of the Organization of the Islamic Conference), Peru, Russian Federation, Slovenia (on behalf of the European Union), South Africa;

(b) Observers for the following States: Algeria, Chile, Costa Rica, Luxembourg, Thailand, Venezuela (Bolivarian Republic of);

(c) Observer for a non-governmental organization: International Movement of ATD Fourth World.

109. At the 5th meeting, on 4 June 2008, the independent expert answered questions and made her concluding remarks.

Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises

110. At the 4th meeting, on 3 June 2008, the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, John Ruggie, presented his reports (A/HRC/8/5 and Add.1-2, A/HRC/8/16).

111. During the ensuing interactive dialogue, at the 4th and 5th meetings, on 3 and 4 June 2008, the following made statements and asked the Special Representative questions:

(a) Representatives of States members of the Council: Bangladesh, Brazil, China, Cuba, Egypt, France, India, Indonesia, Italy, Nigeria, Pakistan (on behalf of the Organization of the Islamic Conference), Peru, Republic of Korea, Russian Federation, Slovenia (on behalf of the European Union), South Africa, United Kingdom of Great Britain and Northern Ireland;

(b) Observers for the following States: Argentina, Norway, Venezuela (Bolivarian Republic of);

(c) Observer for non-governmental organizations: Amnesty International, Europe-Third World Centre (also on behalf of Mouvement contre le racisme et pour l'amitié entre les peuples and the Women's International League for Peace and Freedom), International Commission of

Jurists, International Cooperation for Development and Solidarity (also on behalf of Bischöfliches Hilfswerk Misereor and the Global Policy Forum), International Indian Treaty Council, International NGO Forum on Indonesian Development.

112. At the 5th meeting, on 4 June 2008, the Special Representative answered questions and made his concluding remarks.

D. Open-ended Working Group on an optional protocol to the International Covenant on Economic, Social and Cultural Rights

113. At the 5th meeting, on 4 June 2008, the Chairperson of the Open-ended Working Group on an optional protocol to the International Covenant on Economic, Social and Cultural Rights, Catarina de Albuquerque, presented the report on the fifth session of the Working Group (A/HRC/8/7 and Corr.1).

114. During the ensuing general debate, at the same meeting, the following made statements:

(a) Representatives of States members of the Council: Bangladesh, Brazil, Chile² (on behalf of the Group of Latin American and Caribbean States), Cuba, Egypt (on behalf of the Group of African States), France, India, Indonesia, Italy, Mexico, Pakistan, Qatar (on behalf of the Group of Arab States), Russian Federation, South Africa, United Kingdom of Great Britain and Northern Ireland;

(b) Observers for the following States: Algeria, Argentina, Austria, Croatia, Ecuador, Finland, Iran (Islamic Republic of), Poland, Portugal, Syrian Arab Republic, Turkey;

(c) Observer for: Holy See;

(d) Observer for a national human rights institution: Commission on Human Rights of the Philippines (also on behalf of the Danish Institute for Human Rights, the German Institute for Human Rights, the Mexican Human Rights Commission and the National Consultative Commission on Human Rights of France);

(e) Observers for non-governmental organizations: Amnesty International, Colombian Commission of Jurists, Europe-Third World Centre (also on behalf of Mouvement contre le racisme et pour l'amitié entre les peuples and the Women's International League for Peace and Freedom), Foodfirst Information and Action Network (also on behalf of the Asia Pacific Women's Watch, the Baha'i International Community, the Centre on Housing Rights and Evictions and the International Federation of Human Rights Leagues), Indian Council of South America (also on behalf of the International Human Rights Association of American Minorities and the Union of Arab Jurists), Permanent Assembly for Human Rights.

E. Reports presented under agenda item 3 and general debate on that item

Reports prepared by the Office of the United Nations High Commissioner for Human Rights and by the Secretary-General

115. At the 5th meeting, on 4 June 2008, the Director of the Council and Treaties Division of OHCHR introduced reports prepared by OHCHR and the Secretary-General under item 3 (A/HRC/8/13, A/HRC/8/11, A/HRC/8/14 and A/HRC/8/9) (see paragraph 78 above).

General debate on agenda item 3

116. At the 6th meeting, on 4 June 2008, the Council held a general debate on the above-mentioned reports and on item 3, during which the following made statements:

(a) Representatives of States members of the Council: Indonesia, Italy, Japan, Malaysia, Pakistan (also on behalf of the Organization of the Islamic Conference), Russian Federation, Slovenia (on behalf of the European Union, Albania, Armenia, Bosnia and Herzegovina, Croatia, Georgia, Iceland, Moldova, Montenegro, the former Yugoslav Republic of Macedonia, Turkey and Ukraine), Switzerland (also on behalf of Denmark, Germany, Liechtenstein, the Netherlands and Sweden);

(b) Observers for the following States: Morocco, Oman;

(c) Observers for non-governmental organizations: American Association of Jurists, Asian Forum for Human Rights and Development (Forum-Asia), Centrist Democratic International, Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos, France Libertés: Fondation Danielle Mitterrand, Indian Council of South America, Indian Movement Tupaj Amaru, International Educational Development, Inc., Interfaith International, International Human Rights Association of American Minorities, International Movement against All Forms of Discrimination and Racism (also on behalf of Anti-Slavery International, the Asian Forum for Human Rights and Development, the Asian Legal Resource Centre, Human Rights Watch, the Lutheran World Federation, Minority Rights Group and Pax Romana), International NGO Forum on Indonesian Development, International PEN, Liberation, the Mbororo Social and Cultural Development Association, Nord-Sud XXI, the Society for Threatened Peoples, Union de l'action feminine, Union of Arab Jurists (also on behalf of the Arab Lawyers Union, the Society for Threatened Peoples, the Indian Council of South America, the International Association of Democratic Lawyers, the International Organization for the Elimination of All Forms of Racial Discrimination, the General Arab Women Federation and the United Towns Agency for North-South Cooperation).

117. At the same meeting, statements in exercise of the right of reply were made by the representatives of China, India, Pakistan, Sri Lanka and Zimbabwe.

F. Consideration and action on draft proposals

Optional Protocol to the International Covenant on Economic, Social and Cultural Rights

118. At the 27th meeting, on 18 June 2008, the representative of Portugal introduced draft resolution A/HRC/8/L.2/Rev.1/Corr.1, sponsored by Portugal and co-sponsored by Belgium,

Bosnia and Herzegovina, Chile, Croatia, Ecuador, Finland, France, Germany, Guatemala, Honduras, Italy, Mexico, Montenegro, Panama, Peru, Portugal, Slovenia, Spain, the former Yugoslav Republic of Macedonia, Timor-Leste, Ukraine and Uruguay. Subsequently, Angola, Armenia, Azerbaijan, Bolivia, Bulgaria, Burkina Faso, Colombia, Cuba, Djibouti, Egypt, Ethiopia, Mali, Morocco, Nicaragua, Senegal, Slovakia, Uganda and Venezuela (Bolivarian Republic of) joined the sponsors.

119. At the same meeting, general comments in connection with the draft resolution were made by the representatives of Canada, China, Egypt, Germany, Mexico (on behalf of Chile and States members of the Group of Latin American and Caribbean States that are members of the Council), the Philippines, Qatar (on behalf of States members of the Group of Arab States that are members of the Council), Romania, the Russian Federation, Switzerland and the United Kingdom of Great Britain and Northern Ireland.

120. Statements in explanation of vote before the vote were made by the representatives of Pakistan and South Africa.

121. The draft resolution was adopted without a vote.

122. At the same meeting, general comments in connection with the adoption of the resolution were made by observers for Algeria, Australia, Denmark, Ireland, Morocco, the Sudan, the Syrian Arab Republic and Turkey. At the 28th meeting, on the same day, a statement in explanation of vote after the vote was made by the representative of Japan (for the text as adopted, see part one, chap. I, resolution 8/2).

Mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions

123. At the 28th meeting, on 18 June 2008, the representative of Sweden introduced draft resolution A/HRC/8/L.4/Rev.1, sponsored by Sweden and co-sponsored by Albania, Argentina, Austria, Belgium, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, Ecuador, Estonia, Finland, France, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Mexico, the Netherlands, New Zealand, Norway, Panama, Peru, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, the United Kingdom of Great Britain and Northern Ireland and Uruguay. Subsequently, Armenia, Bosnia and Herzegovina, Colombia, Israel, Nicaragua, Serbia, Ukraine and Venezuela (Bolivarian Republic of) joined the sponsors.

124. At the same meeting, the representative of Sweden orally revised the draft resolution by deleting paragraph 7 (b).

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

126. Statements in explanation of vote before the vote were made by the representatives of Egypt (on behalf of States members of the Group of African States that are members of the Council) and Pakistan (on behalf of States members of the Organization of the Islamic Conference that are members of the Council).

127. The draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 8/3).

The right to education

128. At the 28th meeting, on 18 June 2008, the representative of Portugal introduced draft resolution A/HRC/8/L.5, sponsored by Portugal and co-sponsored by Albania, Argentina, Austria, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Bulgaria, Canada, Costa Rica, Croatia, Cyprus, the Czech Republic, Chile, Denmark, Estonia, Finland, France, Greece, Honduras, Hungary, Ireland, Italy, Latvia, Liechtenstein, Luxembourg, Mexico, Montenegro, the Netherlands, Norway, Panama, Peru, Poland, the former Yugoslav Republic of Macedonia, Romania, Serbia, Slovakia, Slovenia, Spain, Switzerland, Timor-Leste, the United Kingdom of Great Britain and Northern Ireland and Uruguay. Subsequently, Andorra, Angola, Armenia, Azerbaijan, Bangladesh, Brazil, Burkina Faso, Cameroon, Côte d'Ivoire, Cuba, Djibouti, Ecuador, Egypt, El Salvador, Ethiopia, Germany, Guatemala, Haiti, Iceland, Israel, Japan, Lesotho, Lithuania, Madagascar, Malta, Monaco, Morocco, Mozambique, Nicaragua, Nigeria, Pakistan, the Republic of Korea, the Russian Federation, Senegal, Sri Lanka, Sweden, Thailand, Tunisia, Ukraine, the United Republic of Tanzania, Venezuela (Bolivarian Republic of), Viet Nam and Zambia joined the sponsors.

129. At the same meeting, the representative of Portugal orally revised the draft resolution by modifying subparagraphs (a) and (d) of paragraph 9.

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

131. The draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 8/4).

Promotion of a democratic and equitable international order

132. At the 28th meeting, on 18 June 2008, the representative of Cuba introduced draft resolution A/HRC/8/L.6, sponsored by Cuba and co-sponsored by Algeria, Bolivia, the Democratic People's Republic of Korea, Nicaragua and Nigeria. Subsequently, Bangladesh, Belarus, China, Congo, the Democratic Republic of the Congo, Djibouti, Iran (Islamic Republic of), Pakistan, the Sudan, the Syrian Arab Republic, Venezuela (Bolivarian Republic of) and Zimbabwe joined the sponsors.

133. At the same meeting, the representative of Cuba orally revised the draft resolution by adding a new second preambular paragraph and modifying paragraph 3 (m).

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

135. At the request of the representative of Slovenia (on behalf of States members of the European Union that are members of the Council), a recorded vote was taken on the draft resolution. The draft resolution, as orally revised, was adopted, by 32 votes to 13, with 2 abstentions. The voting was as follows:

In favour: Angola, Azerbaijan, Bangladesh, Bolivia, Brazil, Cameroon, China, Cuba, Djibouti, Egypt, Gabon, Guatemala, India, Indonesia, Jordan, Madagascar, Malaysia, Mali, Mauritius, Nicaragua, Nigeria, Pakistan, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Uruguay, Zambia.

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

Abstaining: Ghana,³ Mexico.

136. For the text as adopted, see part one, chap. I, resolution 8/5.

Mandate of the Special Rapporteur on the independence of judges and lawyers

137. At the 28th meeting, on 18 June 2008, the representative of Hungary introduced draft resolution A/HRC/8/L.7 sponsored by Hungary and co-sponsored by Albania, Argentina, Austria, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Honduras, Iceland, India, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Montenegro, the Netherlands, New Zealand, Norway, Panama, Peru, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, the United Kingdom of Great Britain and Northern Ireland and Uruguay. Subsequently, Andorra, Armenia, Australia, the Dominican Republic, Poland, the Russian Federation, Ukraine and Venezuela (Bolivarian Republic of) joined the sponsors.

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

139. The draft resolution was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 8/6).

³ The representative of Ghana subsequently stated that her delegation had intended to vote in favour of the draft resolution.

Mandate of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises

140. At the 28th meeting, on 18 June 2008, the representative of India introduced draft resolution A/HRC/8/L.8, sponsored by Norway and co-sponsored by Argentina, India, Nigeria, Panama and the Russian Federation. Subsequently, Andorra, Angola, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Canada, Chile, Colombia, Cuba, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Mexico, the Netherlands, Nicaragua, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and Venezuela (Bolivarian Republic of) joined the sponsors.

141. At the same meeting, the representative of India orally revised the draft resolution by modifying the sixth and seventh preambular paragraphs and operative paragraphs 1, 2, 4 (a), (e) and (g) and 6.

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

143. At the same meeting, a general comment in connection with the adoption of the draft resolution was made by the representative of Slovenia, on behalf of the European Union.

144. Also at the same meeting, a statement in explanation of vote before the vote was made by the representative of South Africa.

145. The draft resolution, as orally revised, was adopted without a vote. At the same meeting, a statement in explanation of vote after the vote was made by the representative of Japan (for the text as adopted, see part one, chap. I, resolution 8/7).

Torture and other cruel, inhuman or degrading treatment or punishment

146. At the 28th meeting, on 18 June 2008, the representatives of Denmark introduced draft resolution A/HRC/8/L.9, sponsored by Albania, Argentina, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Guatemala, Hungary, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, the Netherlands, New Zealand, Norway, Panama, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland and Uruguay. Subsequently, Armenia, Australia, Bolivia, Brazil, Cameroon, Côte d'Ivoire, Ecuador, Egypt, Iceland, Israel, Japan, Monaco, Montenegro, Morocco, Peru, the Republic of Korea, Timor-Leste, Turkey, Ukraine and Venezuela (Bolivarian Republic of) joined the sponsors.

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

148. At the same meeting, a general comment in connection with the adoption of the draft resolution was made by the representative of Jordan.

149. The draft resolution was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 8/8).

Promotion of the right of peoples to peace

150. At the 28th meeting, on 18 June 2008, the representative of Cuba introduced draft resolution A/HRC/8/L.13, sponsored by Cuba and co-sponsored by Algeria, Angola, Belarus, Bolivia, China, Honduras, Kenya, Nicaragua, Nigeria, Panama, the Sudan, Uruguay and Venezuela (Bolivarian Republic of). Subsequently, Cameroon, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, Djibouti, Gabon, Haiti, Iran (Islamic Republic of), the Lao People's Democratic Republic, the Libyan Arab Jamahiriya, Qatar, the Syrian Arab Republic, Tunisia, Uganda, Viet Nam and Zimbabwe joined the sponsors.

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

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

153. At the request of the representative of Slovenia (on behalf of States members of the European Union that are members of the Council), a recorded vote was taken on the draft resolution. The draft resolution was adopted, by 32 votes to 13, with 2 abstentions. The voting was as follows:

In favour: Angola, Azerbaijan, Bangladesh, Bolivia, Brazil, Cameroon, China, Cuba, Djibouti, Egypt, Gabon, Ghana, Guatemala, Indonesia, Jordan, Madagascar, Malaysia, Mali, Mauritius, Nicaragua, Nigeria, Pakistan, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Uruguay, Zambia.

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

Abstaining: India, Mexico.

154. For the text as adopted, see part one, chap. I, resolution 8/9.

Human rights of migrants: mandate of the Special Rapporteur on the human rights of migrants

155. At the 28th meeting, on 18 June 2008, the representative of Mexico introduced draft resolution A/HRC/8/L.14, sponsored by Mexico and co-sponsored by Albania, Algeria, Argentina, Benin, Bolivia, Brazil, Costa Rica, Cuba, Chile, Ecuador, Egypt, Guatemala, Honduras, Indonesia, Montenegro, Mozambique, Nicaragua, Nigeria, Panama, Peru,

the Philippines, Turkey and Uruguay. Subsequently, Armenia, Azerbaijan, Bangladesh, Bosnia and Herzegovina, Colombia, El Salvador, Kenya, Madagascar, Morocco, Nicaragua, Senegal, Serbia, Sri Lanka, Tunisia and Venezuela (Bolivarian Republic of) joined the sponsors.

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

157. At the same meeting, a statement in explanation of vote before the vote was made by the representative of Slovenia (on behalf of States members of the European Union that are members of the Council).

158. The draft resolution was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 8/10).

Human rights and extreme poverty

159. At the 28th meeting, on 18 June 2008, the representative of France introduced draft resolution A/HRC/8/L.16, sponsored by France and co-sponsored by Albania, Andorra, Argentina, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Costa Rica, Croatia, Cuba, Cyprus, the Czech Republic, Chile, Denmark, Estonia, Finland, Germany, Greece, Guatemala, Haiti, Honduras, Ireland, Italy, Lithuania, Luxembourg, Malta, Mexico, Montenegro, Mozambique, the Netherlands, Nicaragua, Norway, Panama, Peru, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Turkey and Uruguay. Subsequently, Armenia, Australia, Canada, Colombia, Côte d'Ivoire, Djibouti, El Salvador, Equatorial Guinea, Gabon, Hungary, Iceland, Israel, Japan, Latvia, Madagascar, Mali, Monaco, Morocco, the Philippines, the Republic of Korea, the Russian Federation, Senegal, Switzerland, Thailand, Timor-Leste, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Venezuela (Bolivarian Republic of) joined the sponsors.

160. At the same meeting, the representative of France orally revised the draft resolution, by modifying the fourth, fifth, seventh and twelfth preambular paragraphs; deleting the sixth, ninth and tenth preambular paragraphs; adding a fourth preambular paragraph; modifying paragraphs 1, 2 (a), (d) and (j) and adding a new subparagraph 2 (b).

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

162. At the same meeting, a statement in explanation of vote before the vote was made by the representative of South Africa.

163. The draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 8/11).

164. At the same meeting, a general comment in connection with the adoption of the draft resolution was made by the representative for the Sudan.

Mandate of the Special Rapporteur on trafficking in persons, especially women and children

165. At the 28th meeting, on 18 June 2008, the representatives of Germany and the Philippines introduced draft resolution A/HRC/8/L.17, sponsored by Germany and the Philippines and co-sponsored by Albania, Belarus, Belgium, Bosnia and Herzegovina, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, Finland, France, Guatemala, Honduras, Indonesia, Italy, Latvia, Lithuania, Luxembourg, Montenegro, Netherlands, Panama, Peru, Portugal, Serbia, Slovakia, Slovenia, Spain, Sri Lanka, the former Yugoslav Republic of Macedonia, Turkey, Uruguay and Viet Nam. Subsequently, Andorra, Angola, Armenia, Australia, Austria, Bangladesh, Benin, Bolivia, Brazil, Bulgaria, Burkina Faso, Cambodia, Chile, Colombia, Congo, Côte d'Ivoire, Cuba, Egypt, El Salvador, Estonia, Gabon, Greece, Ireland, Israel, Japan, the Lao People's Democratic Republic, Lesotho, Liechtenstein, Maldives, Monaco, Morocco, Nicaragua, Nigeria, Norway, Poland, Qatar, the Republic of Korea, Romania, Senegal, Sweden, Switzerland, Thailand, Timor-Leste, Ukraine, the United Republic of Tanzania, Venezuela (Bolivarian Republic of) and Zimbabwe joined the sponsors.

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

167. The draft resolution was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 8/12).

Elimination of discrimination against persons affected by leprosy and their family members

168. At the 28th meeting, on 18 June, the representative of Japan introduced draft resolution A/HRC/8/L.18, sponsored by Japan and co-sponsored by Andorra, Bangladesh, Bolivia, Brazil, Chile, Cuba, Djibouti, Egypt, Finland, Greece, Guatemala, Indonesia, Ireland, Maldives, Mauritius, Montenegro, the Netherlands, Philippines, Romania, Slovenia, Spain, Sri Lanka and Venezuela (Bolivarian Republic of). Subsequently, Australia, Austria, Bhutan, Bosnia and Herzegovina, Bulgaria, Cameroon, China, Colombia, Cyprus, the Czech Republic, Denmark, Estonia, Germany, Honduras, Israel, Italy, Jordan, Madagascar, Mali, Nepal, Nicaragua, Nigeria, Pakistan, Portugal, the Republic of Korea, Saudi Arabia, Senegal, Serbia, Slovakia, Thailand, Timor-Leste, Turkey, Uganda, Ukraine and the United Kingdom of Great Britain and Northern Ireland joined the sponsors.

169. At the same meeting, the representative of Japan orally revised the draft resolution by modifying the sixth preambular paragraph and paragraph 1.

170. The draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 8/13).

171. A statement in explanation of vote after the vote was made by the representative of Japan.

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

A. Follow-up to the fifth special session of the Council

172. At the 11th meeting, on 6 June 2008, the Special Rapporteur on the situation of human rights in Myanmar, Tomas Ojea Quintana, presented his report (A/HRC/8/12) in accordance with Council resolution 7/31 relating to the implementation of resolutions S-5/1 of 2 October 2007 and 6/33 of 14 December 2007.

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

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

(a) Representatives of States members of the Council: Canada, China, Germany, India, Indonesia, Japan, Malaysia, Philippines, Republic of Korea, Slovenia (on behalf of the European Union, Albania, Bosnia and Herzegovina, Croatia, Georgia, Moldova, Montenegro and the former Yugoslav Republic of Macedonia), Sri Lanka, Switzerland;

(b) Observers for the following States: Argentina, Ireland, New Zealand, Singapore, Sweden, Thailand;

(c) Observers for the following non-governmental organizations: Amnesty International, Asian Forum for Human Rights and Development (Forum-Asia) (also on behalf of Ain O Salish Kendro, the Asian Pacific Forum on Women, Law and Development, the International NGO Forum on Indonesian Development and the Law and Mediation Centre), Asian Legal Resource Centre, Human Rights Watch, International Federation of Human Rights Leagues.

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

B. General debate on agenda item 4

176. At the 12th meeting, on 6 June 2008, the Council held a general debate on item 4, during which the following made statements:

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

(b) Observers for the following States: Australia, Iceland, Ireland, New Zealand, Sweden;

(c) Observers for the following non-governmental organizations: Amnesty International, Asian Forum for Human Rights and Development (Forum-Asia), Asian Legal Resource Centre, Association of World Citizens, Baha'i International Community, Colombian Commission of Jurists, France Libertés: Fondation Danielle Mitterrand (also on behalf of the Europe-Third World

Centre, Mouvement contre le racisme et pour l'amitié entre les peuples and the Women's International League for Peace and Freedom), Human Rights Watch, Interfaith International, International Commission of Jurists (also on behalf of the Centre on Housing Rights and Evictions), International Educational Development, Inc., International Federation of Human Rights Leagues, International Human Rights Association of American Minorities, International Islamic Federation of Student Organizations, Liberation, Society for Threatened Peoples.

177. At the same meeting, statements in exercise of the right of reply were made by the representatives of Bangladesh, China, the Democratic People's Republic of Korea, Iran (Islamic Republic of), Sri Lanka, the Sudan and Zimbabwe.

C. Consideration and action on draft proposals

Situation of human rights in Myanmar

178. At the 28th meeting, on 18 June 2008, the representative of Slovenia, on behalf of the European Union, introduced draft resolution A/HRC/8/L.12, sponsored by Albania, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Montenegro, the Netherlands, New Zealand, Norway, Panama, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey and the United Kingdom of Great Britain and Northern Ireland. Subsequently, Andorra, Israel, Monaco and the Republic of Korea joined the sponsors.

179. At the same meeting, the representative of Slovenia, on behalf of the European Union, orally revised the draft resolution by modifying the third, fourth, fifth, sixth, and seventh preambular paragraphs, deleting the fifth preambular paragraph, and modifying paragraphs 1, 6, 7, 8 and 9.

180. The observer for Myanmar, as the concerned country, made a statement in relation to the draft resolution.

181. At the same meeting, general comments in connection with the adoption of the draft resolution were made by the representatives of China, India, Indonesia, Malaysia, Pakistan (on behalf of States members of the Organization of the Islamic Conference that are members of the Council), the Philippines, Sri Lanka and the Russian Federation.

182. The draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 8/14).

183. A statement in explanation of vote after the vote was made by the representative of Japan.

184. At the same meeting, on the same day, general comments in connection with the adoption of the draft resolution were made by the representatives of Thailand and of the Sudan.

V. Human rights bodies and mechanisms

Expert mechanism on the rights of indigenous peoples

185. At the 28th meeting, on 18 June 2008, the Council appointed five members of the expert mechanism on the rights of indigenous peoples (see chap. I).

Forum on minority issues

186. At the 28th meeting, on 18 June 2008, the Council appointed the Chairperson for the Forum on minority issues (see chap. I).

VI. Universal periodic review

187. Pursuant to General Assembly resolution 60/251, Council resolution 5/1 and the President's statement on modalities and practices for the universal periodic review process (A/HRC/PRST/8/1), the Council considered the outcome of the reviews conducted during the first and second sessions of the Working Group on the Universal Periodic Review. The first session of the Working Group was held from 7 to 18 April 2008, and the second session from 5 to 19 May 2008.

A. Consideration of the universal periodic review outcomes

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

Bahrain

189. The review of Bahrain was held on 7 April 2008 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents: the national report submitted by Bahrain in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/1/BHR/1); the compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/1/BHR/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/1/BHR/3).

190. At its 13th meeting, on 9 June 2008, the Human Rights Council considered and adopted the outcome of the review on Bahrain (see section C below).

191. The outcome of the review on Bahrain is constituted of the report of the Working Group on the Universal Periodic Review (A/HRC/8/19 and Corr.1), together with the views of Bahrain concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group.

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

192. Bahrain thanked the members of the Human Rights Council for their support resulting in the successful re-election of Bahrain to the Council, noting the responsibility that comes with it. Bahrain noted the adoption on 26 May 2008, in the presence of a representative from OHCHR, of its Action Plan to Implement Bahrain's Pledges, Voluntary Commitments and UPR Outcomes (the Action Plan). Bahrain commended OHCHR on the compilation and summary reports prepared, and thanked the troika and the UPR Working Group for their contribution. It informed the meeting that it tasked a team of its delegation to observe and draw lessons from the 15 other

States reviewed under the designated alongside Bahrain, recognizing and promoting recognition that universal periodic review is a process with several stages and with successive four-year time frames. It noted its appreciation of the burden and the privilege of being the first State at every stage of the review process.

193. During its three-year term on the Council, Bahrain recommitted itself to striving to strengthen its effectiveness as a mechanism for international dialogue and cooperation on human rights. It also recommitted itself to striving to establish the universal periodic review as a unique vehicle for international cooperation on measures to improve the human rights situation on the ground through implementation of the review outcomes. Bahrain also committed to publicizing and promoting dissemination of the report of the Working Group on Bahrain adopted by the Council; to studying the report carefully and harmonize the Action Plan with the report; to encourage national stakeholders, civil society and media to study the report carefully and to promote awareness and advocacy in support of the Council report.

194. Bahrain highlighted some aspects of the Action Plan, and stated that it is also available on the website of its Ministry for Foreign Affairs. Bahrain stated that the Action Plan is the product of a transparent and participatory national process which sought to involve all national stakeholders. It stated that the Action Plan addresses actions to fulfil or implement:

- The pledges that Bahrain made in seeking election to the Council in 2006 and in seeking re-election in 2008
- The voluntary commitments contained in the Bahrain national report submitted to the Council
- Responses to the suggestions and issues raised in the interactive dialogue during the review of Bahrain and in the draft report from the UPR Working Group, in light of the outcome adopted in plenary

195. Bahrain stated that the specific areas for action set out in the Action Plan fall into four broad categories:

- (1) Actions related to strengthening Bahrain's national system for protecting and promoting human rights regarding both specific national human rights institutions such as human rights commissions, as well as institutions of government such as the legislature, the executive and the judiciary that are vital to protecting and promoting human rights;
- (2) Actions to enhance the protection of vulnerable and "at risk" groups in Bahrain such as, for example, foreign workers, women, children and human rights defenders;
- (3) Actions to advance the progressive realization of specific human rights in Bahrain such as freedom of speech, expression, assembly and association, and equality and non-discrimination;

(4) Actions to strengthen Bahrain's international cooperation with the United Nations, and regional and bilateral intergovernmental arrangements for the protection and promotion of human rights, starting with the Council and the universal periodic review.

196. Bahrain stated that every aspect of the Action Plan, from design and implementation to monitoring, evaluating and reporting, will be guided by the values and principles of participation and inclusion of all relevant national stakeholders, governmental and non-governmental, including the judiciary, members of parliament, non-governmental organizations and political societies and the private sector, as appropriate; transparency; accountability; cooperation between the Government and the people of Bahrain, as well as between Bahrain and the Council; and commitment to results.

197. Finally, Bahrain added the two following steps in its Action Plan: (1) to immediately proceed with a strategic programme to strengthen human rights capacities, both governmental and non-governmental; and (2) before the third session of the Working Group in December 2008, Bahrain plans to organize a regional comparative meeting on "Strengthening participatory UPR processes: learning from the reviews undertaken thus far". The study of the Bahrain team as one of the first 16 State reviews will be an input to this meeting.

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

198. Algeria noted Bahrain's strong political will through which it committed itself to reinforcing all institutions contributing to the promotion and protection of human rights. It further noted Bahrain's commitment to implementing the recommendations of the Working Group and the development of a national action plan with the help of civil society institutions. Algeria welcomed actions already undertaken, especially on streamlining a gender perspective in its work and on freedom of the press, as well as training courses organized in collaboration with the United Nations for law enforcement, police officers and officials of other relevant government agencies.

199. Slovenia congratulated Bahrain for having approached its review in a serious manner and noted with appreciation that Bahrain accepted all of Slovenia's recommendations. Slovenia will be looking forward to hearing more on the follow-up to those and other recommendations. It invited Bahrain to consider informing the Council on a voluntary basis and as appropriate of any relevant progress and/or challenges encountered even before its next review in four years, which would set a good example of keeping the Council up to date with regard to its recommendations. Slovenia regretted that the issue of women migrant workers is not reflected in the section on the conclusions and recommendations in the Working Group report.

200. Tunisia noted that Bahrain has its place in the system of human rights of the United Nations and noted achievements made in this regard. It welcomed the participatory and inclusive manner in which the universal periodic review was undertaken and the website created by the Ministry for Foreign Affairs on the review. Tunisia noted the political determination to

promote human rights on the basis of transparency and responsibility and the interest in the recommendations of the Working Group. Welcoming amendments to the law on the press and reaffirming the right to freedom of expression, Tunisia encouraged Bahrain to strengthen its efforts in this regard.

201. Qatar, on behalf of the Group of Arab States, welcomed efforts made to lay the foundation for the rule of law and to guarantee human rights. The report presented has shown efforts made by Bahrain with respect for its Arabic and Islamic identity. Qatar noted that the measures that have been taken in consultation with civil society further reflect the country's commitment. It also noted efforts made to strengthen the rights of women and children and the right of freedom of expression and the press, steps taken by the Council of Ministers, the adoption of a national plan of action and a workshop organized with the United Nations Development Programme to sensitize on the need to implement undertakings in terms of human rights.

202. Indonesia was encouraged to note the efforts which are being made as a follow-up to the universal periodic review session in April to ensure a full and positive integration and implementation of human rights norms in the country. Indonesia commended Bahrain on its human rights commitment and its achievement thereof, which is part of an ongoing process, and encouraged Bahrain in its efforts to continue to apply a human rights based approach to its policies. Indonesia commended the Bahraini Government on its immediate response to some recommendations made by the Working Group, such as an amendment to the law regulating press and publishing in relation to recommendations on gender and freedom of journalists. Indonesia hoped that the ratification of the International Covenant on Civil and Political Rights and the newly launched National Action Plan to implement the voluntary pledges to the Human Rights Council will further enable Bahrain to achieve the targets set in terms of effectively meeting its national human rights obligations.

203. Pakistan acknowledged the positive steps highlighted by the delegation of Bahrain, the most important being the launching of the National Action Plan, the guiding norms of which include full involvement of all stakeholders, transparency, accountability, cooperation and a result-oriented commitment. Pakistan also welcomed the gender specific steps taken by Bahrain, its increased cooperation with United Nations agencies on technical cooperation, and its decision to amend the laws relating to freedom of opinion and expression.

204. Jordan commended Bahrain on its positive and constructive approach and commitment and noted that a department on human rights had already been established before the universal periodic review. It noted legislation that applies to Bahraini and non-Bahraini citizens to guarantee rights, including those of women, equality of men and women, and the participation of women in the process of development. Jordan also welcomed the changes reflected in the adoption of a national charter and constitutional amendments to it and noted the active participation of women. It expressed the hope that Bahrain will continue on this path and reaffirm its attachment to recommendations made in this regard.

205. According to the Syrian Arab Republic, Bahrain's election to the Council reflected its relevance with regard to protecting and promoting human rights and its credibility at the international level. It noted that Bahrain has accepted recommendations in the context of the

interactive dialogue and set the bar high with regard to cooperating with the universal periodic review mechanism. The Syrian Arab Republic urged other countries to multiply their efforts to attain the same level and noted that Bahrain has provided a model to be followed by other countries.

206. Saudi Arabia appreciated the effectiveness and speedy reaction by Bahrain to the recommendations of the Working Group. It was of the view that the efforts made to present the report and clarify achievements in the field of human rights are examples to be followed. It also noted the speed and effectiveness in achieving progress in implementing recommendations and welcomed the launching of a national action plan which is distinguished by its transparency. Saudi Arabia commended Bahrain on all actions taken for the promotion of human rights in all sectors.

3. General comments made by other relevant stakeholders

207. The Bahrain Women's Association stated that Bahraini women who marry non-Bahraini citizens are denied the right to extend their citizenship to their children, who therefore have limited access to high education, health care, land ownership, political participation and employment. This inequality not only denies women their basic rights as citizens, it also denies children their right as human beings. It stated that although Bahrain mentioned in its report that "a draft law on citizenship is being debated", this draft remains the same since it does not permit Bahraini mothers to transmit their nationality to their children. Lately, even this draft was withdrawn from the parliament. The numbers of children from Bahraini mothers who do not have a nationality are increasing. Another violation of women's rights is the absence of family law. The lack of this law is considered to be one of the main obstacles and struggles for women in Bahrain. Bahrain Women's Association was of the view that the Government could have done more to push towards the family law by cooperating with some of the religious figures who support this law and also coordinate with non-governmental organizations, especially women organizations. The Bahrain Women's Association urged the Government of Bahrain to take serious and immediate action to amend the nationality law, approve the family law and remove all reservations on the Convention on the Elimination of All Forms of Discrimination against Women.

208. Front Line noted that the Government had not responded positively to a recommendation in 2005 by the Committee on the Elimination of Racial Discrimination to maintain dialogue with all civil society organizations, including those critical of its policies. Secondly, during the last four years, human rights groups and defenders were harassed, defamed, denied access to the media and legally prosecuted. Many of them were victims of the use of excessive force. Frontline recommended that Bahrain invite the Special Representative of the Secretary-General on the situation of human rights defenders to visit Bahrain as soon as possible.

4. Views expressed by the State under review on the outcome and concluding remarks

209. Following the views expressed on the outcome of the review by States members and observers of the Council, as well as general comments made by other relevant stakeholders, Bahrain stated that it has included all relevant remarks on human rights from non-governmental organizations and other States, and added that the process was fully transparent, with the full

participation of all societies in Bahrain, including through the hotline, the web page set up for this purpose, meetings and through the press. All comments, direct and indirect, were taken into account in the Action Plan. The draft action plan was also presented in the presence of ambassadors and other delegates. The Minister for Foreign Affairs stated that upon returning to Bahrain after the review of Bahrain during the Working Group, he had engaged in several debates on the outcome of the universal periodic review, through direct televised debates with the chairman of the Bahrain Human Rights Society. He indicated that all participants commented on the transparency of the process, following which the action plan was compiled, and a representative from OHCHR was invited to attend the launching of the action plan, along with non-governmental organizations. Bahrain added that it asked non-governmental organizations and human rights societies to participate in the implementation of the action plan. In response to Slovenia's question, Bahrain answered that paragraph 9 on page 6 of the Action Plan addresses enhanced protection for the rights of domestic workers, especially women.

210. The Minister stated that on the same day as the present discussion, Bahrain was launching a national conference on understanding the concept of "gender", under the patronage of H.M. King Hamad bin Isa Al-Khalifa, King of Bahrain, reflecting the importance attached by the Government to this issue. The Minister added that it had made an important amendment on 4 May 2008 to its press law by abolishing the punishment of imprisonment of journalists and abolishing censorship on publications. Bahrain then drew attention to the invitation extended to and the presence of a representative of OHCHR to observe at the first workshop, held on 29 May 2008 conducted by the UPR working team of the Ministry for Foreign Affairs on applying a human rights based approach. Bahrain informed the Council that this workshop is the first step the UPR working team has taken in its plan to conduct further workshops with the assistance of the UNDP in Bahrain and experts from OHCHR. Bahrain further underlined the establishment of a national committee to combat human trafficking, which embodies members from the governmental sector, human rights societies and relevant non-governmental organizations, such as the migrant workers' protection society.

211. Finally, Bahrain stated that it is working on implementing a "project document" with the assistance of UNDP and in consultations with members of civil society. A representative of OHCHR observed the discussions between the Government and civil society regarding the drafting of this project. This project proposal seeks to address the need for supporting Bahrain's Action Plan and provides a vehicle for its further development, based on needs and experiences implementation emerging over the present four-year universal periodic review cycle. The project proposal seeks to address:

- The need to strengthen Bahrain's human rights database and information systems
- The need for more effective implementation of Bahrain's obligations under international human rights treaties
- The need to strengthen Bahrain's institutions for the protection and promotion of human rights
- The need to strengthen Bahrain's institutions dealing with ratification of international human rights instruments and with the incorporation into national legislation of human rights treaties that Bahrain has ratified

- The need to strengthen Bahrain's human rights capacities, both governmental and non-governmental, especially capacities for monitoring and evaluation
- Specifically, the need to strengthen Bahrain's capacities to apply a human rights-based approach to development

212. Bahrain reiterated that it takes human rights very seriously, and the need to empower its strongest resource which is its human resource, women and men alike, Bahrainis and non-Bahrainis alike. It stated that it needs the support of all, including country partners, the United Nations and OHCHR in the process of protecting human rights. While the situation in Bahrain is not perfect, the Minister stated that it sees universal periodic review as an opportunity to develop the human rights condition in Bahrain.

213. In her intervention, the Deputy of the Higher Council for Women of Bahrain replied to the comment made by the Bahraini Women's Association. She affirmed that the Government is in permanent cooperation in this area with respect to the issue of citizenship, and hopes that the law will be adopted to enshrine and guarantee citizenship for that category. She stated that there is no objection to the issue of citizenship but that there are social constraints, and informed the Council of ongoing campaigns to sensitize society on the adoption of such a law, and to lift these reservations.

214. Bahrain stated that it has accepted all the recommendations and has incorporated them in the Action Plan which will be implemented, a process which started on 26 May 2008.

Ecuador

215. The review of Ecuador was held on 7 April 2008 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents: the national report submitted by Ecuador in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/1/ECU/1); the compilation prepared by the OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/1/ECU/2); and the summary prepared by the OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/1/ECU/3).

216. At its 13th meeting, on 9 June 2008, the Council considered and adopted the outcome of the review on Ecuador (see section C below).

217. The outcome of the review on Ecuador is constituted of the report of the Working Group on the Universal Periodic Review (A/HRC/8/20 and Corr.1), together with the views of Ecuador concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group.

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

218. At the 1st meeting, on 9 June 2008, during the adoption of the final outcome of the review of Ecuador, the Under-Secretary of Multilateral Relations, Minister for Foreign Affairs, Mr. Emilio Izquierdo, welcomed the opportunity of addressing the Council on the occasion of

the adoption of the final outcome of the universal periodic review on Ecuador. Ecuador had both the challenge and privilege of being the second country to participate in the universal periodic review, and thus it had been able to contribute in a two-fold manner to the consolidation of the review process, in the creation of the mechanism and then through active participation in the review. Ecuador indicated that the Government has undertaken the political commitment to participate with conviction in the various phases of the review in a responsible manner: from the elaboration of the national report through broad consultations at the national level, including not only State institutions but also many civil society organizations, and participation in the interactive dialogue in the context of the Working Group on the Universal Periodic Review of the Council, which took place on 7 April 2008.

219. The importance that Ecuador attaches to this exercise is reflected in the active and representative participation in the preparations and the interactive dialogue of very high level government officials from various relevant State institutions involved in the implementation of public policies in key areas of human rights, such as the Ministry for Foreign Affairs, Commerce and Integration, Ministry of Justice and Human Rights, the Secretariat of People, Social Movements and Citizen Participation, the Ministry of Coordination and Social Development, the Ministry of Economic and Social Inclusion, the Migrant National Secretariat and other institutions which undertook efforts to be present at the interactive dialogue.

220. Ecuador values the extensive participation of delegations during the interactive dialogue. Ecuador received with satisfaction the acknowledgement by several delegations of Ecuador's efforts in the promotion of human rights, including in the areas of institutional strengthening, implementation of public policies, dissemination of recommendations of the United Nations special procedures mechanisms, active participation in many international forums and others. Ecuador also indicated that it had taken note with profound interest the requests for further information on specific situations.

221. Ecuador indicated that it wished to state for the record that it had acted in a very responsible manner, profoundly committed to the need to make progress in the area of human rights, and thus it had welcomed all recommendations put forward by delegations, and thus these recommendations enjoy the support of Ecuador. It further indicated that Ecuador will continue to follow up on these recommendations and that it will make all efforts to implement them in practice.

222. Since the interactive dialogue took place on 7 April 2008, and under the coordination of the Ministry for Foreign Affairs, Commerce and Integration, a number of State institutions, in consultation with civil society, had been working together to develop the voluntary commitments presented by Ecuador in this occasion. These are commitments which involve an enormous effort and firmness on the part of the Ecuadorean State. Ecuador will promote and disseminate human rights internally, harmonize their domestic legislation vis-à-vis international law, and many other areas. Some highlighted areas included:

(a) Firstly, in the area of international law for human rights, ongoing cooperation with OHCHR for the investigation, dissemination and respond to complaints put forward to special mechanisms and procedures with regard to alleged violations of human rights in the country; to present, co-sponsor and support according to the need, draft resolutions which condemn practices that are systematic violations of human rights in any part of the world; to maintain an

open and ongoing invitation for cooperation with the special procedures and mechanisms, both from the United Nations system and the Inter-American system, so that they can come and see in situ what the human rights situation is in the country; to support the adoption of new instruments for protecting and promoting human rights internationally;

(b) Second, in the area of application, dissemination and promotion of human rights: domestically, this includes strengthening the response and follow-up to the international commitments taken on by Ecuador; implementation of the evaluation process of the national plan of action; promoting the work of the National Commission for the Application of International Humanitarian Law and the ratification of the Optional Protocol to the Convention against Torture and the International Convention for the Protection of All Persons from Enforced Disappearance;

(c) Third, harmonization of domestic law with international human rights norms, amendments to the Criminal Code, adoption of the anti-discrimination law and promoting the adoption of a law on crimes against humanity with a view to incorporating the provisions of the Rome Statute of the International Criminal Court;

(d) Fourth, compliance with international obligations, design and implementation of a follow-up system of international commitments;

(e) Fifth, penitentiary rehabilitation: designing a model for social insertion and a model for an infrastructure compliant with human rights standards; building of seven new penitentiary centres based on the model of social insertion;

(f) Sixth, human rights training for public civil servants, generating continuous training processes for public officials and officials in the area of justice;

(g) Seventh, preventing and combating the crime of trafficking in persons; effective implementation of a national plan of action to combat the crime of trafficking in persons;

(h) Eighth, commitments undertaken to promote the collective rights of afro-Ecuadorian and indigenous peoples, dissemination through a broad process of the outcome of the conference on the elimination of racial discrimination to be held next year in Geneva; adoption of the recommendations made by the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people with regard to free and equal access to services in the administration of justice;

(i) Ninth, voluntary commitments regarding the rights of children, young adolescents and adult senior citizens, development of a concerted agenda and policies for their protection; establishment of an institutional network to eradicate child labour; dissemination of the legal framework which contemplates young people as subjects of rights, through the development of an agenda for social protection and promotion of their rights, as a cross-cutting issue within all state programmes; dissemination of the rights of senior citizens based on the 2002 International Convention of Madrid and the Law on the Senior Adult;

(j) Tenth, in the area of women's rights, promotion of democratic governance with equal opportunities for men and women; promoting a life free of violence, through the adoption

of measures to prevent, eradicate, criminalize and punish violence against women, implementation of public policies and cross-cutting programmes, and the promotion of legislation to eliminate violence against women and children; development of laws and public policies to prevent and eradicate abuse, harassment and sexual exploitation of women and children; promotion of a gender perspective in the education system and in the implementation of social policies in the formal and non-formal education system, eradication of illiteracy, training of public and judicial officials, and in the criminal process of cases of domestic violence and sexual crimes against women and children;

(k) Eleventh, in the area of persons with different sexual orientation, implementation of a national system to guarantee equality and non-discrimination;

(l) Twelfth, in the area of the rights of migrants, follow-up to programmes and the national plan for the human development of migrants and the promotion and protection of migrants and their families;

(m) Thirteenth, in the area of rights of persons with disabilities, full implementation of the Convention on the Rights of Persons with Disabilities, and the promotion of relevant policies and targeted programmes to provide equal access to services and opportunities to persons with disabilities;

(n) Fourteenth, promotion of human rights within the national police, modification of the document on criminal police record; creation of a human rights and anti-corruption unit within the National Police; reform of the manual on procedures for the handling of children;

(o) Fifteenth, promotion of human rights within the armed forces, to create human rights awareness programmes; to hold workshops on prevention and eradication of ill-treatment and torture; training on mediation and arbitration; creation of a section within the Ministry of Defence for the prevention and control of corruption with the armed forces.

223. Ecuador believes that with the adoption of the final outcome, a new phase has been reached, in which there is a need to follow up on the recommendations and for international support for a country that like Ecuador, which is committed to make progress in the promotion of human rights. It is also important to weigh all difficulties and experiences that arise from the universal periodic review as a new mechanism.

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

224. Pakistan noted the constructive and valuable role played by Ecuador in the Council and throughout the universal periodic review process. Pakistan noted its comprehensive report, forthcoming attitude in accepting the recommendations made during the review, and detailed list of voluntary pledges and commitments. It also noted that Ecuador's constructive approach to dealing with human rights mechanisms, as well as with civil society, would enable it to ensure promotion and protection of human rights in the best possible manner.

225. Italy noted Ecuador's seriousness and spirit of commitment demonstrated throughout the process, the challenge of being the second country to be reviewed and the challenges faced by

the troika members having to work without a set precedent. While underlining that the 10 recommendations in the Working Group report enjoyed Ecuador's support, Italy also noted Ecuador's commitment by presenting, before the adoption of the final report, voluntary pledges and its willingness to provide concrete follow-up. The spirit of cooperation and consensus among all involved parties and the result of having the final acceptance of all recommendations were remarkable. Italy highlighted the value of all recommendations, whether they are accepted or not, and their usefulness for an open and transparent process, even when they represent different positions. Moreover, countries had the opportunity to address specific issues which had not been included in the section containing the conclusions and recommendations of the Working Group report, during the adoption of the report. All countries enjoyed the freedom to decide which recommendations to accept, including those that could be problematic for others. The review of Ecuador will provide the road map for its policies in defending and promoting human rights.

226. Brazil praised Ecuador's constructive, open and committed approach throughout the process and the national report submitted at the Working Group and the results of its review process. Brazil recognized the commitment demonstrated by Ecuador in the plenary session by highlighting its voluntary commitments in the framework of the review. Brazil strongly welcomed Ecuador's commitment regarding 48 issues under 15 thematic areas, including the harmonization of national law in relation to international norms, women's rights, children's rights, and the collective rights of African-Ecuadorians and indigenous peoples. It also commended Ecuador on its political will to face human rights challenges.

3. General comments made by other relevant stakeholders

227. Latin American Committee for the Defence of Women's Rights (Cladem), in a joint statement with Action Canada for Population and Development, the Federation for Family Planning, and the International Women's Rights Action Watch, highlighted the very positive attitude of the delegation of Ecuador during the review, its openness and cooperation with civil society, including its participation in the National Direction for Women. With regard to the ongoing adoption of a new constitution and draft laws, Ecuador should take into account women's rights, in particular recommendations and voluntary commitments on gender and the eradication of violence. It advised to maintain in the Constitution the protection of women, especially women at work, in order to allow them to free and responsible decisions regarding their reproductive and sexual life, and the recognition of non-paid domestic labour. In addition, paternity leave is another step in the right direction to promote gender equality in the family. Finally, it would be important to promote commissions on women and family rights in the Amazon region, which is disadvantaged with respect to the rest of the country.

228. Comisión Jurídica para el Autodesarrollo de los Pueblos Originarios Andinos stated that in Ecuador there are large tracks of virgin lands, both in the Amazon and the Andes regions, and a very rich biodiversity. Both young and adult persons have a special relation with this land, which they have occupied since time immemorial and which allows them to survive, and to revive their own identity in the exercise of their collective rights. Illegal action taken by oil companies and other firms violates the rights of these peoples. The State must reaffirm the constitutional rights of indigenous peoples, as the present situation appears inappropriate to promote the highest level of implementation of their rights and to ensure their participation to civil life. It therefore suggested to include a further recommendation which would reflect Ecuador's commitment to

including in the constitutional text the free self-determination of indigenous peoples, including the possibility of being informed in advance on matters which have a direct influence on their lives.

229. Action Canada for Population and Development welcomed the strong commitment to the universality of human rights demonstrated by the Ecuadorian delegation during the review, including its defence of its obligation to combat discrimination based on sexual orientation. In this connection, it welcomed the decision of the Constitutional Assembly to preserve the references forbidding discrimination based on sexual orientation in the text of the new constitution that is currently being drafted - a decision that corresponds to the letter and spirit of recommendation No. 7 (A/HRC/8/20, para. 60). Ecuador was encouraged to add “gender identity” to the prohibited grounds of discrimination listed in the Constitution, and it was recommended that Ecuador develop and implement training and sensitization programmes on gender identity and sexual orientation for police personnel and for the educational system at all levels. It also recommended that Ecuador take concrete steps to address the situation of the social and economic marginalization of transvestites, transsexuals, lesbians, bisexuals and gay men.

230. Centre for Women Global Leadership stated that with reference to recommendations nos. 6, 7 and 8, in spite of being prominent in civil society reports, women’s reproductive rights were not adequately highlighted during the review. It encouraged Ecuador to affirm the constitutional principles of non-discrimination and the right to exercise informed choice in matters of sexual and reproductive health above the interest of particular groups, including religious groups. Furthermore, women do not use contraceptives due to ignorance, pressure from their husbands and partners and religious beliefs. The Government was encouraged to strengthen the awareness-raising component of its current plans on reproductive health to better educate the population on the uses of contraceptives and to eradicate gender stereotypes and harmful beliefs, including those of a religious nature. Including a specific reference to the secular character of the Ecuadorean State in the new Constitution, with full respect of religious freedom, will further contribute to this end.

4. Views expressed by the State under review on the outcome and concluding remarks

231. Following the views expressed on the outcome of the review by representatives of States members of the Council, observers and stakeholders, Ecuador expressed its appreciation for the additional comments made by delegations and several non-governmental organizations. It noted that statements reflect the transparent, clear and decisive way in which Ecuador has submitted itself to the universal periodic review. It further noted that many of the recommendations put forward by non-governmental organizations are already reflected in the national report and the 48 voluntary pledges and commitments introduced by Ecuador at the present meeting.

232. Ecuador indicated that it participated in the process with the objective of strengthening international mechanisms and expressed its satisfaction at the process and mechanism, an efficient form of multilateralism with the highest goal of human development, which is what countries like Ecuador aspire to as well. This means for Ecuador basically a firm commitment to the defence of human rights, transparency in its actions, a firm determination and resolution to bring about reform in its judiciary, especially in the new Constitution which is being drafted.

Ecuador considers the universal periodic review exercise a very valuable and important process. It noted that a number of State institutions and civil society representatives participated actively in the preparation of the national report and the voluntary commitments.

233. Ecuador considers that it is very important to carefully weight the experiences and lessons learned from the review. Measures should be adopted to prepare the reports with more lead time for the next review and to increase as much as possible the participation of the civil society. The Council and the Secretariat, in the areas of their complex responsibilities, should adopt measures and optimize resources to bring about a more effective contribution to the process. All actors, States, civil society and the United Nations system and the international community should preserve and take further drive the goals of the Universal Periodic Review process, so that it does not lose its *raison d'être* and that it continue to be respectful and constructive and participative mechanism to promote respect of human rights in the world.

Tunisia

234. The review of Tunisia was held on 8 April 2008 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents: the national report submitted by Tunisia in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/1/TUN/1); the compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/1/TUN/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/1/TUN/3).

235. At its 13th and 14th meetings, on 9 June 2008, the Council considered and adopted the outcome of the review on Tunisia (see section C below).

236. The outcome of the review on Tunisia is constituted of the report of the Working Group on the Universal Periodic Review (A/HRC/8/21 and Corr.1), together with the views of Tunisia concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group.

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

237. Tunisia reiterated its full commitment to the universal periodic review mechanism, which would help to advance human rights issues throughout the world. Tunisia was determined to continue the efforts it had begun with seriousness and selflessness even before the institution of the universal periodic mechanism, an exercise in which it had participated from the outset as a founding member of the Council.

238. The best illustration of Tunisia's commitment was to be found in the interview given by President Zine e-Abidine Ben Ali to the magazine *Afrique Asie*, which appeared in the May 2008 issue; in that interview, the President emphasized that Tunisia intended to take full advantage of the recommendations of the Human Rights Council in order to further promote human rights and strengthen cooperation with United Nations and regional organizations.

239. In its report to the Council's Working Group on the Universal Periodic Review (A/HRC/26.6/1/TUN/1), Tunisia described some of the commitments it had undertaken to give new impetus to the protection and promotion of human rights. Since the submission of the country's report, new measures had been taken to consolidate the effective enjoyment of human rights in daily life, including:

- (a) The extending of an invitation to the Special Rapporteur on the promotion and protection of human rights while countering terrorism to visit Tunisia;
- (b) The passage of a law on the national institution for the promotion and protection of human rights (the High Committee on Human Rights and Fundamental Freedoms) in accordance with the principles relating to the status of national institutions (the Paris Principles, General Assembly resolution 48/134, annex). This new legislative statute consolidates the High Committee's administrative and financial autonomy and strengthens its operational capacity.

240. Tunisia drew attention to a number of steps it had taken to ensure more effective practical implementation of human rights in the country, including:

- (a) The adoption of a law on Tunisia's accession to the Convention on the Rights of Persons with Disabilities and its Optional Protocol;
- (b) The adoption of a law on Tunisia's accession to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;
- (c) The adoption of an act withdrawing the reservations entered by Tunisia in the act ratifying of the Convention on the Rights of the Child;
- (d) The adoption by the Council of Ministers of a bill aimed at strengthening jurisdictional guarantees during pretrial detention and at making conditions of automatic release and rehabilitation procedures more flexible;
- (e) Submission of a periodic report on implementation of the International Convention on the Elimination of All Forms of Racial Discrimination;
- (f) Submission of a periodic report on implementation of the Convention on the Rights of the Child;
- (g) The visit to Tunisia of two Special Rapporteurs of the African Commission on Human and Peoples' Rights, the Special Rapporteur on human rights defenders in Africa and the Special Rapporteur on the rights of women in Africa, from 25 to 30 June 2008;
- (h) The holding of talks with the non-governmental organization Human Rights Watch with a view to concluding an agreement on visits to prisons, similar to the agreement concluded with the International Committee of the Red Cross;
- (i) The establishment of an institution associated with the General Human Rights Coordinator responsible for follow-up to the recommendations of treaty bodies.

241. Tunisia recalled that the efforts of all stakeholders in the protection and promotion of human rights, which were of vital importance, would produce results only if they had their basis in constructive dialogue founded on universal values. Such an outcome clearly depended on the combined efforts of the public authorities, national institutions and civil society.

242. Strengthened by its choices as a modern society and by its accomplishments, Tunisia was firmly committed to the promotion and protection of all human rights. Tunisia was nevertheless aware that the progress attained thus far needed to be further consolidated on an ongoing basis.

243. Tunisia was thus proceeding calmly along that path, but it was far from complacent, for none of its achievements in that area was as yet permanent. In that connection, Tunisia recalled that the efforts of the State would continue to be aimed at enhancing the effectiveness of the protection and promotion of human rights in everyday life, and in particular towards the development of a culture and system of education of human rights and the humanistic and universal values that underlay them.

244. Tunisia noted that the international community was facing a number of real challenges and objectives related to the major threats posed by mounting racism, xenophobia, defamation of religions, extremism, intolerance and terrorism, worsening poverty and the prospect of famine. Tunisia stressed that it was imperative that the dialogue among cultures and civilizations should be strengthened as a vector of understanding and rapprochement. In that connection, Tunisia, a country characterized by openness and moderation, would spare no effort in promoting the values of dialogue and tolerance.

245. The World Solidarity Fund, established by the General Assembly in its resolution 57/265 at the initiative of Tunisia, was a mechanism that could effectively help to combat poverty and the food crisis. Tunisia called once again on the international community, through the Human Rights Council, to make international solidarity a fundamental value in order to tackle that crisis in all its magnitude. Tunisia said that the serious threats to human rights must be addressed as a matter of urgency. That effort was the responsibility of everyone. It was therefore time to give active expression to the international community's solidarity.

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

246. Algeria welcomed the commitment of Tunisia to the implementation of the recommendations made during the universal periodic review, which reflects its will to improve the situation of human rights and to support the efforts made towards the protection and promotion of human rights. It also noted that this confirms the good cooperation of Tunisia with the human rights system in general and with the Council in particular. Algeria noted that the measures taken by Tunisia to implement the recommendations require the understanding on the part of the international community of the particular features of the region and its support in order to enable Tunisia to confront the challenges it faces.

247. Morocco noted the actions taken by Tunisia since the review, and in particular the promulgation of laws concerning the accession by Tunisia to the International Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, as well as the withdrawal of its

reservations to the Convention on the Rights of the Child. It also took note of the submission of its periodic reports to the Committee on the Elimination of Racial Discrimination and the Committee on the Rights of the Child. It welcomed the promulgation of a law on a national human rights institution in line with the Paris Principles which is consistent with a recommendation made during the universal periodic review and demonstrates the commitment of Tunisia to the implementation of the recommendations. It further noted that the invitation sent to the Special Rapporteur on the promotion and protection of human rights while countering terrorism is also an illustration of Tunisia's commitment.

248. Qatar, on behalf of the Group of Arab States, commended Tunisia on the measures taken in the field of human rights and fundamental freedoms and expressed esteem for its cooperation with the Council. Qatar noted the long series of measures taken after the review, which reflects Tunisia's determination to respect the commitments undertaken and its decision to implement the recommendations of the Working Group. It welcomed the adoption of the law concerning the establishment of a national human rights institution consistent with the Paris Principles and the invitation extended to the Special Rapporteur on the promotion and protection of human rights while countering terrorism. It further noted the great interest shown by Tunisia in cooperating with the civil society, and in particular with Human Rights Watch with which there has been an agreement on regular visits to prisons in Tunisia. It noted that Tunisia has continued to opt for new measures and has acceded to human rights instruments, such as the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. Qatar reiterated its appreciation for the efforts made and the measures taken by Tunisia with a view to respecting its commitments, and called upon all human rights forums to continue to provide assistance to Tunisia so that all its commitments may be translated into concrete facts.

249. Belgium noted that during the review it had expressed its concern at the freedom of expression, the freedom of the press, and the situation of human rights defenders in Tunisia. It noted that the conclusions contained in the report of the Working Group encouraging Tunisia to make efforts in these areas were formulated in a very general manner. Belgium reiterated its hope that the Press Code will be harmonized with the provisions of the International Covenant on Civil and Political Rights, in particular as regards the crime of defamation. It welcomed the announcement made by Tunisia to receive this month the Special Rapporteur on Human Rights Defenders of the African Commission of Human and People's Rights and hoped that this visit will make it possible for Tunisia to welcome, in the near future, the special procedure of the Council competent in this area.

250. Indonesia expressed its appreciation for the presentation made by the Minister on the occasion of the adoption of the Working Group report. It commended Tunisia on the information provided and on the measures taken as part of the follow-up to the review, which reflect Tunisia's commitment to implementing the recommendations made during the review. It also noted with appreciation various initiatives undertaken by Tunisia and welcomed the invitation extended to the Special Rapporteur on the promotion and protection of human rights while countering terrorism as well as the upcoming visits of two special procedures mandate holders of the African Commission on Human and People's Rights to Tunisia. It also welcomed the commitments made by Tunisia to further enhance measures for the promotion and protection of human rights. It also congratulated it on the adoption into national laws of normative legislation on the Convention on the Rights of the Child, the Convention on the Rights of Persons with

Disabilities and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, and welcomed the establishment of a body which is in charge of following up on recommendations of the treaty bodies. Indonesia also commended Tunisia on its ongoing measures and encouraged it to further enhance the application of human rights norms in the country based on its commitments made to implement the recommendations emanating from the review by the Working Group.

251. Pakistan noted Tunisia's successful review and that it had accepted all the recommendations made to it. It also noted Tunisia's positive tradition of following up on its commitments and that it has extended an invitation to the Special Rapporteur on the promotion and protection of human rights while countering terrorism and adopted a law concerning a national human rights institution in accordance with the Paris Principles. It also noted that Tunisia has adopted laws regarding its accession to the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and withdrawn its reservations to the Convention on the Rights of the Child. It welcomed Tunisia's decision to adopt a bill providing jurisdictional guarantees for detainees and the submission of its periodic reports to the Committee on the Elimination of Racial Discrimination and the Committee on the Rights of the Child. It commended Tunisia on its engagement with regional structures for the promotion and protection of human rights and other steps taken, and wished Tunisia well in its efforts to guarantee the promotion and protection of the human rights of its citizens.

252. Angola welcomed the willingness of Tunisia to implement several recommendations proposed in the context of the review and its readiness to engage in an open and constructive dialogue regarding the situation of human rights. It expressed its appreciation for the efforts made by Tunisia to enhance in a concrete manner the situation of human rights in the field of civil and political rights as well as economic, social and cultural rights, taking into consideration the positive dialogue during the process of the universal periodic review. It noted that Tunisia is showing a great commitment to the improvement of human rights by committing itself to the implementation of several international human rights instruments. It welcomed Tunisia's policies to promote gender equality through the adoption of legislative measures to ensure an effective implementation of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. It also welcomed the measures taken to reinforce juridical guarantees for preventive detentions and measures to withdraw its reservation to the Convention on the Rights of the Child. It took note with satisfaction of the invitation extended to the Special Rapporteur on the promotion and protection of human rights while countering terrorism, and Tunisia's readiness to cooperate with the African Commission for Human and People's Rights.

253. Bahrain welcomed the positive measures and actions undertaken by Tunisia pursuant to the recommendations made by the Working Group. It noted that the adoption of measures shows that Tunisia is committed to giving a new emphasis to the human rights movement and promoting it, as well as to strengthening of cooperation with United Nations and regional bodies. It welcomed the adoption of a law on a national human rights institution consistent with the Paris Principles, strengthening the autonomy and administrative independence of that body and its working methods. It welcomed the establishment of a human rights coordinator to follow up on the recommendations made by treaty bodies and Tunisia's cooperation with United Nations mechanisms with a view to promoting and protecting human rights.

254. Cuba commended Tunisia on the efforts and progress made in the field of human rights, including on the tangible results obtained in the promotion and protection of fundamental rights, notably in the areas of education and health. It recognized the progress made toward achieving equality between men and women, eliminating all forms of discrimination against women and protecting vulnerable groups, in particular the rights of children. It noted that the experience and results of Tunisia in the area of the eradication of poverty based in particular on the implementation of the national programme to help families in need is very useful, and noted that this initiative should be an example for other countries. It noted that Tunisia is a country of peace and solidarity and that its move toward economic and social development and its achievements in these areas are impressive despite the difficult international context. It noted that the review gave an opportunity to appreciate the genuine political will of Tunisia and its clear commitment to human rights.

3. General comments made by other relevant stakeholders

255. The International Federation of Human Rights Leagues, Amnesty International and the Cairo Institute for Human Rights Studies, in a joint statement, welcomed Tunisia's commitment to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the invitation to the Special Rapporteur on human rights and terrorism but regretted that the Special Rapporteur on the question of torture has not yet been invited. They also regretted that the recommendations of the universal periodic review do not take sufficiently into account the need to better protect freedom of association and expression, notably of human rights organizations. They would have preferred that the authorities would have made commitments regarding recommendations made by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Representative of the Secretary-General on the situation of human rights defenders and, recently, by the Human Rights Committee. The International Federation of Human Rights Leagues and Amnesty International also urged the Government to implement as quickly as possible the recommendations made during the review and those of the treaty bodies.

256. The Organisation de la Mère Maghrebine (also on behalf of Femmes Africa Solidarité and Association Tunisienne des Mères) focused its statement on equality and the promotion and protection of women's rights, referring to Millennium Development Goal 3, the Universal Declaration of Human Rights and the Convention on the Elimination of All Forms of Discrimination against Women. In Tunisia, the achievements in the area of women's rights have become a social reality and a constitutional value. It considered that equality is linked to women's fight for further improving the right to employment, the status within the family and also to participating in the process of sustainable human development. Thus, equality must be accompanied by an in-depth discussion involving the entire international community with a view to defining a plan of action to eradicate all forms of discrimination as proposed by the Millennium Summit which has set 2015 as the deadline for achieving the Millennium Development Goals.

257. The World Organization against Torture (also on behalf of the Cairo Institute for Human Rights Studies, Human Rights Watch and the International Commission of Jurists) stated that Tunisia is capable of making progress, particularly legislative progress in the areas of the rights of the child and the status of women. It regretted that there are serious gaps in Tunisian law, especially in the way in which it is applied. It would have liked to see a number of

recommendations be reflected in the debate of the Working Group. As to paragraph 9 of the report, Tunisia should take measures without ambiguity to put an end to the use of torture during interrogations. As to paragraphs 49 and 59, it should clarify the definition of terrorism as emerging from the law of 2003 which should not be used to limit freedom of association and expression or forms of political disagreement expressed without violence. As to paragraphs 6 and 31, it should ensure genuine independence of judges and magistrates so that they can apply the law respecting their professional ethics, and put an end to harassment of lawyers. As to paragraph 23, Tunisia should guarantee the effective opening of an investigation into all allegations of torture or inhuman, cruel or degrading treatment, putting an end to the current practice of investigative authorities not accepting the filing of a complaint or letting its processing take too long. As to paragraph 42, it should put an end to the various forms of physical, administrative, judicial or media harassment against human rights defenders. As to paragraphs 10 and 19, it should amend the law according to which a person found guilty of a sexual offence against someone under the age of 20 is exempted from any penalty if the offender marries the victim.

258. The International Publishers Association (also on behalf of the International PEN and World Association of Newspapers) noted that in April 2007, the IFEX Tunisia Monitoring Group issued a report which refers to serious breaches of the International Covenant on Civil and Political Rights in Tunisia, notably article 19. It believed that the only recommendation pertaining to freedom of expression in the report of the review of Tunisia, mainly to the revision of article 51 of the Press Code, is far from sufficient to address the multitude of problems existing in Tunisia in this area. It welcomed the news of the release of some of the censored books and some announced positive changes to legislation although these do not go far enough in addressing the concerns raised in the report. It urged the Tunisian authorities to encourage diversity of content and ownership of the press, to stop blocking news websites, to release all censored books and to allow new titles to be published. It also reiterated its position that the Government should allow legal non-governmental organizations to work and independent organizations to be established without requiring prior political approval.

259. The Union Nationale de la Femme Tunisienne noted that the report of Tunisia revealed a number of indicators on the presentation of women in different areas of political, economic and social activity. The achievements reflected in the report are the result of Tunisia's adoption of a personal status code directly after independence which has enshrined the emancipation of women, in particular by abolishing polygamy, eradicating customary marriage and establishing the principle of judicial marriage. All the achievements of women in Tunisia are the result of serious and constructive debate between the Government and women's associations. It noted that efforts and progress made do not prevent the persistence of certain lacunae which call for in-depth and collective reflection. But if the rights which women in Tunisia have today constitute a rampart against obscurantism and extremism. It called for combining efforts and multiplying contacts among women of different cultures to further promote the rights of women and to block all of those who try to hinder them.

260. Espace Afrique International welcomed Tunisia's approach to human rights in general and noted that the promotion of women in Tunisia deserves support from the international community. Tunisia has been able to transform women into a pole of creativity and vigilance for harmonious social development. It noted that since the end of the 1980s, Tunisia has concentrated its efforts on women's arrival in the public sphere at the level of the most important

decision-making forums. Besides the provisions of the personal status code of women, Tunisia has developed many initiatives for their implementation. There is a long list of protective measures contained in the Constitution. Tunisia has always granted a privileged place to the education and training of girls. Measures have been taken to promote the integration of women into various areas of public life while preparing them for decision-making.

261. The Association tunisienne des droits de l'enfant welcomed the withdrawal of Tunisia's reservations to the Convention on the Rights of the Child, in follow-up to recommendations made by the Committee, and reiterated its request to reconsider withdrawing the reservations to the Convention on the Elimination of All Forms of Discrimination against Women. It noted that while legislation is in conformity with the Convention on the Rights of the Child, various challenges remained, such as the need to consolidate the mechanisms for the protection of the rights of children, in particular by setting up a database on the situations and violations of children's rights which would be accessible to all, including civil society.

262. The Fondation Atlas pour l'auto-développement et la solidarité noted that the report on Tunisia refers to efforts to combat poverty and welcomed efforts which have made it possible to reconcile economic and social affairs, encouraged by active solidarity. With regard to the rise of energy and basic food prices and the negative effects of globalization it asked about the implementation of the world solidarity fund established to combat poverty.

263. The Association tunisienne de la communication welcomed the fact that the rights of persons with disabilities are now protected through the 2005 legislation, which is in harmony with the Convention on the Rights of Persons with Disabilities ratified by Tunisia. It was convinced that other measures must be taken in order to reach full participation of disabled persons, in particular in the field of digital accessibility, which is still very expensive in Tunisia. It urged the Government, the private sector and civil society to make more efforts with a view to developing and implementing a needed mechanism to allow for access to information technology and information, in accordance with article 21 of the Convention on the Rights of Persons with Disabilities.

264. Action internationale pour la paix et le développement dans la région des Grands Lacs welcomed the holistic approach to human rights promoted in Tunisia based on values set forth in the Vienna Programme of Action and relevant instruments of the African Union. It highlighted Tunisia's efforts, especially the ratification of international instruments, the agreement to authorize Human Rights Watch to visit prisons, the creation of a body with a general coordinator on human rights responsible for follow-up to treaty body recommendations, the adoption of a draft law which strengthens judicial guarantees during preventive detention, the withdrawal of reservations to the Convention on the Rights of the Child, accession to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, ratification of the charter on the creation of an African court on human rights and peoples and the Arab Charter on Human Rights, which is important to promote the rights of the poor.

4. Views expressed by the State under review on the outcome and concluding remarks

265. The Minister of Justice and Human Rights, Mr. Béchir Tekkari, concluded by thanking all speakers, including the members of civil society. He recalled and confirmed that Tunisia was firmly committed to following up the recommendations of the Human Rights Council. A body had been established to ensure follow-up to those recommendations, and Tunisia had reported on its most recent activities to implement them. He further noted that the invitation to the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism did not preclude invitations to other special rapporteurs, particularly the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment. In that connection, he assured the Council that there was no torture in Tunisia; rather, there were instances of torture that were duly prosecuted by the justice system. He also affirmed that there was no immunity in respect of acts of torture.

266. With regard to the case of the journalist mentioned during the debate, he said that the journalist in question had been detained for reasons that had to do with his status as a journalist. Indeed, no one was detained in Tunisia for his or her opinions. However, one's profession was not a source of immunity for any offences a person might commit. With regard to Internet access, he recalled that the Tunisian Government had been accused of sentencing young people for having used Internet websites to create explosives. One of the youths in question had been pardoned and had subsequently died in an incident linked to a terrorist act.

267. The Minister said that there were still many obstacles to be overcome, particularly with regard to the exploitation of religion and religious extremism. Terrorism posed a major challenge, but it would not hold Tunisia back and would be dealt with through the law. If there were still inadequacies in Tunisia's counter-terrorism legislation, the Government was prepared to rectify them.

268. The Minister said that, at the domestic level, Tunisia would pursue and strengthen its positive collaboration with civil society, which must play a role in the promotion of human rights.

269. The Minister concluded his statement by expressing the hope that he had contributed to the success of the universal periodic review exercise, which he believed to be useful, but which must be followed by self-study at the national level, an effort in which Tunisia, which had made human rights a strategic choice, was already engaged.

Morocco

270. The review of Morocco was held on 8 May 2008 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents: the national report submitted by Morocco in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/1/MAR/1); the compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/1/MAR/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/1/MAR/3 and Corr.1).

271. At its 14th meeting, on 9 June 2008, the Council considered and adopted the outcome of the review on Morocco (see section C below).

272. The outcome of the review on Morocco is constituted of the report of the Working Group on the Universal Periodic Review (A/HRC/8/22 and Corr.1), together with the views of Morocco concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group.

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

273. The Ambassador and Permanent Representative of Morocco to the United Nations Office at Geneva said that when the review of Morocco in the Working Group on the Universal Periodic Review had concluded on 8 April 2008, his delegation had accepted 11 of the 13 recommendations that the Working Group had formulated. In its recommendations, the Working Group had taken note of the progress made by Morocco in the field of human rights and encouraged it to continue broadening and deepening the substantial reforms undertaken in recent years at the instigation of King Mohammed VI and with the active and sustained participation of all segments of Moroccan society. Those recommendations, which fell within the framework of Morocco's ongoing reform, were different in that while some could be implemented in the short term, others required a minimum of coordination and the taking of decisions by various departments and had time frames and budgetary implications associated with their implementation. In the light of those considerations, he wished to confirm Morocco's acceptance of the 11 recommendations contained in the report of the Working Group (A/HRC/8/22) and inform the Council of the following measures taken to implement them.

274. Hardly two weeks after Morocco's periodic review, on 25 and 26 April 2008, the Human Rights Documentation, Training and Information Centre, which was a subsidiary body of the Consultative Council on Human Rights, the country's national human rights institution, had held a symposium on the launching of the preparatory process for the National Plan of Action in the area of democracy and human rights, the completion of which would allow Morocco to join the group of States that had established such an instrument at the international level.

275. The objective of the Plan was to help the Government, organizations and members of civil society in their efforts to ensure respect for and promote and protect human rights; strengthen national institutions working in that area; disseminate information on human rights standards and mechanisms, particularly among law enforcement bodies and social workers; develop specific programmes to improve the situation of vulnerable groups within the country; and place emphasis on the role of human rights in national development. Following the official launching of the Plan, the Human Rights Documentation, Training and Information Centre planned to hold four regional meetings during June and July 2008 with a view to decentralizing the debate and working together with the local actors concerned.

276. The recent initiative by the Moroccan Government aimed at combating violence against women, including domestic violence, had led to a wide range of measures ranging from the establishment of new counselling centres and shelters for battered women to a revision of the Criminal Code aimed at criminalizing domestic violence. In order to sensitize public opinion to

the phenomenon, Morocco was to conclude an agreement with the High Commissioner's Office aimed at making both the quantitative and qualitative aspects of the problem and its repercussions known. Similarly, a national survey was to be conducted to ascertain the prevalence of gender-based violence. There were also plans to strengthen counselling centres and shelters for women victims, working together with various actors, by establishing 16 new centres in 2009 in collaboration with non-governmental organizations (NGOs). The Government's social development strategy called for the creation of a rehabilitation centre for perpetrators of violence and the institutionalization of the National Observatory to Eliminate Violence against Women. Lastly, a multisectoral programme to combat gender-based violence, which was the result of partnership with eight United Nations specialized agencies, had officially been introduced on 30 May 2008. The objective of the programme was to promote women's equality and empowerment and to reduce violence against women by half.

277. With regard to the Convention on the Rights of Persons with Disabilities, which Morocco had signed, the Government had, in tandem with the ratification process, prepared a bill on strengthening the rights of persons with disabilities which was based largely on the Convention.

278. With regard to the situation in prisons, King Mohammed VI had on 29 April 2008 appointed a High Commissioner General for Prison Administration and Reintegration whose role was to ensure safety in correctional establishments, modernize them and ensure that no violation of the law occurred within them. The High Commissioner General would be assisted in the performance of his functions by a Director, who would be responsible for creating adequate conditions for effective inmate training with a view to the professional and social reintegration of inmates after their release. In terms of infrastructure, the Moroccan Government was pursuing its programme of renovating and expanding existing prisons and was going ahead with the construction of seven new prisons, while three more projects aimed at reducing prison population density and improving living conditions were under consideration. The Moroccan Government was also implementing two other measures in pursuit of the same goal: the early release of a number of prisoners and the adoption of alternative measures to deprivation of liberty.

279. The Moroccan delegation provided the following information on efforts to implement the recommendations of the Equity and Reconciliation Commission, which was one of the Working Group's recommendations.

280. With regard to reparations to individuals, it was noted that some 13,412 beneficiaries, representing victims of grave human rights violations perpetrated in the past or their heirs, had received compensation, with over 95 per cent of all persons so entitled having received reparations or compensation. Cooperation between the national human rights institution and the Government had led to the signing of an agreement on the inclusion of victims of grave violations in the basic health-care system. Under that agreement, the State would bear all medical expenses of the victims and their heirs.

281. With regard to reparations at the community level, 11 local coordination offices had been established in the regions that had suffered most from the violations in order to promote participation in the implementation of development projects for those regions.

282. Again in the area of individual and community reparation, it was noted that the Ministry of Employment and Vocational Training and the Consultative Council on Human Rights had concluded a cooperation agreement on 3 June 2008 that would allow that body to contribute to the implementation of individual and community reparation programmes.

283. On 28 and 29 May 2008, Morocco had organized the Twelfth National Congress on Children's Rights which had had as its theme "Promoting children's rights: what role for local actors?". The Congress had afforded an opportunity for evaluating the National Plan of Action for Children (PANE) two years after its implementation. The Congress had concluded with the issuing of a declaration that endorsed the spirit of participation displayed by the various sectors, the involvement of children in the evaluation of PANE, the need to adopt quality standards, principles of equal opportunity and means of combating all forms of educational impoverishment, and further reform of the health-care system in terms of managed care and maternal and child health facilities.

284. With regard to human rights education and training, and in order to build the capacities of law enforcement officers in the area of human rights, the Consultative Council on Human Rights had begun to implement the partnership and cooperation agreements concluded with the Ministry of Education and the Ministry of the Interior. Those agreements were intended to promote a culture of human rights in educational institutions and in the curricula of training programmes for law enforcement officials and officers within the Ministry of the Interior. A study had been undertaken to assess existing training and education programmes in order to measure capacity-building needs and to determine whether any adjustments were needed.

285. The representative of Morocco said that his country had taken note of the recommendations concerning the International Criminal Court and the extending of a standing invitation to the Council's special procedures, and he provided the following information.

286. As a reflection of its positive engagement with the United Nations machinery, Morocco had always cooperated fully with the special procedures and supported their mandates when it had not initiated them itself, as in the case of the mandate of the Special Representative of the Secretary-General on the situation of human rights defenders, which it had initiated with the delegation of Norway. More concretely, Morocco had been visited by the Special Rapporteur on the sale of children, child prostitution and child pornography in 2000, by the Special Rapporteur on the human rights of migrants in 2003 and by the Special Rapporteur on the right to education, whose mission report (A/HRC/8/10/Add.2) had been presented and considered at the beginning of the eighth session of the Council, in 2006. All those rapporteurs had attested to Morocco's unstinting cooperation.

287. The representative of Morocco also reaffirmed that Morocco's commitment to the protection and promotion of human rights was sincere, permanent and irreversible. After having courageously and voluntarily dealt with past violations of human rights and compensated the victims or their legitimate heirs, Morocco was currently endeavouring to consolidate its achievements in that area, to broaden the scope of freedoms and to create the conditions for the exercise by all Moroccans without distinction of all rights, whether civil, political, economic social or cultural. Morocco would not fail to keep the Council informed over time of the development of those reforms and their results.

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

288. The Netherlands commended the Moroccan delegation on the transparent way it had handled the review. It was noted with appreciation that Morocco had agreed to almost all the recommendations that had been made during the interactive dialogue in the Working Group, including its recommendation to continue implementing the remaining recommendations of the Instance Équité et Réconciliation. The Netherlands further asked if Morocco could inform the Council not only of the progress made in the implementation of the agreed recommendations, but also when it would reconsider its position on the Rome Statute of the International Criminal Court and on extending a standing invitation to all thematic special procedures on a voluntary basis.

289. Tunisia thanked Morocco for its outstanding statement and commended Morocco on its commitment to promoting and protecting human rights. The progress made in that area showed the desire often expressed by Moroccan authorities to make human rights a reality in everyday life. Tunisia noted Morocco's achievements in strengthening its Constitution, harmonizing legislation, and ratifying almost all the international instruments in the area of human rights. Tunisia commended it on the results achieved by the National Initiative for Human Development - a plan of action for the promotion of economic, social and cultural rights in Morocco. Tunisia encouraged Morocco to continue its efforts for the well-being of all Moroccans.

290. Qatar, speaking on behalf of the Group of Arab States, congratulated Morocco for its progress on human rights. Morocco was commended on its role in the establishment of the universal periodic review mechanism. Morocco had taken seriously the recommendations of the Working Group. It has speeded up steps towards a culture of human rights through training and education, especially for law enforcement officials, and it has safeguarded the protection of minorities, women, children, the disabled and migrants. The Arab Group reiterated its appreciation of Morocco's achievements in the field of human rights and fundamental rights, recalling the results of the Instance Équité et Réconciliation, which has assured a convergence between various sectors of the Moroccan society. Qatar further noted that Morocco has adopted various measures to give a new impetus to human rights. Qatar stressed that Morocco has speeded up its responses to the recommendations made by the Council, and has continued its efforts to ensure the compatibility of its laws with all its international obligations.

291. Pakistan said that Morocco had one of the most comprehensive reviews and thanked the delegation of Morocco for its elaborate presentation, noting that Morocco had accepted all but two of the recommendations. One of them related to extending a standing invitation to all thematic special procedures. Pakistan welcomed Morocco's commitment to giving serious and positive consideration to every single request made by any of the special procedures. It also welcomed the appointment of a new high commissioner for the administration of prisons with a ministerial rank, in line with the recommendations of the Working Group.

292. Bahrain welcomed the statement made by Morocco and commended it on positive developments towards promoting and protecting human rights in the country. It further commended Morocco on its keenness to work with all stakeholders at the national, regional and international level. Morocco has proven its commitments to the objectives of the universal

periodic review, recognizing the importance of a number of issues: the draft law to promote disability rights, the appointment of a high commissioner to improve the conditions of prisons and prisoners, and organizing a national child congress, which would help towards implementing the rights of the child, all of which were among the recommendations made during the review.

293. The Syrian Arab Republic congratulated Morocco for cooperating with the universal periodic review mechanism. Morocco had made efforts to protect human rights, and had taken steps to raise awareness of the rights of various people. The Council should remember the efforts made by Morocco in the creation of the Council. It deserved credit for these efforts and its continuing commitment to promoting and protecting human rights.

294. Saudi Arabia paid special tribute to the Ambassador of Morocco for his constructive and effective role in the work of the human rights. Saudi Arabia emphasized that Morocco was a pioneer amongst Arab countries, having paid special attention to human rights at the institutional and legal levels. Saudi Arabia further noted that Morocco dealt positively with the recommendations made by the Working Group, and has accepted them, although some would have financial implications. Saudi Arabia believed that this showed the determination of Morocco to further promote and protect human rights. It welcomed the National Plan for Democracy and Human Rights drawn up by Morocco in accordance with the Vienna Declaration aimed at raising awareness of human rights. Implementation of the recommendations made during the review has already started effectively, with the setting up of a post of a high commissioner to oversee the conditions of prisons and prisoners, in accordance with international standards. Saudi Arabia noted that Morocco has also organized the Second Congress of Arab Human Rights Institutions.

295. Jordan noted that the national report discussed on 4 April 2008 during the review demonstrated the attachment of Morocco to human rights. Human rights in Morocco have continued to improve and the Government cooperated with all actors in society in their promotion. Unsurprisingly, Morocco ensured a positive and interactive dialogue throughout the process. Jordan referred to the promotion and protection of women's rights with an increase from 1 to 11 per cent representation in the Parliament and with a 50 per cent increase among the judiciary, which has promoted equality in professions monopolized hitherto by men. Jordan recommended to Morocco to continue its cooperation with the universal periodic review mechanism.

296. Egypt expressed appreciation for Morocco's efforts and report under the universal periodic review. It noted that Morocco had started implementing recommendations even before they were issued by the Working Group, and noted the work undertaken on prisons, and on the rights of women and children. Egypt stressed that Morocco was one of the few countries to have accepted all the recommendations, which demonstrated Morocco's pioneering role in the field of human rights without division between various rights.

297. The United Arab Emirates congratulated Morocco for having accepted the recommendations of the Working Group and thanked it for its efforts within the universal periodic review process, improvements to the national legislation, and its improvement and guarantee of human rights through the Instance Équité et Réconciliation, in addition to the training of all the personnel and those who were in charge of implementing the laws. The United Arab Emirates stated that since the 1970s Morocco has been involved in the institutional

building of human rights also aimed at setting norms and standards which were compatible with international human rights, because it was cognizant of the need to achieve developments in the field of human rights and to promote and protect human rights with the cooperation of the international community. It believed that the Council should provide Morocco with all the necessary help to that effect. It was noted that Morocco had been working towards putting in place internationally recognized human rights norms.

3. General comments made by other relevant stakeholders

298. The Consultative Council on Human Rights of Morocco recalled that as a national institution, it was responsible for the operationalization of human rights in cooperation with the Government. These efforts have been translated into offering redress to victims of human rights violations. Various judicial decisions that have been implemented provided redress to victims in 95 per cent of the cases addressed. Regarding health insurance, cooperation between the Government and the Consultative Council had allowed health coverage to be provided for the majority of those victims. Regarding collective rights, various decisions had been taken at the local level before programmes were implemented. Regarding the Equity and Reconciliation Commission, it affirmed that 44 cases out of 66 had been dealt with, and investigations were in progress to settle the remaining ones. It further explained that it was also working to implement the recommendations which have been adopted by the Committee for Legal Redress, including with regard to capital punishment, and establishing a national strategy to combat impunity.

299. The Cairo Institute for Human Rights Studies stated that the cooperation between the Government and civil society in the preparation of the universal periodic review should be institutionalized in order to be fruitful and productive. It could not be challenged that Morocco has made tangible progress in promoting and protecting human rights. Important legislative reform has taken place to harmonize domestic legislation with international treaties. Nevertheless, human rights violations were regularly recorded by the Cairo Institute and other organizations, and it invited the Government to implement the recommendations contained in the report of the Working Group.

300. Interfaith International commended the Government of Morocco on its commitment to promote and protect human rights and steps including, inter alia, the 1999 revision of the Constitution, the public liberty legislation, the law on prisons, the revision of the criminal procedure code, the labour law, the 1999 Independent Commission for the compensation of victims of forced disappearances and arbitrary detention, the adoption in 2004 of a new family code and the creation of a commission on truth, justice and reconciliation, and the launching of a national plan of action for economic, social and cultural rights. It affirmed that Morocco had developed strategies that placed the human being at the centre of development.

301. The Arab Commission for Human Rights mentioned that, since the attacks of 2003 in Casablanca, thousands of persons were arbitrarily detained, tortured and imprisoned after unfair trials in the name of the fight against terrorism. It stated that efforts undertaken to combat terrorism included some measures that led to violations of international conventions ratified by Morocco. It said that torture, which was tending to disappear in the beginning of the 2000s, was unfortunately back and practised in a certain number of detention centres under the oversight of the direction of the territory and law enforcement.

302. The Union de l'action féminine encouraged Morocco to continue its efforts to implement the recommendations made during the review. It believed that the Government should lift its reservations to the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol thereto. It urged Morocco to create a higher council for women to guarantee these and believes that Morocco should establish and institutionalize a consultative committee that would bring together all stakeholders on an equal level. The Council was urged to adopt the outcome of the review to help assist Morocco in meeting those goals.

303. The International Federation of Business and Professional Women noted that Morocco deployed many efforts in the field of human rights, including the rights of women, and should be cited as an example and a model. It welcomed the new Family Code and stated that some of the Moroccan experiences should be referred to as best practices, especially in the field of reconciliation and the overhauling of the Family Code, which is the framework of enhancing women's rights and gender equality. Morocco has ratified the Convention on the Rights of the Child to promote and protect children's rights and measures have been undertaken, including in the fields of civic and human rights education and child participation. It stated that there was still a long path ahead and Morocco was encouraged to continue its efforts.

304. Amnesty International welcomed the recommendations made by several States, including on continuing to implement the recommendations of the Instance Équité et Réconciliation, to ensure respect for the rights of migrants, to harmonize domestic law with international standards, and to ratify international human rights treaties. Amnesty International identified as a key human rights concern the apparent lack of accountability of the security forces for their alleged abuses, including torture and excessive use of force in the case of a person suspected of terrorist offences, of Sahrawi persons advocating against Moroccan rule in Western Sahara, and for the killings or arrest and detention of migrants attempting to reach European shores. There were also concerns about the freedom of the press and journalists. The fact that the death penalty has not yet been abolished and the Rome Statute not yet ratified as recommended by the Instance Équité et Réconciliation put into question the political will of the authorities to implement these reforms. Amnesty International urged the Government to take swift action on these issues.

4. Views expressed by the State under review on the outcome and concluding remarks

305. The representative of Morocco thanked the delegations for their positive assessment of the reforms being undertaken in his country and in particular the efforts being made to promote and protect human rights. That effort was reflected not only in the action taken at the national level but also in local initiatives. What was taking place was the result not of an official policy but of concerted efforts undertaken with civil society. The Ambassador and Permanent Representative of Morocco said that he had refrained from taking the floor during statements by NGOs that did not in his view have anything to do with the universal periodic review. He nevertheless cautioned against letting the universal periodic review become a weakened exercise devoid of any meaning. He reaffirmed Morocco's intention of informing the Council of all human rights initiatives undertaken in the country and emphasized that his country's commitment to human rights was deep and irreversible.

306. Also taking the floor to deliver concluding remarks was Mr. M'hammed Abdenabaoui, Director of Criminal Affairs, who said that Morocco's counter-terrorism legislation was consistent with human rights and the law applicable in most countries. All arrests that had been made had been carried out in accordance with the law. He did not know what the speaker who had made allegations of torture had been referring to, and he was prepared to meet that individual to discuss the matter. He assured the Council that if any acts of torture had occurred in the past, that phenomenon no longer existed. He stressed that civil society had contributed to the preparation of the national report, and it was the Government's intention to pursue that collaboration. Lastly, he said that Morocco had contributed to the success of the universal periodic review.

Finland

307. The review of Finland was held on 9 April 2008 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents: the national report submitted by Finland in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/1/FIN/1); the compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/1/FIN/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/1/FIN/3).

308. At its 14th meeting, on 9 June 2008, the Council considered and adopted the outcome of the review on Finland (see section C below).

309. The outcome of the review on Finland is constituted of the report of the Working Group on the Universal Periodic Review (A/HRC/8/24), together with the views of Finland concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/8/24/Add.1).

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

310. The delegation provided information on follow-up measures to the recommendations contained in A/HRC/8/24. More comprehensive information on follow-up is contained in A/HRC/8/24/Add.1.

311. Concerning recommendation No. 1, it was clarified that although public awareness of cultural diversity is increasing and the Government has worked persistently to integrate immigrants into Finnish society, there were still certain problems of racism and intolerance in Finland. Different measures were taken to address these challenges. The Non-Discrimination Act was currently under revision in order to strengthen the guarantees. In the recent Internal Security Programme of 8 May 2008, the security of immigrants and ethnic minorities was one of the key issues to be paid special attention to in the coming years.

312. With regard to recommendation No. 2, the delegation provided information that the Ministry of Justice is currently examining the need to amend the legislation to oblige the service providers of Internet sites to follow up on and erase material amounting to hate speech and racist offences.

313. With reference to recommendation No. 3, it was stated, inter alia, that first-hand data was important to better understand the context in which violence within families occurred so as to be able to provide better services, prevention and monitoring measures, advocacy as well as awareness-raising. Finland was carrying out the Council of Europe's Campaign to Combat Violence against Women in 2008 and a comprehensive study on violence against children will be published in the autumn.

314. Concerning recommendation No. 4 about considering ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the delegation of Finland clarified that the rights of immigrants were already covered by national legislation, European Union legislation as well as by other human rights instruments, including the European Convention for the Protection of Human Rights and Fundamental Freedoms. The basic rights and freedoms of the Finnish Constitution protect everyone residing in Finland, including migrant workers. Finland did not envisage that consultations between ministries to revise its position towards the Convention would take place in the near future.

315. Regarding recommendation No. 5, the delegation stated that it pursued actively the enhancement of the rights of the Sami people. The objective of the present Government is to solve the issue of the land use question during the current term of the Government. Another question related to the right of Sami people to participate in decision-making on the use of land in the Sami homeland area and the delegation stated that the aim of the Government was to find a solution that would include the prerequisites to ratify ILO Convention No. 169 on Indigenous and Tribal Peoples in Independent Countries.

316. Referring to recommendation No. 6, Finland stated that it was committed to the full and inclusive application of the 1951 Convention relating to the Status of Refugees and that the Ombudsman for Minorities found that the accelerated asylum procedure, as a rule, safeguarded the legal protection of an asylum applicant during the process. Furthermore, the Finnish Constitution and Aliens Act prohibited deportation of aliens to a country where they could face the death penalty, torture or ill-treatment.

317. With regard to recommendation No. 7, Finland reported, inter alia, that it had initially studied the Yogyakarta Principles and recognized their usefulness in bringing greater clarity and coherence to States' human rights' obligations. Finland was committed to further enhancing the situation of the LGBT people in Finland and the possible role of the Yogyakarta Principles in this would be studied further.

318. Concerning recommendation No. 8 on fully integrating a gender perspective into the follow-up process to the universal periodic review, it was explained that the Government was preparing an action plan for gender equality, the key objectives of which were, among others, to mainstream the gender perspective, to raise awareness of gender equality in schools and to

reduce violence against women. The final action plan would be adopted soon and carried out intersectorally by all ministries and will be also taken into account while following up on the review.

319. Concerning the question of the elements employed to present violence against women as a human rights violation, the delegation clarified that it was the Government's duty to raise public awareness of the problem, to positively shape attitudes and to take up other necessary actions in order to prevent violence against women. It also stated that violence against women or violence between the spouses as an aggravated ground for punishment was currently under examination at the Ministry of Justice.

320. On the question of other measures that would address the root causes of the problem of violence against women rather than the consequences and the proper role of mass media, Finland replied that data and information were a prerequisite for evidence-based policymaking, and that it was continuing its work in this field. In addition to holding offenders accountable and providing treatment programmes, it was also crucial to enhance positive male role models and to engage men in the efforts to eliminate violence against women in both prevention and advocacy. The delegation stated that it was only through a truly holistic approach that impunity can be ended and this violation of human rights eliminated.

321. In answer to the questions on the ombudsman system, it was indicated that the Ministry of Justice has set up an Equality Committee in January 2007 to prepare an overall reform of equality and non-discrimination legislation. In that connection, the status, duties and powers of the Ombudsmen were to be re-examined with a view to improve the functionality of the supervision mechanism.

322. Finland provided information that the Ombudsman for Minorities started work in 2001 and its tasks were increased by a legislative amendment (22/2004) that took effect on 1 February 2004 in connection with the enactment of the new Non-discrimination Act. In addition to issuing guidance, advice and recommendations, the Ombudsman supervised compliance with the Non-Discrimination Act outside employment relationships and service relationships governed by public law. The Ombudsman for Minorities was assisted by the Advisory Board for Minority Issues, set up for 2005-2008. Together with the Ombudsman, the Board was dealing with issues concerning the prevention and monitoring of ethnic discrimination, and supervision of non-discrimination. It also promoted related cooperation between different authorities. The Ombudsman for Minorities was the Chairman of the Board, which consisted of 14 members, who represented State authorities, trade unions, ethnic minorities and non-governmental organizations focusing on human rights. In 2007, the Ombudsman for Minorities handled a total of 737 customer cases, investigating them and, where necessary, referring the matter to the competent authorities. Some cases were taken further either for police investigation, to the National Discrimination Tribunal, or for a decision to prosecute by the Prosecutor General, or the case was referred for legal aid.

323. Regarding the main challenges for the Government in extending assistance to victims of human trafficking and protecting potential victims, it was explained that assistance for victims of trafficking in human beings begins with their identification. Finland was mainly a transit country for victims of trafficking and often, when in transit, the victims did not yet know that they will become victims of trafficking and they travel with legal travel documents. Therefore, their

identification is challenging for the authorities. The Ministry of the Interior was responsible for assisting victims of trafficking in human beings. Various services and support measures were organised for the victims and coordinated by asylum-seekers' reception centres in Joutseno or Oulu. In addition to taking care of accommodation and means of support, these measures may also include emergency aid, health services, legal advice and interpretation. Victims of trafficking in human beings were also given guidance in practical matters. In organizing services, attention was paid to the victims' individual needs and safety. For reasons of safety, information relating to victims of trafficking in human beings was kept confidential. Authorities responsible for assisting victims, along with other parties involved, were bound to professional secrecy.

324. In reply to the question on action taken by the Government to prosecute racially motivated crimes it was explained that one of the aims in the Prosecution Service in 2008 was to raise awareness to see whether a crime under prosecution was racially motivated. The Office of the Prosecutor General has ordered (order No. 2008:1) the prosecutors to report to the Office on all crimes which might have a racist motive.

325. Finland was asked whether it would consider integrating issues such as the resolution of the existing human rights problems, like racism and intolerance, into Finnish human rights education programmes. In reply it stated that in the core national curriculum for preschool education, basic education and upper secondary schools, the basic values were human rights, equality and democracy. Education against racism was also part of the core values in all the curricula. Basic education promoted tolerance and multicultural understanding. Human rights, tolerance and democracy were also incorporated in the core curriculum for adult education, both in the basic and upper secondary education for adults.

326. Special features in the education of different language groups and cultural groups have also been observed in the new core curriculum for basic education. The national languages of the Sami as an indigenous people and the national minorities have to be taken into consideration in education. The curriculum also emphasized the versatility the immigrant students from various different countries bring to the Finnish culture.

327. The Ministry of Education had, together with the Ministry for Foreign Affairs, the National Board of Education and civic organizations, prepared a national programme on internationalization. Education in human rights, tolerance, multiculturalism and minorities was part of this programme. One goal was to continue to strengthen the practical internationalization in schools and to evaluate the need for the development of school materials.

328. In 2005 the Equality Act was amended to include measures to be taken to promote equality in educational institutions. In general education, this meant the upper secondary schools. According to the amendment, the schools were required to make an equality plan once a year, together with the staff and student body representatives. The plan had to include the equality situation in the educational institution and the promotion of equality in schools. Special attention had to be paid to the student selections.

329. Information was also provided on how Finns and others can follow up on visits by the special procedures and on the recommendations of treaty bodies, which is also contained in paragraphs 86 and 87 of the national report (A/HRC/WG.6/1/FIN/1). It was explained that concluding observations were translated into the two national languages, Finnish and Swedish,

and if possible also into the minority languages used in Finland, e.g. North Sami, and published on the website of the Ministry for Foreign Affairs (<http://formin.finland.fi>). Implementation is monitored by seminars, as well. Monitoring the implementation of the Convention on the Rights of the Child has been a pilot project. Annual seminars had been useful, including as interactive discussion forums which contributed to implementing the concluding observations of the Committee on the Rights of the Child and monitoring implementation at the national level at all stages of the reporting cycle. In addition, these seminars contributed to the preparation of the Government's periodic report and raised awareness of the Convention and the related monitoring and implementation processes, which proceeded as a spiral continuum.

330. On the question of how Finland currently guaranteed the right to consultation of collective property for the Sami people in regard to lands, the delegation in its reply stated that environmental projects may affect the traditional livelihood of Sami people. The special legislation relating to the environment and land use provided legal safeguards for those whose rights or interests were concerned, including the Sami people. Provisions on the right to issue an opinion and a right of appeal were included, for example, in the Environmental Protection Act, the Land Use and Construction Act, the Nature Conservation Act and the Act on Environment Impact Assessment. The Finnish Government stated that it pursued actively the enhancement of the rights of the Sami people and that the objective of the present Government was to solve the issue of the land use question during the current term of the Government. It was further stated that the Government Bill was under preparation and there were active negotiations between the Ministry of Justice, the Ministry of Agriculture and Forestry and the Sami Parliament, which was a necessary partner in the negotiations. The point of departure was to ensure the culture of the Sami people and the right of Sami to use the land they traditionally occupied or where they traditionally lived. Another question related to the right of Sami people is to participate in decision-making on the use of land in the Sami homeland area. The aim of the Government was to find a solution that would include the prerequisites to ratify ILO Convention No. 169. Another ongoing project in Finland concerning the rights of Sami is the establishment of a new Sami Cultural Centre, which is to be built in Lapland, in the Sami homeland. The Government has already reserved nearly 12 million euros for the project. The main purpose of the Centre will be to enhance the Samis' ability to independently maintain and develop their culture, language and community life, manage and nurture their cultural and linguistic autonomy, and support the development of their living conditions. The premises will be used by the Sami: the Centre will be a Sami Parliament house, Sami library, a concentration of culture, education and skill resources, as well as an events venue for meetings, music, cinema and theatre. The Centre will be in use in 2012.

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

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

3. General comments made by other relevant stakeholders

332. In a joint statement, Amnesty International and Friends World Committee for Consultation (Quakers) welcomed the serious and open way in which Finland approached its participation in the universal periodic review. They noted that Finland was one of the first States to be reviewed. Consequently, not all the questions raised and comments made were phrased as

“recommendations” and, therefore, were not reflected as such in the report of the Working Group. By way of example, they raised the issue of the excessive length of alternative civilian service in comparison to the military service addressed in paragraph 36 of the report of the Working Group and hoped that Finland will give effect to that recommendation.

Indonesia

333. The review of Indonesia was held on 9 April 2008 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents: the national report submitted by Indonesia in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/1/IDN/1); the compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/1/IDN/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/1/IDN/3).

334. At its 14th and 15th meetings, on 9 and 10 June 2008, the Council considered and adopted the outcome of the review on Indonesia (see section C below).

335. The outcome of the review on Indonesia is constituted of the report of the Working Group on the Universal Periodic Review (A/HRC/8/23), together with the views of Indonesia concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group.

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

336. Indonesia informed the Council that it is a country of huge geographical size and archipelagic contours, with an extremely diverse ethnic, religious and cultural heritage. In its efforts to promote and protect human rights nationwide, Indonesia has been facing huge challenges in terms of the diverse levels of human resource capacity and institutional development in various regions in the now highly decentralized governance system, including two provinces which enjoy special autonomous status, namely Aceh and Papua.

337. The National Action Plan on Human Rights, along with 436 local implementing committees, has significantly contributed to nurturing a human rights culture, including among government officials. Local governments share the burden and responsibility for the promotion and protection of human rights of each individual under their respective jurisdiction. Enhancing the capacity of provincial and district authorities is imperative. The central Government is currently undertaking capacity-building programmes, including the establishment of complaint mechanisms at the district level.

338. With regard to the recommendations made by the Working Group on the Universal Periodic Review that enjoy the support of Indonesia, Indonesia stated that it considers them to be in line with the priority programmes of the promotion and protection of human rights. They are therefore being implemented through various programmes such as human rights training and education; harmonization of national legislation vis-à-vis the international norms and standards acceded to by the Government; and regional and international cooperation for capacity-building.

339. On the recommendations advocating further ratification of and accession to human rights instruments, Indonesia stated that the Government, including through its 436 local committees implementing the national action plans, and in close cooperation with members of civil society, is increasing efforts to bring together all stakeholders to develop the groundwork for such undertakings. This includes efforts to assess the readiness of stakeholders at provincial and district levels to implement certain human rights instruments.

340. In addition to the local committees' mandate to ensure the conformity of local regulations with the ratified core international human rights treaties, Indonesia stated that the Ministry of Law and Human Rights is working in close collaboration with the Ministry of Internal Affairs. Both institutions have issued a circular letter and guidelines on the harmonization of local laws with human rights standards. As a result, efforts are being undertaken consistently and systematically to bring local legislation and regulations in full conformity with universal human rights norms and standards.

341. Indonesia addressed the recommendations that it took note of during the dialogue last April. On the question of Ahmadiyah, it was stressed that freedom of religion and the practices linked to individual belief are guaranteed under the Constitution. Articles 28 E, 28 I and 29 of the Constitution state that the exercise of freedom of religion cannot be limited otherwise than by law. Moreover, legal guarantees in respect of freedom of religion and religious practice are also stipulated in various laws, specifically Law No. 39 of 1999 on human rights. Indonesia stated that, on the one hand, the doctrinal aspect of this particular religious movement has long been considered by some communities as deviant. On the other, sporadic acts of violence by a mob against members of this group have constituted public disturbance carrying with them dimensions of intolerance acts and crimes punishable by law.

342. On the doctrinal aspect of this movement, Indonesia noted that in recent years the phenomenon has created social tension in many communities in the country, which the Government is endeavouring to resolve through dialogue, such as having held a series of dialogues with the leaders of Ahmadiyah on issues such as the protection of their followers. Indonesia stated that it also continues to promote dialogue between Ahmadiyah and various related groups in order to enhance mutual understanding and respect. The second aspect relates to law enforcement regarding some intolerance and violent acts against the followers of Ahmadiyah. In this regard, the authorities have on all occasions when members of the sect have been at risk stepped in for their protection just as it is obliged to ensure the protection of ordinary citizens against violence inflicted by other citizens. Indonesia indicated that, following the attacks, the perpetrators of the violence were detained for questioning and several were brought before the law. While enforcing the law, the Government also takes into account the need to address the related social tension and to promote further dialogue among related groups.

343. In this regard, Indonesia informed the meeting that it has just issued a specific policy on the issue which takes into account the principle of freedom of religion and the observance of existing relevant laws and regulations in the country. The policy, which is in the form of a decree and was announced today, contains among others the following elements: it does not outlaw the belief, but orders its followers to halt their proselytization (*Syi'ar*) activities and to fully respect the existing laws and regulations; it appeals to the Ahmadiyah followers to return to the Islamic mainstream and at the same time appeals to the others to refrain from violent acts against them. The issuance of such a decree is never meant to be an intervention of the State in people's

freedom of religion. It is merely an effort by the Government to uphold law and public order and the protection of the followers of Ahmadiyah from criminal attack. In other words, the Government limits its role to the levels of maintaining law and order and the protection of citizens. It does not interfere with religious doctrines or limit religious freedom.

344. With regard to the recommendation to abolish the death penalty, Indonesia maintained that the issue is linked to the national legal system which unquestionably falls under the sovereign jurisdiction of individual member states. The death penalty remains part of Indonesia's positive law, namely the Indonesian Penal Code. The provision related to capital punishment was retained by decisions democratically taken through a parliamentary process. The issue has also been the subject of various public debates, and only last year was brought to the Constitutional Court for review, which decided that the application of the death penalty remains fully compatible with the Constitution.

345. Indonesia stated, however, that its belief is that the death penalty should be applied in a very selective and limited manner and only for very serious crimes. The fullest legal precautions must be applied exhaustively and the strictest criteria observed throughout the judicial process leading to a possible application of the death sentence. Indonesia stated that it supports any efforts to strengthen safeguards to prevent miscarriages of justice.

346. Indonesia stated that it attaches great importance to establishing cooperation with international human rights mechanisms, including special procedures, which may take various forms, of which country visit invitations are only one. Indonesia expressed its view that a country visit serves as an important tool for the special procedures to perform their task effectively, and may answer the need of certain member states in seeking expert advice to assist efforts. In this regard, the decision of a State as to when and what specific special procedure should be invited for a country visit will be dictated by its own needs and priorities.

347. Indonesia informed the Council that since 1991, it has received 11 different special procedure mandate holders for the purposes of a country visit as well as a number of other United Nations human rights mechanisms, as well as visits by the High Commissioner for Human Rights, comparable to those countries which have extended standing invitations. In the 11 months between December 2006 and November 2007, it has consecutively received three special procedures, namely the Special Rapporteur on the human rights of migrants, the Special Representative of the Secretary-General on the situation of human rights defenders and a second visit by the Special Rapporteur on the question of torture. Hence, Indonesia was of the view that cooperation of countries with the special procedures mechanisms should not be based on or measured merely by extending standing invitations but rather on the assessment of the added value derived from such a visit to meet the needs and priorities of the country concerned.

348. Indonesia added that the voluntary pledges and commitments offered by a country are an important feature of the promotion and protection of human rights, since they are made based on the measured abilities and resources available in that country. In this context, Indonesia stated that it places a high value on the universal periodic review as a breakthrough mechanism. It offered its voluntary commitment to disseminate information on the review process in Indonesia through the involvement of civil society and national human rights institutions.

349. Indonesia addressed some of the issues raised during the Working Group last April. It concurred that there is a need to provide additional human rights training for military and law enforcement officials, including the police and local judges. In this regard, Indonesia expressed its thanks for the generous assistance offered by the international community. In addition to various assistance programmes from regional and multilateral organizations, more countries are engaging with Indonesia in a format of bilateral human rights dialogue. Thus far, Indonesia has established such dialogues with Canada, Norway, Sweden and Japan, and indicated that it is considering extending bilateral dialogues to other Governments. Most of this dialogue has resulted in the creation of various training and educational programmes for Indonesian law enforcement, including security officers. In line with the pillar of its National Action Plan on human rights education and dissemination, a particular division in the Ministry of Law and Human Rights has been established to ensure an enhanced and comprehensive approach of its human rights education and dissemination programmes throughout the country.

350. With regard to the issue of combating trafficking in persons, pursuant to Law No. 21 of 2007, Indonesia stated that the police has increased efforts to take preventive measures, including: community policing, public campaigns and border control; legal protection through joint investigations and legal assistance for victims; rehabilitation and reintegration measures available through an integrated services centre and a harmonized procedure; capacity-building measures through training for law enforcement officers. This is conducted in close cooperation and coordination with international and regional organizations and donor countries. Currently, efforts are more focused on preventive and victim-perspective measures; however, the rising number of cases of trafficking in persons being brought before the courts is evidence of the increasing steps to criminalize this heinous act and punish the perpetrators.

351. As regards the participation of women in politics, Indonesia stated that after the adoption of Law No. 2 of 2008 on Political Parties, various measures were underway to ensure its effective implementation, in anticipation of the general elections in 2009. These include workshops on the formulation of the Provincial Strategic Plan; training for women on awareness-raising on civic education at the provincial level; political education and guidance for potential women candidates in the general elections of 2009; and public or interactive dialogue with community, traditional and religious leaders, political parties and civil societies in order to create a conducive atmosphere to enable the prescribed 30 per cent representation of women at all levels of the decision-making process.

352. Addressing human rights abuses is another urgent issue of priority to the Government. The adoption of relevant legislation such as Law No. 22 of 2002 on Child Protection; Law No. 23 of 2004 on Domestic Violence; and Law No. 21 of 2007 on Combating Trafficking in Persons are examples of Indonesia's considerable efforts to address human rights abuses, with further challenges expected in their effective implementation. In this context, Indonesia recognized the need for a continued reform process of the judiciary, including enhancing the capacity of its human resources.

353. Indonesia stressed that the Indonesian National Human Rights Commission plays an important and active role in addressing violations of human rights. As part of its mandate, the Commission has the task of undertaking "pro-justicia" investigations of serious human rights violations. Created by Presidential Decree in 1993, it has been strengthened by subsequent legislation which also ensures its independence. It has regional offices in various parts of

Indonesia and by law is one of the most powerful commissions in the world. In addition, the Commission has established cooperation with various countries and received assistance from many donors.

354. Working closely with the Constitutional Commission and the various non-governmental organizations, Indonesia is undertaking a judicial review of Law No. 27 of 2004 on the Truth and Reconciliation Commission. Given the importance of an inclusive and fully participatory approach, intensive socialization and consultation on this process are currently under way. Indonesia also informed the meeting of efforts to revise Law No. 39 of 1999 on Human Rights and Law No. 26 of 2000 on the Human Rights Court, with a view to strengthening the judicial process in addressing human rights violations.

355. Indonesia stated that while it is aware of the long process involved in the comprehensive revision of the Penal Code, the Government is currently considering the amendment of article 351 of the Code on ill-treatment. In particular, this amendment will bring the formulation of the Code to cover the crime of torture as defined in the Convention against Torture, an instrument to which Indonesia is a party.

356. Indonesia stated that most of the points raised by other stakeholders were sufficiently addressed in its statement. Indonesia responded to the criticism levelled at the Government by the Komnas-HAM. As already stated, its legal foundation makes it one of the strongest commissions. While acknowledging that it is funded by the State budget, the Commission has never been prevented from criticizing the Government in any forum, including in this Council.

357. Concerning the criticism on the way the Government has handled the issue of Ahmadiyah, Indonesia reiterated that it has never interfered in interpreting religious doctrine or limiting religious freedom in the country. The Ahmadiyah issue is not simply a question of freedom of religion. Extra caution is needed since this issue is highly sensitive and involves dual aspects. On the one hand, the Government is responsible for promoting a harmonious life among religions and their believers. On the other hand, the Government is mandated to uphold law and order, and committed to eradicate extremism and radicalism.

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

358. Algeria commended Indonesia on its cooperation and commitment to promote and protect human rights and address the complex challenges it faces in this respect. Algeria thanked Indonesia for its transparent participation and genuine dialogue, which shows its commitment to progress in its human rights obligations. It is a responsibility to create a conducive atmosphere to support the Government in doing so. Indonesia's willingness to accept the universal periodic review recommendations based on the mutually reinforcing recommendations of treaty bodies, special procedures and civil society contribute to the effectiveness of the universal periodic review. Algeria noted Indonesia's acknowledgement of the need to continue human right training and education for security and law enforcement officials as well as the ongoing efforts to protect women and children. In line with the National Plan of Action, Algeria commended Indonesia on its willingness to work towards acceding to the Optional Protocol to the Convention on the

Rights of the Child on involvement of children in armed conflict, for empowering a vibrant civil society, for involving national human rights institutions in the ongoing consultation and for involving the civil society in this process until the next universal periodic review.

359. Tunisia congratulated Indonesia for the determination it showed in the promotion and protection of all human rights and for the measures taken to follow up on recommendations of the Working Group, as well as for identifying challenges in the promotion and protection of human rights. It encouraged Indonesia to follow up on its efforts to promote and protect human rights.

360. Qatar noted the cooperation and measures taken to promote and protect human rights. In the midst of the ongoing reform process, Qatar greatly appreciates Indonesia's commitment to continue its efforts in the field of human rights and to face the complex challenges. In line with the objectives of the universal periodic review and General Assembly resolution 60/251, there is a collective responsibility to support Indonesia's efforts to fulfil its commitments. The recommendations of the Working Group supplement the recommendations made by the treaty bodies. Qatar encouraged Indonesia to continue to search for proper means to implement the recommendations and focus on education and training in human rights, particularly for law enforcement officials, as well as its efforts to protect rights of women and children. Qatar further called on all to provide appropriate assistance to Indonesia to implement recommendations of the Working Group.

361. Pakistan noted that the reform process has brought many important and commendable changes in the human rights structure, and that the challenges are complex but the determination of Indonesia to fight them is noteworthy. The universal periodic review mechanism envisages a comprehensive and collaborative approach to dealing with individual human rights situations, and Indonesia should be encouraged to implement its human rights obligations taking into account the recommendations of treaty bodies and special procedures. Pakistan noted that it is important that security and law enforcement officials receive training in human rights law and the implementation of human rights standards, particularly relating to the protection of women and children. Pakistan appreciates the acknowledgement of challenges and resolves to overcome them. It will continue to deepen its bilateral cooperation with Indonesia.

362. The Islamic Republic of Iran expressed its appreciation to Indonesia for the commitment to further progress in its efforts to promote and protect human rights and to address its complex challenges. It also commended Indonesia on its strong commitment and positive approach to the universal periodic review, and noted the common responsibility to create a conducive atmosphere to support the Government's endeavours to continue progressing towards the implementation of its human rights obligations. There was a need to focus on continued human rights training and education for, inter alia, security and law enforcement officials as well as on ongoing efforts to protect women and children.

363. Bahrain welcomed positive steps taken by Indonesia within the reform process, which reflects its unceasing efforts to promote and protect human rights. The universal periodic review must be cooperative, aimed at enabling the State under review to promote and protect human rights in a better way. Bahrain noted the common responsibility to create an enabling

environment aimed at progress. Bahrain noted that recommendations included the need for training and education in the field of human rights and commended Indonesia on its efforts regarding women and children. Bahrain also appreciated the transparent and open method in expressing continuing challenges.

364. The universal periodic review process has enabled Cuba to learn first-hand from the experience and challenges of Indonesia and appreciates the additional information provided at the present meeting. In order to correctly assess results achieved, it is necessary to take into account the specific situation of the country. Indonesia is a developing country which must deal with challenges in terms of resources. The efforts developed in this context are thus even more worthwhile. Indonesia has implemented its national plan of action, and highlighted the priority given to eradicate poverty and the promotion and protection of the rights of women and children. Cuba noted the substantial progress made regarding civil and political rights, especially regarding strengthening democracy, as well as economic, social and cultural rights, regarding particularly education and employment. Indonesia's performance shows the importance of protecting the human rights of its people, which should be applauded. Indonesia has shown political determination.

365. The Syrian Arab Republic has listened with interest about the steps taken regarding the recommendations made to promote and strengthen human rights in the framework of the universal periodic review. Important steps have been taken in promoting and strengthening all human rights while preserving the specificities of cultural diversity and religious tolerance, and the Syrian Arab Republic commended Indonesia on these steps, which should not go unnoticed.

366. Azerbaijan noted that the reform process is still ongoing, and expressed appreciation for the commitment of Indonesia to further progress in making efforts to promote and protect human rights and to address its challenges. It also took due note of consultations conducted with representatives of civil society and national institutions, and was encouraged by continued efforts to publicly disseminate and discuss the universal periodic review and the national report with representatives of civil society at the local level in the provinces. Azerbaijan shared the need to focus on the inclusion of the crime of torture in the new draft criminal code, the continued human rights training and education for security and law enforcement officials, as well as measures directed towards protecting women and children.

3. General comments made by other relevant stakeholders

367. The Indonesian National Human Rights Commission welcomed the conclusions and recommendations of the Working Group on the importance of strengthening the national human rights institution. It noted that the Committee on the Rights of the Child and the Committee on the Elimination of Racial Discrimination observed the insufficient impartiality and independence of Komnas HAM, as also mentioned during the review process. Komnas HAM recommended that this should include an effort to guarantee its impartiality and independence and appreciated that many fundamental human rights issues were raised during the review process, including the issue of protecting religious minorities. Komnas HAM was of the view that all regulations that are not in line with the Constitution should be removed or amended. It further welcomed the conclusion or recommendation reaffirming Indonesia's commitment to combat impunity and encouraging it to continue its efforts to combat impunity. In its view, combating impunity should become a voluntary commitment of Indonesia.

368. Franciscans International, also on behalf of Pax Romana and Dominicans for Justice and Peace (Order of Preachers), wished to acknowledge the questions raised by various States on the situation of human rights in West Papua, noting however that these questions remained unanswered and that any specific mention of West Papua was avoided in the recommendations. The organizations further encouraged Indonesia: to follow-up on the recommendation to issue a standing invitation to all special procedures, including to visit West Papua; to urgently ratify the Optional Protocol to the Convention against Torture; to prosecute without delay those responsible for gross human rights violations in Timor-Leste, in particular those who currently operate in Aceh and in West Papua; and welcomed Indonesia's renewed commitment to adopting a definition of torture in the Criminal Code in accordance with the Convention against Torture. The organizations further noted that the universal periodic review has indicated to Indonesia the way to fully comply with human rights treaty standards. Indonesia must engage in a frank and open dialogue in order to address all outstanding human rights concerns, particularly in West Papua.

369. In a joint statement, the International NGO Forum on Indonesian Development and Pax Romana expressed appreciation for the universal periodic review process, noting that several important issues had been raised during the dialogue, while others were not adequately addressed by the Indonesian delegation. With regard to the voluntary commitments made by Indonesia, they regretted that Indonesia had only made one commitment to continue the socialization of the universal periodic review in cooperation with civil society and Komnas HAM. They also welcomed the recommendations made during the review which would be implemented by Indonesia to further the protection of human rights in the country. They expressed their appreciation to the Ministry for Foreign Affairs for having accepted the request to facilitate a dialogue between the Coalition of Indonesian Human Rights NGOs and various State agencies on the report of the universal periodic review on Indonesia, which was held in Jakarta on 26 May 2008 and led to the agreement to make the following two additional voluntary commitments: to incorporate a definition of torture into the Indonesian Criminal Code in accordance with the Convention against Torture; and to combat impunity by improving the legal and institutional framework in order to have a credible Human Rights Court and Truth and Reconciliation Commission to bring justice to the victims of human rights violations. They had hoped that these additional voluntary commitments would be adopted during the plenary session.

370. The Asian Legal Resource Centre welcomed the acknowledgement of many of the serious human rights concerns in Indonesia, including the need for the criminalization of torture. However, it regretted the lack of any clear agreement by the Government to take decisive, timely action concerning this issue and further regretted the lack of a commitment by the Government to address the problems of impunity and the ongoing violations in Papua as a result of the universal periodic review process. The Asian Legal Resource Centre welcomed Indonesia's offer to include criminal investigation units from the national police in future delegations to the Council and treaty body sessions. It also expressed concern about claims in the report of the Working Group that Komnas HAM is an independent body. Concerning the outcomes on Papua, the Government had claimed an improvement in the situation of its indigenous people, but the organization noted that civil society reports from Papua starkly contradict this view. The Asian Legal Resource Centre remains seriously concerned about the security of human rights defenders and civil society organizers in the region and indicated that human rights remain a taboo in

Papua and Poso. It indicated that the role of the Attorney General's Office in ensuring impunity remains a key obstacle in the country and regretted that the universal periodic review failed to identify the problem and make recommendations in this regard.

371. In a joint statement, the World Organization against Torture and Human Rights First noted that the report of the Working Group focuses on plans and institutions, but does not fully address their impact. Questions, responses and recommendations failed to note that the effectiveness of the National Human Rights Commission has been severely limited in recent years, due in part to an impasse with the military and Parliament. The organization further recommended that Indonesia take concrete measures to end impunity, such as legislative and executive measures to resolve the impasse at the National Human Rights Commission; to assign individual responsibility for crimes against humanity in Timor-Leste; to reform the Human Rights Court system to ensure prosecution of serious past and present human rights violations; and to revise the criminal code to include a clear definition of torture and appropriate penalties.

372. Amnesty International welcomed the call made to the Government during the review to support and protect human rights defenders in Indonesia. It noted that human rights defenders in the province of Papua operate in a climate of fear and that their activities are restricted by a heavy presence of security personnel. It called on the Government to guarantee the rights to freedom of expression and assembly in Papua and Maluku provinces, and to ensure that the police and the military are aware of the legitimate role of human rights defenders and their responsibility to protect them. Amnesty International welcomed Indonesia's commitment reaffirmed during the review to combat impunity, however it noted that despite the creation in 2000 of a human rights court to deal with gross human rights violations, the Government has failed to bring to justice those responsible for such violations.

373. On behalf of the Asian Forum for Human Rights and Developments (Forum-Asia) and the Indonesian NGO coalition that submitted reports and contributed to the universal periodic review process, Forum-Asia expressed their appreciation to all members and observers of the Working Group that raised critical comments reflecting the most pressing human rights issues in Indonesia. On combating extreme poverty, Forum-Asia noted that the number of Indonesians living in extreme poverty has increased significantly in the last few years despite the implementation of recent policies. On the protection of minorities, Forum-Asia indicated that the Coordinating Body to Monitor Beliefs within Society has become a serious threat to the protection of religious minority rights including Ahmadiyah, as it has been accompanied by a wave of violent acts by religious extremist groups who have increased attacks against religious minorities and supporters of religious pluralism over the last eight months. Forum-Asia further noted that it deeply regretted the recent decision of the Indonesian Government to partially ban Ahmadiyah activities, as this might become the justification for the religious extremist group to attack the Ahmadiyah followers and pro-pluralism group. Finally Forum-Asia encouraged the Council and its members to closely monitor the progress made in implementing the recommendations, and to develop a concrete and measurable follow-up mechanism to the review process.

4. Views expressed on the outcome by the State under review and concluding remarks

374. Indonesia stated that most of the points raised by other stakeholders were sufficiently addressed in its statement. Indonesia responded to the criticism levelled at the Government by the Komnas-HAM. As already stated, its legal foundation makes it one of the strongest commissions. While acknowledging that it is funded by the State budget, the Commission has never been prevented from criticizing the Government in any forum, including in this Council.

375. Concerning the criticism on the way the Government has handled the issue of Ahmadiyah, Indonesia reiterated that it has never interfered in interpreting religious doctrine or limiting religious freedom in the country. The Ahmadiyah issue is not simply a question of freedom of religion. Extra caution is needed since this issue is highly sensitive and involves dual aspects. On the one hand, the Government is responsible for promoting a harmonious life amongst religions and their believers. On the other hand, the Government is mandated to uphold law and order, and committed to eradicate extremism and radicalism.

376. In closing, Indonesia extended its gratitude to the members of the Council, observer States and other participating stakeholders for their active involvement leading up to the adoption of the Working Group report. Indonesia reaffirmed its full support to the universal periodic review mechanism and its follow-up process. The exercise is intended to achieve the final objectives of, inter alia, the improvement of the situation on the ground and ensuring that the principles of universality, interdependence and indivisibility are fully upheld. It also observed that the review mechanism so far has been successful in reviewing the obligations, commitments and performance of all countries without exception, placing them all on an equal footing. The exercise has been a precious opportunity for Indonesia to take stock of its current position in human rights fields as well as a chance to test the efficiency of this mechanism. In this regard, Indonesia expressed its hope that the genuine dialogue that was shown so far will continue in good faith.

377. Indonesia hoped that the explanations provided would enhance the understanding of the complex challenges it faces in its endeavours to promote and protect human rights. In this respect, it expressed its sincere appreciation for the comments, observations, and criticisms made by the distinguished delegations of member States, observers and the national human rights institutions as well as non-governmental organizations. Indonesia valued these inputs, as it considers them to be reflections of the common responsibility and the need to witness further progress in the promotion and protection of human rights in Indonesia.

United Kingdom of Great Britain and Northern Ireland

378. The review of the United Kingdom of Great Britain and Northern Ireland was held on 10 April 2008 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents: the national report submitted by the United Kingdom in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/1/GBR/1); the compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/1/GBR/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/1/GBR/3).

379. At its 15th meeting, on 10 June 2008, the Council considered and adopted the outcome of the review on the United Kingdom (see section C below).

380. The outcome of the review on the United Kingdom is constituted of the report of the Working Group on the Universal Periodic Review (A/HRC/8/25), together with the views of the United Kingdom 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/8/25/Add.1).

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

381. The representative of the United Kingdom of Great Britain and Northern Ireland referred the meeting to the document reflecting its response to the recommendations made to the United Kingdom during its universal periodic review on 10 April 2008 and stated that they are also available on the Council extranet. This document is available under symbol A/HRC/8/25/Add.1.

382. The United Kingdom stated that it gave serious consideration to every recommendation and considered whether acceptance would improve and extend the delivery of human rights in the United Kingdom and in its Overseas Territories.

383. The United Kingdom stated that it accepts the great majority of the recommendations either in full or in part, and explained the reasons for not having accepted some of the recommendations, which were a minority of them. It acknowledged that while development of human rights is seldom an easy or straightforward option for Governments, it believed this endeavour to be a vital test for good government.

384. After stating its view that the universal periodic review offers a genuine opportunity for States to take a serious, self-critical look at their own human rights situation, it expressed its appreciation for the positive and supportive response received from other States, and thanked the President of the Council, the members of the troika, civil society and United Nations stakeholders.

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

385. Algeria thanked the United Kingdom for accepting to address the high incarceration rate of children, while it encouraged the United Kingdom to review more thoroughly the painful techniques applied to children and to harmonize them with their human rights obligations. It thanked the United Kingdom for acknowledging that legislation on freedom of expression and opinion should be in harmony with human rights obligations and for agreeing that pretrial detention should never be excessive. It noted that the claim that the Counter-Terrorism Bill allowing for pre-charge detention of over 40 days in the United Kingdom is hard to reconcile with the Human Rights Committee's recent upbraiding of Algeria for increasing pretrial detention from 9 to 12 days. It regretted that no action is taken to accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their

Families, and that there was no acceptance of access to prisons by the International Committee of the Red Cross. It commended the United Kingdom on accepting to comply fully with its obligations under the International Covenant on Civil and Political Rights and the Convention against Torture, while it affirmed that the United Kingdom is under an obligation to extend these instruments to all overseas territories under the United Kingdom's control.

386. Nigeria congratulated the United Kingdom on its constructive spirit towards the universal periodic review, which it deemed worthy of emulation. Nigeria further welcomed the fact that the United Kingdom recognizes that economic, social and cultural rights are as important as civil and political rights, and that they are interdependent and indivisible.

387. Pakistan took note of the fact that the United Kingdom decided not to respond during the review to any of the recommendations made and welcomed the comprehensive responses to these recommendations. Pakistan noted the statement made by the United Kingdom as regards the review process, which should be taken as a tool for critical and constructive self-analysis. In this regard, Pakistan noted that the United Kingdom's willingness to accept most of the recommendations indicates that it is prepared to accept the challenge of implementation of relevant conclusions and recommendations, which are consistent with its national priorities and the set of accepted norms. Pakistan noted that the number of recommendations not accepted has found some explanation, which reflects the understandable divergence of views on issues which are, nevertheless, important. Pakistan expressed the hope that the United Kingdom will continue to intensify its efforts to harmonize and implement some of its recently enacted laws with international human rights standards.

388. The Russian Federation noted with satisfaction that all the recommendations it made had been accepted by the United Kingdom, which had also provided quite detailed answers on substantive matters. The way in which the review took place on the United Kingdom and the written answers received, yet again clearly asserted the fact that there are no ideal countries from the point of view of the observance of human rights. It noted that the United Kingdom is one of the oldest democracies, and that it is today confronted with a whole series of new challenges such as, for example, the fight against the terrorist threat; that it is not always possible to manage in respect of the highest human rights standards. It noted that the capacity to acknowledge existing problems and to adopt steps to eliminate these is one of the preconditions for advancement of the common goals of the universal and comprehensive promotion and protection of human rights.

3. General comments made by other relevant stakeholders

389. The International Save the Children Alliance called on the United Kingdom to establish adequate institutional frameworks for the promotion and protection of children's rights. It stated that the United Kingdom must withdraw its reservations to the Convention on the Rights of the Child as it is clear that its general reservation concerning immigration and citizenship is against the object and purpose of the Convention. It welcomed the Government's current review and urged it to remove the general reservation as soon as possible. It stated that the United Kingdom must introduce with urgency clear and non-equivocal legislation which fully prohibits physical punishment in the home, the International Save the Children Alliance also stated that the

Government must fully protect asylum-seeking children and separated children who need a guardian so that they receive the support they require. The detention of children with their families in immigration removal centres continues. It added that the juvenile justice systems continue to violate standards of the Convention on the Rights of the Child; the age of criminal responsibility is much too low, custody is not used as a last resort, and anti-social behaviour legislation allows children to be named and shamed in public despite the Committee on the Rights of the Child urging the Government to ensure that it respect the privacy of children in trouble with the law. Finally, it strongly urged the Government to accept all recommendations made in the course of its review and to commit to implement them urgently. The United Kingdom should also organize regular follow-up meetings between non-governmental organizations and all relevant Government departments, and report annually to the Council on progress being made.

390. Amnesty International welcomed many of the recommendations made by States to the United Kingdom, including the call to review all counter-terrorism legislation to ensure that it complies with the highest human rights standards; to reduce, rather than extend still further, the maximum period of pre-charge detention for terrorism suspects; and to recognize that all persons arrested or detained by United Kingdom armed forces, wherever and whenever that may be, should be entitled to the full protection of the human rights instruments to which the United Kingdom is a party. Given the prominence of the issue of counter-terrorism in the interactive dialogue, Amnesty International noted with surprise that recommendations did not specifically refer to the United Kingdom's reliance on so-called "diplomatic assurances" to facilitate the return of individuals to States where they face the risk of grave human rights violations, including torture or other ill-treatment. Amnesty International expressed the belief that the use of such assurances undermines the absolute prohibition of torture and had urged the United Kingdom and others not to rely on such assurances. Amnesty International called on the United Kingdom to carry out effective, independent and impartial investigations into incidents where the actions of the police and other State agents may have led to violations of the right to life or of the right to be free from torture and other ill treatment. Amnesty International urged the United Kingdom to commit to repealing the Inquiries Act 2005 and to creating, in its place, a genuinely independent mechanism for judicial inquiries into serious allegations of human rights violations.

391. The Islamic Human Rights Commission congratulated the Council on the conclusions and recommendations forwarded, which reflected also many of its concerns. It expressed deep concern with the ever-increasing time of pre-charge and pretrial detention, which it had raised several times in consultations with the Government. It was especially concerned since the next day the bill increasing pre-charge detention from 28 to 42 days would be put to Parliament. It stated that the need for this has never been identified, and noted that Britain has the longest pre-charge detention limit in a liberal democracy. It urged the Government to refrain from this unnecessary damaging policy, and also recommended reviewing the anti-terrorism law in the light of the highest human rights standards. It expressed concern about the implementation of anti-terror laws which has resulted in racism and religious profiling, which, it noted, is evidently disproportional in the stop and search statistics.

4. Views expressed by the State under review on the outcome and concluding remarks

392. In closing, the representative of the United Kingdom stated that the delegation would reflect comments made during the meeting back to colleagues in the capital. On the issue of pretrial detention, the Council was referred to the document circulated which provides detailed responses to concerns, and the representative reiterated that the proposal regarding pretrial detention is the subject of significant public and parliamentary debate. The proposal to move to 42 days is a reserve power, only to be used in specific circumstances set out in the legislation. The power is temporary and detention is subject to stringent judicial safeguards, including the approval of a judge, at least every seven days. The proposal in the counter-terrorism Bill will enable the limit to be extended if there is a clear operational need to do so because of a grave exceptional terrorist threat to the United Kingdom. The representative also thanked Nigeria for acknowledging the United Kingdom's position that it considers economic, social and cultural rights to be as important as civil and political rights, and that all rights are mutually interdependent and interrelated. In response to Pakistan's reference to paragraph 23 of the report of the Working Group, he stated that the response of the Minister can be found in paragraph 25 of the same report. Regarding the intervention of the Russian Federation, the Minister had made it clear during the review that it is necessary to protect public safety and national security, while stressing the need to ensure full respect for human rights. Finally, the representative of the United Kingdom thanked the representatives of civil society who had taken the floor during the meeting, and re-affirmed commitment to civil society participation in the follow-up process.

India

393. The review of India was held on 10 April 2008 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents: the national report submitted by India in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/1/IND/1 and Corr.1); the compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/1/IND/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/1/IND/3).

394. At its 15th meeting, on 10 June 2008, the Council considered and adopted the outcome of the review on India (see section C below).

395. The outcome of the review on India is constituted of the report of the Working Group on the Universal Periodic Review (A/HRC/8/26), together with the views of India concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/8/26/Add.1).

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

396. The Head of Delegation and Permanent Representative of India to the United Nations Office at Geneva stated that the present deliberations will conclude the first phase of a very productive process which India embarked upon with the preparation of its national report some

six months ago. He explained that during the interactive dialogue of the universal periodic review of India, which was held on 10 April 2008, the Indian delegation, at that time, had been constituted in keeping with the importance of the occasion as well as the broad range of issues that were likely to come up given the diversity and size of India. The delegation included the Solicitor General of India and representatives from a number of relevant ministries and departments. He stated that the interactive dialogue was very rich and productive and witnessed the participation of a large number of States members and observers of the Council. India had tremendously benefited from that process by learning how its efforts for the realization of human rights for its people were viewed and assessed by the international community. It was indeed a matter of great satisfaction that there was a clear and positive recognition of India's efforts and that many of the initiatives it had launched were viewed as example of best practices.

397. He stated that a number of recommendations were made by delegations during the interactive dialogue, which were recorded in the report of the Working Group. India had carefully examined these recommendations in consultation with the concerned ministries and departments. It also examined them with an open mind to constructively assess how their acceptance and implementation could contribute positively to India's efforts to secure human rights for its people. The Head of Delegation referred to the written response of India (A/HRC/8/26/Add.1), which indicates India's position on these recommendations, while accepting a majority of them.

398. The Head of Delegation stated that while the universal periodic review was primarily an intergovernmental process, it had been designed to facilitate the effective participation of non-governmental organizations and national institutions. He added that these other stakeholders have thus far participated in the universal periodic review of India in an indirect manner and looked forward to listening to their views on the outcome, which will receive India's due consideration.

399. India looked at the universal periodic review as a continuous process and not a one-time exercise. The present deliberations marked the conclusion of the first phase of its work and the commencement of the second phase, during which India will pursue the implementation of recommendations that it had accepted here. The Head of Delegation stated that the commitment of India is not limited to these recommendations. India's vibrant democratic polity required it to continuously pursue higher norms and standards, in the area of human rights as well as development. The delegation was confident that India will have significant progress to report in its pursuit of human rights at the time of its next review.

400. He also conveyed the delegation's appreciation to the troika members, the representatives of Ghana, Indonesia and the Netherlands, for their constructive approach in the preparation of the report of the Working Group on the review of India and thanked OHCHR for its excellent organization of and support to this process.

2. Views expressed on the outcome by States members and observers of the Council

401. Nigeria congratulated India for being one of the pioneer set of States to undergo the universal periodic review and commended it on the efforts and the positive developments recorded since its review was conducted. Nigeria underlined that India, as the world's largest

democracy, with a multicultural, multi-ethnic and multilingual population, should be commended on its efforts at achieving remarkable success in guaranteeing human rights and civil liberties for its citizens. It commended the Indian Government on its deliberate policy to strike a much needed balance between the human rights agenda and development issues and expressed hope that the universal periodic review will afford India an opportunity to periodically review the implementation of its human rights obligations for the benefit of all its citizens.

402. The Netherlands, highlighting its role as a troika member during the review of India, congratulated India on the professional way in which it conducted its review. The Netherlands expressed gratitude for its responses during the session and suggested that India, before the next review in four years time, voluntarily undertake to inform the Council on the progress made on the recommendations agreed to during the Working Group as well as, where appropriate, developments regarding the recommendations that it did not agree to, or could not yet agree to, as is the case for recommendations Nos. 7 and 9 and the signing of Conventions Nos. 138 concerning Minimum Age for Admission to Employment and 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour of the International Labour Organization, as well as regarding the reservation to article 32 to the Convention of the Rights of the Child.

403. The United Arab Emirates welcomed the adoption by the Government of India of the conclusions and recommendations made during the review. It commended India on allowing national civil society to participate in the follow-up to these conclusions and recommendations, which shows India's spirit of democracy and transparency. It also commended India on its decision to ratify a number of human rights treaties and its openness to international monitoring and to recommendations made by agencies in the field of human rights, in particular regarding the rights of women and children. The United Arab Emirates also noted that India is a vast and multicultural country, which may constitute a challenge for the promotion of human rights. It called on the Council to appreciate all the efforts made by India to preserve its deep-rooted democracy, eradicate poverty, improve economic and social circumstances and further promote education and development. The United Arab Emirates hoped that India will find all the necessary support and assistance from the Council to implement all the recommendations.

404. Qatar expressed its appreciation for India's cooperation with the Council and the steps taken for the promotion of all human rights and for the implementation of the recommendations, in spite of the challenges faced. Qatar stated that India, after accepting most of the recommendations presented by the Working Group, has taken measures aiming at signing and ratifying some international instruments. It has accepted to implement article 16 of Convention on the Elimination of All Forms of Discrimination against Women and of the Optional Protocol thereto. India is one of the first signatories of the Convention on the Protection of All Persons from Enforced Disappearance and is determined to ratify it. It is working on the elaboration of a national plan of action on human rights, in particular in relation to the rights of women and children, and on the ratification of the Convention against Torture and the International Labour Organization Conventions Nos. 138 and 182. This series of reforms demonstrates the commitment of India to all human rights. Qatar reiterated its appreciation for the achievements accomplished and called on India to continue the reform process for the benefit of all its citizens.

405. China thanked the Indian delegation for the seriousness of its responses to the outcome of the review, which fully demonstrates the importance it attaches to the universal periodic review mechanism. It congratulated India for the rapid economic growth achieved over recent years which has improved the livelihood of its people. India has not only established a comprehensive national system for the protection of human rights, but also adopted effective measures to promote human rights and respond to various challenges. China appreciated the special measures adopted to protect minorities and all vulnerable groups. It believed that India will, in the light of its national circumstances, take into consideration and follow up on the recommendations put forward in an open and constructive manner. It was also convinced that in four years time, India will have achieved more progress in the field of human rights.

406. Sri Lanka appreciated the exemplary manner in which India subjected itself to the universal periodic review and commended it on the open, frank, constructive and practical approach it has adopted in responding to the recommendations made during the session of the Working Group. It noted that during the review, India's numerous efforts and initiatives in the field of human rights were recognized as examples of best practices by many delegations. Sri Lanka appreciated India's responses to recommendations Nos. 8 and 10 made by Mauritius and Algeria, and looked forward to learning more from India's experience. Sri Lanka shared India's view that the lack of adequate resources and insufficient national capacity in developing countries' handicap and the ability of the State to secure the full enjoyment of civil and political rights. Despite challenges and constraints, India's commitment and achievement in nurturing a diverse and multifaceted society is a model.

407. Morocco thanked the delegation for the clear presentation of the measures taken to implement the recommendations of the Working Group, which demonstrates India's commitment to human rights and to the strengthening of the Council and its new mechanism. India continues to be a model of a living, dynamic and tolerant democracy. The work accomplished in the field of economic and social development and human rights is noticeable despite objective difficulties. Morocco particularly appreciated that India has adopted a national plan of action for human rights education, and encouraged it to continue its sustained interaction with the Council and its mechanisms.

408. Ghana commended India on its cooperation and openness during the review process. As a member of the troika for India's report, it noted the seriousness with which India undertook the exercise, which reflects India's commitment to human rights. Ghana believed that the final report and the various recommendations which have been accepted will contribute further to the strengthening of the protection and promotion of human rights on the ground.

3. General comments made by other relevant stakeholders

409. The National Human Rights Commission of India highlighted its role in advocating the effective participation of national human rights institutions in the Council, which resulted in Council resolution 5/1. The Commission stressed that it is in constant dialogue with the Government on this issue, and explained its role as an independent mechanism to monitor reported cases of torture in custody and the manner in which custodial deaths are dealt with. It also underlined its role in advocating the right to education. On the progressive implementation of children's rights and the elimination of child labour, it was highlighted that despite India's non-ratification of International Labour Organization Conventions Nos. 138 and 182, the

concerned Government department has committed to their gradual implementation. It also noted its contribution in the fight against discrimination of socially backward and other vulnerable sectors of the population, such as women and disabled persons.

410. The International Movement against Discrimination and All Forms of Racism, Lutheran World Federation, Pax Romana and the Commission of the Churches of International Affairs of the World Council of Churches, in a joint statement, noted the recommendations made by a number of States in the outcome report, which addressed the issue of caste-based discrimination, giving a strong message to India about the international concern at the persistence of this form of discrimination affecting more than 167 million Dalits daily. They welcomed India's acceptance to take into account the recommendations made by treaty bodies and special procedures in developing its national action plan for human rights. They looked forward to the inclusion in this plan of measures to combat severe violations of Dalit rights and for the expansion and improvement of existing statistics on scheduled castes. An appeal was made to the Indian Government to effectively utilize the universal periodic review and its follow-up to strengthen human rights education initiatives, especially to address gender-based discrimination and to respond to the concerns of the Council regarding caste based discrimination.

411. Action Canada for Population and Development, the Federation for Women and Family Planning and the Latin American Committee for the Defence of Women Rights, in a joint statement, noted their appreciation for the statement of the Indian Government as reflected in paragraph 84 of the Working Group outcome report and welcomed the understanding that it is not homosexuality, but homophobia which is a western import. The Indian Government was urged to do more on this issue, including by enacting civil rights legislation banning discrimination on the grounds of sexual orientation and gender identity and repealing section 377 of the Indian Criminal Code.

412. The International Human Rights Association of American Minorities referred to recommendations made, including that India ratify the International Convention on the Protection of All Persons from Enforced Disappearance, stating that persons had disappeared in territories under India's control and mass graves had recently been found in Jammu and Kashmir. Noting the relevance of the recommendation that India should immediately receive the Special Rapporteur on the question of torture, it stated that persons belonging to minority groups were incarcerated on unsubstantiated charges of terrorism. The importance of the issue of impunity was also highlighted, in particular with regard to the killings of Muslims in the Gujarat massacre in 2002, as well as the call for extending a standing invitation to all special procedures in the context of the situation in Jammu and Kashmir and the North East, and in relation to Muslims and Dalits.

413. Amnesty International questioned the statement made by India that the National Human Rights Commission is as powerful and independent as India's Supreme Court, expressed its concern about the independence and authority of the Commission since its establishment in 1993 and following the 2006 amendments to the Protection of Human Rights Act, and called on the Government to give the Commission more authority, a broader mandate and adequate resources. Amnesty International stated, inter alia, that the Armed Forces Special Powers Act continued to grant de facto impunity to members of the armed forces. It called on the Government to commit itself to ending impunity for human rights violations by the police and security forces and to remove all legislative provisions which might prevent accountability for such violations.

414. The International Islamic Federation of Student Organizations referred to concerns about torture, summary executions and minority rights mentioned in the recommendations made for India. It highlighted the need to ratify the Convention against Torture and to give the Special Rapporteur on the question of torture access to India to investigate pending complaints. The issue of impunity was also stressed, particularly in regard to the killings of Sikhs in 1984 and the massacre of Muslims in 2002.

415. Interfaith International stated that torture is a prevalent issue in India and is a tool frequently used against minorities and low castes in order to extract desired confessions. It stated that it will be in order for India to ratify the Convention against Torture as well as to provide the Special Rapporteur on the question of torture with unhindered access to India to investigate complaints of torture particularly in the North East of India and the Punjab. Discrimination against low castes and the need to recognize casteism as a form of racism were also highlighted as issues for India to address. Reference was made to the work of the Government appointed committee to investigate the issue of impunity under the Armed Forces Act, which recommended the Act's abrogation and that this recommendation had not yet been implemented. It stated that the issue of impunity was associated with the killings of Sikhs in 1984 and the massacre of Muslims in Gujarat in 2002. It recommended that all special procedures pay increased attention to these issues.

4. Views expressed on the outcome by the State under review and concluding remarks

416. Following concluding remarks were made by India on the outcome of the review. The Head of Delegation thanked everyone for their presence and participation as well as for their warm expressions of friendship and goodwill for India. India reciprocated those sentiments.

417. The delegation had listened carefully to all the statements made, including those by non-governmental organizations and the National Human Rights Commission of India. He stated that India was encouraged by their active participation in the debate and the fact that many non-governmental organizations from India were able to come all the way to Geneva to participate in this meeting was reflective of the vibrancy of India's civil society. A number of issues were raised in those statements. Where issues had already been addressed by India in the interactive dialogue, he invited participants to refer to the report of the Working Group and to its response to the recommendations made during the interactive dialogue. He proceeded to make some general remarks and broad observations on some issues.

418. India was conscious of its human rights challenges; no country in the world can claim a perfect human rights record and India did not claim to have one. Implementation in a country as vast, populous and diverse as India was always a challenging task and there would always be some instances resulting in human rights violations. What was important, he said, was to have in place an effective institutional framework to address such violations. India's democratic polity with an independent and impartial judiciary, free and independent press, a vibrant civil society and powerful and independent National Human Rights Commission, provided the requisite framework for the promotion and protection of human rights. A range of legislative and administrative measures had been taken to seek improvement in all aspects of human life. India has persevered diligently and would continue to do so; it was a work in progress. India remained open to suggestions and advice. In this regard, the delegation had carefully noted the

observations and suggestions made by participants during the course of the discussion today and would give them due consideration with an open mind. However, this would have to be done within the parameters set out by the Indian Constitution which was among the most progressive in the world.

419. The Head of Delegation explained that many of the human rights challenges that India faced were rooted in poverty and underdevelopment. India was committed to the realization of the right to development of its people and was conscious of the obligations for the State arising from it. India sought to pursue this right by providing an environment for inclusive and accelerated growth and social progress within the framework of a secular and liberal democracy. Through a combination of offering entitlements, ensuring empowerment and stepping up public investment, the Government has sought to make the growth process more inclusive. To give a new impetus to its efforts for the realization of the right to development for its people, India had launched several new and ambitious initiatives in the areas of employment, education, and health. Further, in order to ensure that benefits of these schemes reached the people, a major step for empowerment of people has been taken through the enactment of the Right to Information Act, which was a very strong tool available to the people to ensure accountability of the Government. It had led to transparency, accountability and openness in the governmental process.

420. With reference to some specific issues, he stated that many delegations referred to the issue of discrimination against members of scheduled castes and scheduled tribes communities. India had been deeply conscious of the need to empower the scheduled castes and scheduled tribes and was fully committed to tackling any discrimination against them at every level. He stated that an impressive array of constitutional, legal and administrative measures have been taken to empower the traditionally disadvantaged sections of Indian society.

421. The Head of Delegation spoke of the need to clarify one misconception often noticed among the participants in multilateral forums. It was often suggested that India denied the existence of the phenomenon of caste-based discrimination. This was clearly not the case. India was deeply conscious of this phenomenon and its Constitution had explicit and elaborate provisions to address this issue. He emphasized that there was no discrimination at the level of the State. On the contrary, an extensive affirmative action programme had been launched for the empowerment of the scheduled castes which was without parallel in its scale and dimension. However, when it came to the society as a whole, it was known that changing age old mindsets required sustained effort and patient application. India was committed to persevering in its efforts for attaining equality for all. It also recognized that action at the level of the Government only was not enough and had been engaging constructively with all relevant stakeholders. He further clarified that the caste system, which was unique to India, was not racial in origin, and therefore, caste based discrimination cannot be considered a form of racial discrimination. This was India's settled position and not subject to review.

422. As regards the situation of minorities, he stated that "secularism" was one of the basic features of the Indian Constitution which can not be amended. The Constitution also ensured freedom for those who profess to have no religion and scrupulously restrained the State from discrimination on the grounds of religion. India was a diverse society which was home to almost all major religions of the world with, perhaps, unmatched pluralism and tolerance and it took immense pride in that fact. A range of legislative and executive measures had been taken for the

effective implementation of safeguards provided under the Constitution for the protection of interests of minorities. These included a statutory body in the form of a National Commission, establishment of a new Ministry of Minority Affairs, as well as the launch of the Prime Minister's new 15-point programme for the welfare of minorities.

423. In conclusion, the Head of Delegation thanked everyone for their participation in and contribution to the universal periodic review of India, and that India had immensely benefited from this constructive engagement with the Council and considered it a positive experience. India was committed to following up on the recommendations emanating from this process in an inclusive manner. Its commitment was not limited to these recommendations. India's vibrant democratic polity required it to continuously pursue higher norms and standards. He stated that India looked forward to returning to the Council in the next cycle to report on the progress made in its pursuit of human rights.

Brazil

424. The review of Brazil was held on 11 April 2008 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents: the national report submitted by Brazil in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/1/BRA/1); the compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/1/BRA/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/1/BRA/3).

425. At its 15th meeting, on 10 June 2008, the Council considered and adopted the outcome of the review on Brazil (see section C below).

426. The outcome of the review on Brazil is constituted of the report of the Working Group on the Universal Periodic Review (A/HRC/8/27), together with the views of Brazil concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group.

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

427. Brazil expressed its gratitude to the Council and OHCHR. It stated that it was a great opportunity to be able to present the human rights situation in its country and the efforts undertaken by the Government to promote, protect and guarantee those rights in an environment of constructive and frank dialogue.

428. Brazil stressed that it was a great honour to be engaged in the whole process leading to the adoption of the first final reports of the Working Group of the Universal Periodic Review: the institution-building process, the preparation of the national report, its presentation and the outcome process.

429. Brazil stated that it was pleased to see the successful conclusion of the beginning of the first universal periodic review cycle. It was convinced that the implementation of the universal periodic review mechanism was deeply connected to the successful outcome of human rights

system reform, which was aimed at leaving politicization and selectivity behind. Brazil believed strongly that the universal periodic review mechanism constituted an innovative framework to deal with human rights defence in a multilateral system. It could serve as a good example to be repeated in other United Nations bodies. As the beginning of the first universal periodic review cycle was concluding, it was becoming clear that non-selectivity and transparency were the most efficient ways to promote true dialogue and to achieve real cooperation among countries.

430. The Brazilian delegation, which came to Geneva for the presentation of its national report and interactive dialogue, was broad and representative. Brazil stated that most of its members had previous experience in civil society activities. The delegation was headed by the Under-Secretary of the Special Secretariat for Human Rights, and comprised high-level authorities from the Special Secretariat of Policies for Women, the Special Secretariat of Promotion of Racial Equality, the Ministry of Justice, the Ministry of Social Development, the Ministry of External Relation and the National Institute of Colonization and Agrarian Reform.

431. During the interactive dialogue, 47 States from all five regional groups commented on the national report, asked questions and made recommendations. Brazil stressed that such active participation of all States in the universal periodic review process vindicated its acknowledgement that, despite all differences, human rights were a common concern for all. Brazil regarded the review exercise as a valuable opportunity for international cooperation. Brazil reiterated its commitment to take serious account of the recommendations made in the report of the Working Group, all of them accepted and acknowledged.

432. It recognized that, despite all progress achieved since democratization in Brazil, there were still many areas in serious need of improvement, and many issues still had to be addressed before human rights could be fully realized. Brazil acknowledged that it faced huge challenges concerning, inter alia, the reduction of poverty, the improvement of prison conditions, the empowerment of women, the protection of human rights defenders, the eradication of racial discrimination, respect for indigenous peoples rights, access to justice, the improvement of public security and the elimination of torture.

433. Brazil expressed its strong belief, however, that 2008 would be an important year for the promotion of human rights; a year of reflection not only on what its challenges were and on which public policies needed to be reformulated, but also on what had worked well so far.

434. Brazil noted that the eleventh national conference on human rights, to be held in December 2008, would be a major step towards a comprehensive evaluation of the human rights challenges faced by Brazil. The conference would aim at revising the national plan on human rights, which established the core guidelines for the elaboration of actions and public policies for the protection and promotion of human rights at the domestic level. The plan stemmed from a recommendation made at the Vienna World Conference, the final document of which was initially implemented in Brazil in 1996.

435. In the context of the commemoration of the sixtieth anniversary of the Universal Declaration of Human Rights, Brazil reported that the Government, together with civil society entities, was organizing important events, not only of national but also of international scope.

436. The regional preparatory conference for the Durban Review Conference would be held in Brasilia, from 17 to 19 June. The conference would bring together delegations from South and Central America, the Caribbean region and representatives of civil society to discuss what the region expected from the Durban Review Conference and how it could contribute to the review process.

437. From 25 to 28 November, the third World Congress against the Sexual Exploitation of Children and Adolescents would bring together more than 3,000 people in Rio de Janeiro to explore the challenges of implementing an intersectoral approach to the global fight against the sexual exploitation of children and adolescents. Brazil invited all States and representatives of civil society present to come together for the third Congress so that efforts could be combined to combat that crime.

438. With regard to the Council, Brazil was committed to launching a set of human rights voluntary goals by December 2008. Brazil and the co-sponsors of the initiative continued to count on the cooperation of all States in the elaboration of these goals in commemoration of the sixtieth anniversary of the Universal Declaration of Human Rights.

439. Furthermore, on the eve of the twentieth anniversary of the Convention on the Rights of the Child, Brazil expected that a resolution would be consensually adopted at the next session of the Council. The draft guidelines on alternative care for children without parental care should be adopted by the Council and transmitted to the General Assembly. The guidelines were an important complement to the system of child protection established by the Convention.

440. Brazil also mentioned the holding of the first National Conference of Gays, Lesbians, Bisexuals, Transvestites and Transsexuals and of the third Film Festival on Human Rights and Cinema in South America, among many other initiatives. Brazil stated that its voluntary commitment to creating a national system of human rights indicators and the elaboration of annual reports on the situation of human rights, taking into account the follow-up to the universal periodic review, would be fundamental tools for the domestic monitoring of human rights.

441. Brazil also highlighted that, in the last week of May, a second public hearing, as a follow-up to the one held before the conclusion of its national report, had been held by the Commission of Human Rights and Minorities of the House of Representatives. On that occasion, civil society organizations were able to express their opinions regarding the universal periodic review process and make comments on the participation of Brazil in international human rights forums.

442. Brazil pointed out that its commitments before the Council meant concrete actions in Brazil; along the way, the Government was open to a transparent and objective dialogue with civil society, because no public policy could be effective without its participation. Non-governmental organizations in Brazil had been partners of the Government in the improvement of human rights standards.

443. Brazil thanked all countries that had participated in the review of the Brazilian report, and expressed its gratitude to the members of the troika and to the States that had recently supported the re-election of Brazil to the Council.

444. It stated that it had great expectations for the consolidation of the universal periodic review mechanism in upcoming sessions and expressed its hope that it could contribute to that task. Brazil seized the opportunity to reiterate its voluntary commitments. It stressed that its goal was to continue collaborating with the Council, to enhance cooperation with international mechanisms for monitoring the protection of human rights, to consider ratifying human rights treaties to which Brazil was not a State party, to support OHCHR activities and to strengthen regional systems for the promotion and protection of human rights.

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

445. China thanked the Brazilian delegation and expressed its appreciation for the Government's serious attitude in responding to the various questions and recommendations. China noted that in recent years Brazil has recorded high economic growth and rapid social development, making great achievements in areas such as the elimination of poverty, the realization of the rights to education, food and health, and the elimination of racial discrimination. China appreciated Brazil's active participation in international human rights activities, its active promotion of mainstreaming gender issues into human rights, and its advocacy of cooperation and dialogue on human rights in the international community. China also noted the open and frank attitude with which the Brazilian Government approaches and deals with human rights challenges.

446. Canada congratulated Brazil for the serious attitude with which it participated in the review, noting that Brazil allowed its civil society to participate in the reporting process. Canada acknowledged Brazil's progress towards the full respect of human rights, noting the fact that Brazil has recognized the challenges it still has to overcome. Canada supported Brazil's resolution to adopt internal evaluation tools for human rights, encouraging the country to concretely implement effective public policies emanating from the recommendations made during the review process.

447. Nigeria congratulated the Brazilian delegation for its comments on the adoption of the outcome of its review. It noted Brazil's efforts to put in place mechanisms for the implementation of recommendations made during the review, and hoped that these initiatives will reinforce and deepen enjoyment of human rights and fundamental freedoms for all Brazilians. With the demonstration of such commitments by Brazil, Nigeria expects that the objectives of the universal periodic review will begin to be realized even before the conclusion of the first cycle of the review. Nigeria therefore calls on all parties concerned to assist Brazil in whatever way they might deem fit, in order to fully implement the recommendations and outcomes of the review for the benefit of its citizens.

448. Pakistan thanked the delegation of Brazil for its elaborated presentation, stating that Brazil has invested great human and material capital to improve the human rights situation in the country. It urged Brazil to continue to implement its reforms relating to indigenous people, the situation of prisoners, the criminal justice system, violence and extrajudicial killings, the protection of human rights defenders, and economic and social inequalities. Pakistan requested that Brazil closely cooperate and share its good practices on how it resolves its issues with the relevant multilateral structures. Pakistan also hopes that while strategizing the promotion of rights, Brazil will be mindful of concerns regarding climate change and right to food.

449. Switzerland, as a member of the troika together with Saudi Arabia and Gabon, stated that it was in a good position to observe the serious attitude and commitment shown by Brazil during the review. Switzerland noted that Brazil has accepted the 15 recommendations submitted to it, which shows its high ambitions in the area of improving the situation of human rights in the country. Switzerland stressed two issues taken up during the interactive dialogue that appear in a number of recommendations. Firstly, as children are a particularly vulnerable group in Brazil, Switzerland welcomed Brazil's commitment to implement quickly the programmes related to the situation of children. The other issue deals with the assessment of the implementation of programmes and national action plans Brazil has launched, and Brazil has made the voluntary commitment to establish new instruments to monitor human rights at the national level and to introduce human rights indicators. Drawing up annual national reports including on follow-up to the universal periodic review, is another of its voluntary commitments. Switzerland will follow with great interest the way in which Brazil will translate these objectives into actions at various levels of the Federation. Switzerland remains convinced that civil society will continue to provide a valuable contribution to this process.

450. The Syrian Arab Republic expressed its appreciation of Brazil's transparency and collaboration with different human rights mechanisms, including the Council. Brazil's acceptance and endorsement of the various difficult recommendations made to it is a clear testimony of its determination to promote and protect human rights in their different manifestations and interpretations, despite the burden of development in the last two decades. This includes, inter alia, continuing and intensifying efforts to reduce poverty and social inequality, to improve prison conditions, to enhance access to justice, and to adopt the law on access of citizens to public information.

451. Angola welcomed Brazil's efforts to concretely improve the situation of human rights through its cooperation with the United Nations system and its willingness to accept several recommendations made during the review. Angola noted that Brazil is showing great progress towards improving the situation of human rights, by making the voluntary commitment to create new tools to monitor human rights, which include a national system of human rights indicators and annual reports on the situation of human rights. Angola welcomed policies to improve the life of African descendants and minorities, and to promote gender equality. These strategies will help Brazil to face the challenges that still exist in these areas. Angola noted with satisfaction that Brazil considers the right to education a fundamental tool for the fight against poverty and social exclusion, concurring with Brazil's position that education and development strategies can be the key to solving regional and economic inequalities and racial, ethnic and gender issues. Angola expressed its appreciation for Brazil's engagement to reduce poverty and social inequalities.

3. General comments made by other relevant stakeholders

452. Conectas Human Rights noted its involvement in the review process of Brazil. Although it appreciated the corrections made to the report to be adopted by the Council, Conectas Human Rights noted that some important observations had not been included and that it did not reflect the answers provided by Brazil on the measures to improve the situation of human rights defenders and on challenges and commitments for 2010. Conectas Human Rights asked how

Brazil would implement the 15 recommendations made during the universal periodic review and some 3,000 recommendations made by the treaty bodies. It also asked how the Government would translate these recommendations into public policies and how civil society would participate in their implementation. Conectas Human Rights also noted that the success of the universal periodic review would depend on five conditions: the review should not replace or weaken the special procedures and treaty bodies mechanisms; delegations should be more concrete in their questions and recommendations and States under review should address all of them; the final report should be an adequate reflection of the review; the recommendations should be turned into concrete actions; and each State under review should engage with civil society in all phases of the review.

453. Amnesty International noted that the presentation made by Brazil during the session of the Working Group focused on a description of existing government programmes and policies rather than on an analysis of the effectiveness of measures to address human rights violations. It noted that a number of States raised key human rights issues including on impunity for crimes during the dictatorship, violence and extrajudicial killings by the police, torture and other ill-treatment, violence against women and harsh prison conditions. Amnesty International noted that the recent report presented by the Special Rapporteur on extrajudicial, summary or arbitrary executions following his visit to the country further highlights the extent of the problem. Amnesty International noted that States recommended to Brazil to evaluate its initiatives and activities designed to address serious human rights violations, including violence and killings by the police, torture, violence against women and prison conditions, and to intensify efforts to protect human rights defenders. Amnesty International welcomed these recommendations and the statement made by Brazil that it supports all the recommendations made during the review and called on Brazil to give them early and full effect.

454. The Centre on Housing Rights and Evictions noted that while it welcomes the view expressed by Brazil that States and municipalities must abide by the mechanisms to implement human rights in the country, it also noted that the Federal Government is the main duty-bearer and urged it to establish mechanisms to monitor the implementation of recommendations made by the United Nations and regional monitoring bodies at the federal level. The Centre on Housing Rights and Evictions also urged the establishment of a national human rights institution in accordance with the Paris Principles. Particular concern was expressed at racial discrimination against Afro-descendants, especially the *quilombo* communities, and noted that conflicts over ancestral lands are increasing in number and in violence, mainly as a result of the Plan for Accelerating Growth. It noted with concern that the lack of security of tenure faced by Afro-descendants and women was not pointed out as a concern during the universal periodic review. While discrimination against women was addressed, it noted that there was no reference to the relation between life in slums and violence against women, including domestic violence and rape. The Centre on Housing Rights and Evictions praised the creation of three new ministries to deal with human rights issues but noted their lack of jurisdiction and resources to prevent and solve conflicts. It noted the Agrarian Ombudsman as the only mechanism in place to prevent and mediate land conflicts, and urged for the immediate implementation of the National Policy for Prevention and Mediation of Urban Land and Conflicts.

4. Views expressed by the State under review on the outcome and concluding remarks

455. Brazil also thanked various delegations for their comments made concerning their involvement and the commitment of Brazil to the improvement of its human rights policies. Concerning the comments made by the representatives of civil society, Brazil noted that its statement had been clear about its openness to work along with civil society organizations in the ongoing process. It noted that the public policies included in the national report of Brazil and the report of the Working Group reflected the other steps that Brazil would have to take to address the main human rights problems. Brazil also noted that one of its main objectives was to develop a set of human rights indicators that would help improve and fine-tune the human rights policies already in place. Brazil highlighted that the national programme introduced in the country for the protection of human rights defenders had not been reflected in the final report of the Working Group, and that that programme was aimed to guarantee, inter alia, the life of defenders and their physical and psychological safety, to prevent threats and situation of vulnerability, and to implement active policies. It pointed out that, in some federal States, pilot projects were being implemented for the protection of human rights defenders, and that this was an indication of how the national process could be improved. Brazil also stated that the national policy on the matter had been launched by the President in 2007, and that a legal framework had been developed. It reported that one of the country's priorities had been to establish a national protection system that would rationalize all sectoral programmes under way in various areas, such as the protection programmes for victims and witnesses, human rights defenders and children and adolescents.

Philippines

456. The review of the Philippines was held on 11 April 2008 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents: the national report submitted by the Philippines in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/1/PHL/1 and Corr.1); the compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/1/PHL/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/1/PHL/3).

457. At its 16th meeting, on 10 June 2008, the Council considered and adopted the outcome of the review on the Philippines (see section C below).

458. The outcome of the review on the Philippines is constituted of the report of the Working Group on the Universal Periodic Review (A/HRC/8/28), together with the views of the Philippines concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/8/28/Add.1).

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

459. The Permanent Representative of the Philippines to the United Nations Office at Geneva reaffirmed that the Philippines had always attached the highest priority to the protection and promotion of human rights. It had therefore welcomed the opportunity of the universal periodic

review, in order to present an objective assessment of the human rights situation in the country and to strengthen the universal periodic review as a key instrument of the Council to advance human rights on a global scale.

460. The Philippines had further sought to progressively refine its relevant laws, policies and practices on human rights. That continuous effort encompassed the whole range of governance, from the making of national laws to law enforcement and the administration of justice at the local level. Further, the Filipino civil society was a dynamic and active partner and a watchdog of the Government, and the media was one of the freest and most outspoken in the world.

461. The Philippines had made key voluntary commitments at the conclusion of its review, including to develop a gender-responsive approach, especially to protect the rights of children and women; to further develop domestic legislation to better protect the rights of the child; to continue to address the issue of extrajudicial killings; and to meet the basic needs of the poor.

462. In addition to those unilateral commitments, the Philippines had closely and carefully studied the recommendations made by various States during its review, which are contained in paragraph 58 of the report of the Working Group. In a spirit of openness and cooperation that marked its full engagement with the universal periodic review, the Government has expressed support for recommendations Nos. 1 and 2; the first part of recommendation No. 4; recommendations made by the Holy See and Switzerland under No. 6; and recommendations Nos. 5, 9, 10, 12 and 13.

463. With respect to women and children, the Philippines will continue to develop a gender-responsive approach to issues relating to violence against women and to build a supportive environment for women and children within the judicial system, taking into account the special needs for rehabilitation and post-conflict care of women and children in vulnerable situations and conflicts areas. The Philippines already benefited from long experience and has established a policy of women's participatory inclusion and empowerment in all spheres of life, including government affairs and public service. The Philippines ranked high on gender issues, as has been recognized in the UNDP in its *Human Development Report*, as well as by the World Economic Forum Gender Gap Index. The Supreme Court has created the Committee on Gender-Responsiveness in the Judiciary, and in support of the Violence against Women and Their Children Act, it issued the Rule on Violence against Women and Their Children, which enables courts to better manage and monitor such cases. For non-judicial interventions, the Philippine Inter-agency Council on Anti-Violence to Women and their Children has prepared a five-year strategic plan, which includes public information and advocacy, capacity-building and service delivery, research on policy development, and sustained linkages and partnerships in resource generation and mobilization. The Philippines has also been chosen as one of the pilot countries to be involved in the United Nations Joint Programme on Violence against Women. Interventions to address rape, sexual harassment, trafficking in women and children and domestic violence were being prioritized. Regarding the rehabilitation and post-quality care for women and children, the Department of Social Welfare and Development provides community-based psychological interventions, including "Return-to-School" programmes for children whose schooling has been disrupted and livelihood and core shelter assistance. The Department of Health, through its Women and Children Protection Units in government

hospitals, also provided holistic, gender-responsive health care to women survivors. Legislative measures have been proposed to the Philippine legislature to further strengthen laws on the promotion and protection of the human rights of women and children.

464. With respect to trafficking, it was noted that the Philippines would continue combating trafficking in human beings at the national level and would sustain its leading role at the international level in that matter. The Philippines welcomed the cooperation of all nations in that major endeavour and trafficking would be among the issues taken up at the Second Global Forum on Migration and Development, which the country would be hosting in Manila in September. It had also called for the extension of the mandate of the Special Rapporteur on trafficking in persons and proposed that gender and age-sensitive approaches be included in the conduct of the mandate. It fully supported the extension of the mandate of the Special Rapporteur on the human rights of migrants and called on more countries to join the International Convention on the Promotion of the Rights of All Migrant Workers and Members of Their Families.

465. With respect to extrajudicial killings, the Philippines was ensuring that members of security forces were trained on human rights and on their responsibility to protect human rights defenders. Human rights offices have already been institutionalized in the Armed Forces of the Philippines and the Philippine National Police. Among other functions, those offices were to receive and act on reports or complaints against military or police personnel. They also handled human rights education, training, capacity-building and advocacy. The Philippines did not engage in or encourage torture or extrajudicial killings of any kind, and would continue to take resolute and concrete steps to address allegations of extrajudicial killings and measures would follow the rule of law and due process. Torture was prohibited by the Constitution and was a criminal act punishable under the revised Penal Code.

466. The Philippines submitted its latest report to the Committee against Torture in January 2008 and would endeavour to submit its reports regularly to the various treaty bodies. The Philippines also signed and was in the process of ratifying the Optional Protocol to the Convention against Torture.

467. With respect to economic and social rights, the Philippines would be pleased to share with other countries its experience in the area of justiciability of economic and social rights, particularly in the field of labour rights. In keeping with the Constitution and international standards, the Philippine Labour Code provides a legal mechanism to address concerns on labour standards and labour relations, including the right of workers to join associations or unions, the right to strike and to collectively negotiate agreements, and inter-union and intra-union conflict disputes. Appeals against decisions on labour cases may be elevated to the Secretary of Labour. A petition for review may be filed with the Supreme Court to set aside the decision of the Secretary of Labour on the ground of serious abuse of discretion amounting to lack of jurisdiction. Conciliation and mediation mechanisms were also provided for in the Labour Code. The Philippines was actively meeting the basic needs of the poor and other vulnerable groups and was committed to achieving the Millennium Development Goals by 2015. The Medium-Term Philippines Development Plan, reiterating the overarching goal of fighting poverty and hunger and improving basic social services, including health and education, has just been updated. Besides investing in infrastructure and agriculture productivity, the Philippines is instituting the Accelerated Hunger Mitigation Plan. The implementation of following initiatives

has also started: microfinance and livelihood services, Poverty Free Zone Programme, “Progressive Livelihood” programme, and the *Ahon-Pamilyang Pinoy* (Lifting the Filipino Family from Poverty) project. The Philippine Plan of Action for Nutrition 2005-2010 also provided for intervention to alleviate hunger and malnutrition. The community-based monitoring system has been set up to better identify and serve the poor. It is a poverty monitoring system that makes use of computer-based processing generating core local poverty indicators at the household level. As it was the case in many countries, the Philippines is facing difficulties caused by rising food and energy prices and by the devastating threat of climate change.

468. The Philippine Government involved civil society in the preparatory process of its national report, and would fully involve civil society in the follow-up to the review. It looked forward to their continued involvement in the formulation of the second Philippines Human Rights Action Plan, which was launched on 19 May 2008.

469. The second part of recommendation No. 4 and recommendations Nos. 7, 16 and 17 had been duly noted and would be the subject of further study by the Government, as they might require legislative action or involve interpretation of laws. With regard to recommendation No. 8, the Government was of the view that that recommendation was already covered by its voluntary commitments contained in paragraph 60 of the report of the Working Group. The Philippines would keep in mind all other recommendations, as it would continue to strengthen the institutional and policy responses to bring about greater human rights protection and promotion in the country, and to constructively engage with the Council and other international mechanisms and bilateral and regional partners on human rights issues.

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

470. China appreciated the great importance attached to the universal periodic review by the Government of the Philippines. It noted that the Philippines had actively participated in the interactive dialogue and had given a comprehensive account of its efforts to protect human rights, and that it made consistent and vigorous efforts to improve the human rights situation. China noted with appreciation that in the light of the real needs of vulnerable groups such as children, women and the aboriginal population, the Philippines had strengthened the protection through human action plans, including the implementation of the 25-year National Strategic Framework Plan for Development of Children, the formulation of Magna Carta for women, and the establishment of various mechanisms for the protection of the rights of migrant workers. China welcomed the newest information provided by the Philippines and its voluntary commitments. China was convinced that the Philippines would overcome challenges, meet its commitments and effectively promote and protect human rights.

471. Algeria commended the Philippines on its constructive approach and the involvement of civil society in the promotion and protection of human rights. The voluntary commitment and cooperation of the Government would provide help and relief for vulnerable groups. Algeria commended the Philippines on the unhindered participation of all stakeholders in the process and for promoting a genuine dialogue towards addressing its complex challenges. Algeria hoped that international assistance would be provided to allow the Philippines to translate the recommendations it accepted into reality by enhancing capacity-building. There was a need for continued support to develop a gender-responsive approach to issues relating to women and

children, including for the improvement of the judicial system and on violence against women and children, and continued measures to address the basic needs of the poor and other vulnerable groups. Algeria welcomed that the Philippines was working towards harmonizing its national legislation with international human rights obligations and its acceptance to abolish the death penalty.

472. Canada was pleased that the Philippines had constructively engaged in the universal periodic review, and commended it in particular on efforts made with regard to extrajudicial killings and human rights trainings for security forces. Canada thanked the Philippines for its response to the outcome report and encouraged it to implement the recommendations of the Working Group. It specifically urged the Philippines to step up efforts to investigate and prosecute extrajudicial killings and to punish those responsible for them and to address the culture of impunity. Further, the Philippines was encouraged to strengthen its witness protection programme and to increase training for its security forces on human rights and on their responsibility to protect human rights and human rights defenders. Canada would welcome an update to the Council before the following review on measures taken to follow up on the recommendations.

473. Qatar appreciated the steps taken to promote and protect human rights for the benefit of the people, as well as the Philippines' commitments and endeavours to further enhance the protection of human rights, noting that this was not surprising for a country that had made a vital contribution to the institution-building process of the Council and the preparation of the universal periodic review mechanism. In spite of challenges, the Philippines responded positively to the recommendations of the Working Group, including to further promote and protect human rights and the rights of women and children and to develop gender-sensitive action plans, including in the judiciary and on the issue of violence against women and children, as well as measures to protect the media and find ways to meet the vital needs of the poor. Qatar noted that there was a collective responsibility to offer support to the efforts of the Philippines, through dialogue, cooperation and capacity-building.

474. Indonesia joined the other delegations in congratulating the Philippines on its remarkably frank and comprehensive report, which made impressive reading and documented a remarkable track record of achievements in the promotion and protection of human rights over the past 21 years. The strong commitment of the Philippines to the universal periodic review mirrored the consistency of the Government to always keeping in sight the goal of responsible governance. The early establishment of an independent commission on human rights had been the first in a series of moves to integrate the promotion and protection of human rights at all levels of the Government. It was an example of best practices, notably in the areas of development, education, the protection of migrant workers and trafficking of persons. As regards the recommendations of the Working Group, the Philippines has willingly undertaken to address some of the gaps in the protection of the human rights of women and children, particularly in terms of their status before the law and in situations of detention, or as the target of violence. The Government is also committed to continuing its action to combat and punish the killing of activists and media professionals. Indonesia has no doubt that the Philippines' commitment to its pledges would see it succeed in those endeavours.

475. Sri Lanka commended the Philippines on the open, serious and comprehensive approach followed throughout the review of the Philippines. The number of recommendations supported by the Philippines and the voluntary commitments bear testimony to its commitment in the field of human rights, despite its complex challenges. Sri Lanka commended the Philippines on the commitment, initiatives and efforts made to combat trafficking at the national level and its leading role at the international level on that issue. Sri Lanka noted that the Philippines had identified a roadmap and expectations for international cooperation, and that there was a common responsibility to create a conducive and cooperative atmosphere to fulfil its needs upon request. Further, it was the Council's common responsibility to create a collaborative atmosphere to help the country to meet its goals, to implement its roadmap and fulfil its expectations and needs, through international cooperation with a view to enhancing the protection of human rights.

476. Thailand congratulated the Philippines on the additional responses to the recommendations it provided to the Council, and shared the observations made by several States on the positive steps taken by the Philippines in considering the implementation of those recommendations to advance the cause of human rights. This bore testimony to the commitment of the Philippines to constructively cooperating with the Council and the universal periodic review. The Government should be supported and encouraged by the international community and interested stakeholders to help advance the promotion and protection of human rights of all people in the country. It welcomed the announcement by the Philippines of its voluntary commitments and pledges to the cause of human rights. Thailand was confident that the Philippines would continue to engage with the Council and interested stakeholders, with the will to increase dialogue and cooperation with international and regional mechanisms and with civil society in order to ensure that the full enjoyment of human rights and fundamental freedoms of all would be promoted, protected and respected in the Philippines.

3. General comments made by other relevant stakeholders

477. The Commission on the Human Rights of the Philippines welcomed the Government's commitment to accord the highest priority to the promotion and protection of human rights. It requested the Government to nurture an independent Commission by acting on the Presidential veto message on the annual appropriations limiting the use of their savings, filling the posts of three commissioners, and certifying the proposed Charter of the Commission. The Commission on the Human Rights of the Philippines asked for support for the Barangay Human Rights Action Centres and for a joint project with the New Zealand Human Rights Commission, and that the civil society's representation for a strengthened Presidential Human Rights Committee be restored. It looked forward to the ratification of the Optional Protocol to the Convention against Torture, the ASEAN Charter and the Rome Statute of the International Criminal Court. It encouraged the Government to sign the International Convention for the Protection of All Persons from Enforced Disappearance and to actively participate in the adoption of an optional protocol to the International Covenant on Economic, Social and Cultural Rights. The Commission would actively engage with treaty bodies and asked the Philippines to consider extending standing invitations to special procedures. The Commission on the Human Rights of the Philippines noted that it would track cases of human rights violations, including extrajudicial killings, enforced disappearances and torture. It would engage with State agencies to reiterate a human rights based legislative agenda; monitor judicial decisions that impact on human rights,

and advise on executive action to address human rights issues. It finally stated its readiness to work with the Government and civil society in formulating the national human rights plan of action and in follow-up to the universal periodic review.

478. The International Women's Rights Action Watch Asia Pacific, Action Canada for Population and Development, the Latin American Committee for the Defence of Women's Rights, the Centre for reproductive rights and the Federation for Women and Family Planning called on the Government to reject the recommendation made by the Holy See in paragraph 58 of the report of the Working Group, calling for the protection of children in the womb. The recommendation is contrary to the concluding comments of the Committee on the Elimination of Discrimination against Women in which it urged the Government to remove the punitive provisions imposed on women who have abortions and to reduce women's maternal mortality rates in line with the Committee's general recommendation No. 24 on women and health and the Beijing Platform for Action. The recommendation contravenes the findings of the treaty monitoring bodies that access to safe and legal abortion is a matter of women's right to life, health, non-discrimination and dignity based on interpretations of human rights norms, commitments in global consensus documents and evidence of the impact of unsafe abortion on women's health. As reflected in recommendation No. 15, the non-governmental organizations called on the Government of the Philippines to extend a standing invitation to the special procedures as part of its commitment to respect and fulfil women's reproductive rights.

479. Human Rights Watch, in a joint statement with Amnesty International, welcomed the important recommendations made by several States during the review of the Philippines to eliminate extrajudicial killings, enforced disappearances, and torture and other ill-treatment, and to carry out investigations into such violations and to punish those responsible. They encouraged the Philippines to act immediately on those recommendations, which echo those of the Special Rapporteur on extrajudicial, summary or arbitrary executions. Amnesty International and Human Rights Watch welcomed the Government's stated commitment to reducing incidents of extrajudicial executions and enforced disappearances and to bringing the perpetrators to justice, including through enhanced coordination between its prosecution services and other agencies. Amnesty International and Human Rights Watch noted that the challenge for the Philippines continued to be the effective implementation of its initiatives and programmes, including reform of the witness protection programme and the prosecution and suitable punishment of persons found to be responsible for political killings and other serious rights violations, particularly those from the security sector. Amnesty International and Human Rights Watch encouraged the Philippines to implement its institutional reforms necessary for preventing a resurgence of political killings, by vigorously investigating and prosecuting members of the military implicated in extrajudicial killings or enforced disappearances and by creating a specialist unit in the Witness Protection Programme to provide social and financial support for witnesses and families of alleged victims of political killings and enforced disappearances for as long as they are at risk. Human Rights Watch and Amnesty International also welcomed the signature of the Optional Protocol to the Convention against Torture shortly after the review of the Philippines in April, and encouraged its early ratification as well as ratification of the International Convention for the Protection of All Persons from Enforced Disappearance, as pledged by the Government.

480. The Centre on Housing Rights and Evictions welcomed the attention paid to economic, social and cultural rights, and particularly to housing rights in the national report; and in particular welcomed the voluntary commitment to continue to find measures to meet the basic

needs of the poor and other vulnerable groups. In view of the serious housing rights problems in the Philippines, the Centre on Housing Rights and Evictions was disappointed that little attention was paid thereto in the interactive dialogue and in the report of the Working Group. It drew attention to some recent developments of real concern, including the prevalence of forced evictions. It noted with concern the abolition of the Presidential Commission on the Urban Poor earlier this year, which removed a key check against abuse by the public authority in ensuring compliance by local governments in cases of evictions. It invited the Government to stop the erosion to law and policy in the area of housing rights and not to proceed with the House Bill 1087 of 2008.

481. The Asian Forum for Human Rights and Development (Forum-Asia) in association with Philippine Alliance of Human Rights Advocates and Task Force detainees of the Philippines commended the States on the objectivity of the questions and recommendations delivered during the interactive dialogue of the Working Group on the Philippines. They expressed their appreciation for the statement of the Philippines on continued engagement with civil society throughout the follow-up process to the universal periodic review, maintaining the momentum in addressing killings and disappearances, ratifying the Optional Protocol to the Convention against Torture, and implementing the measures to address the needs of the poor and vulnerable sectors. They stated that they would expect the strengthening of domestic support for the signing and ratification of the International Convention for the Protection of All Persons from Enforced Disappearance and urged the Government to reconsider its position on the statute of the International Criminal Court. They also stated that they would expect convictions in the cases of extrajudicial executions, disappearances and torture and that the shortcomings and limitations of court personnel, protection of witnesses, victims' families, and forensic investigation would be addressed substantively. There were some key issues and recommendations raised by States which the Philippine delegation had chosen not to reply to, particularly regarding the conflict in the Southern province of Mindanao and the extension of a standing invitation to special procedures. The universal periodic review could be a positive and effective mechanism for scrutiny and constructive dialogue as long as a State adhered to the principles of openness, transparency and accountability.

482. The Commission of Churches on International Affairs of the World Council of Churches and the International Association of Democratic Lawyers noted that the continuing concern of the international community about human rights violations was reassuring, as this dispelled the glossy picture projected by the Philippines in its national report. Much was left to be desired in the process of preparation of the report. In relation to the outcome, they noted that the delegation did not indicate having adopted any of the recommendations of the Special Rapporteur on extrajudicial, summary or arbitrary executions, especially on the changes in the counter-insurgency programme currently being implemented by the State, and noted that the filing of cases and the conviction of four persons did not negate the fact that not a single military person was convicted of such violations. They noted that the reduction of the number of victims was the result of public outcry, but that impunity continued.

483. The Indian Council of South America and Indigenous Peoples and National Coalition thanked the Government for its final report before the Council and for its willingness to cooperate and constructively work with civil society in addressing human rights challenges, especially the extrajudicial killings. They also thanked the Philippines for accepting the acknowledgement and responsibility to address the plight that activists and journalists were

facing. They recommended that the Philippines involve civil society more directly at high levels of Government, including through an oversight committee of civil society in seeking ways and means to search for the missing victims and to get to the root of why those killings were taking place. They recommended that the authorities address the root causes for those assassinations and that they look for disappeared persons, and implement the recommendations of the Special Rapporteur and other special procedures on that issue.

484. The Asian Legal Resource Centre welcomed the importance given in the Working Group report to the need for the Government to provide evidence of concrete results concerning its promises to address extrajudicial killings and enforced disappearances. The Asian Legal Resource Centre noted that the chief of the human rights office had admitted that he and his staff had never gone to the field to investigate allegations of killings. The Asian Legal Resource Centre hoped that the Government would provide information on the implementation of the recommendations made by the Melo commission and the Special Rapporteur on extrajudicial killings. It appreciated the recommendation for the reform of the judiciary and the armed forces, noting that independent investigations and fair trials were the only way to keep up real momentum in addressing those killings and other serious abuses. It also welcomed the repeated requests for the need to ratify the Convention on the Protection of All Persons from Enforced Disappearance and the Optional Protocol to the Convention against Torture as a starting point which needed to lead to verifiable implementation and regular Government reporting.

4. Views expressed by the State under review on the outcome and concluding remarks

485. The Permanent Representative of the Philippines, in her concluding remarks, said that it was an honour to be one of the first countries to go through the universal periodic review process. It had been an important learning experience. The recommendations would be used to strengthen the national institutions and policies of the Philippines aimed at bringing better and fuller protection of human rights for all Filipinos. The Philippines had listened to all stakeholders and would keep in mind their suggestions when strengthening and addressing human rights issues in the country. Thanks went to the troika members and secretariat for their support and patience throughout the process, as well as to the national human rights institution, to all non-governmental organizations and members of civil society for their comments and suggestions.

486. The Permanent Representative congratulated the Council on the successful conduct of the universal periodic review. Its positive atmosphere and outcome showed that it was possible to discuss and analyse country situations in a constructive and cooperative manner. More importantly, through the universal periodic review, they had seen that all countries, regardless of the level of development, demography, or geography, faced similar challenges in effectively implementing human rights obligations.

487. All countries needed the support of an enabling international environment conducive to the responsible promotion and protection of all human rights for all peoples. Human rights were the universal responsibility and heritage of the Philippines.

488. Sixty years ago, Member states, through the Universal Declaration of Human Rights, pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms, and acknowledged that a common understanding of these rights and freedoms was of the greatest importance for the full realization of this pledge. The Philippines believed that the universal periodic review helped bring the international community closer to that common understanding of both the cause and challenge of human rights. The review process contributed to the realization of more constructive and cooperative international engagement on human rights, as embodied in General Assembly resolution 60/251 and the institution-building package which all delegations in Geneva had worked so hard on last year. It also perhaps brought closer the vision of the original drafters of the Universal Declaration, in which human rights would exacerbate divisions in an already much divided and conflicting world, and bring nations closer together in a common purpose to uphold the inherent dignity and equal and inalienable rights of each and every individual.

489. In conclusion, the Permanent Representative expressed the Philippines' continuing strong support for the universal periodic review and was confident that it could further contribute to the effective implementation of human rights standards on the ground, where it mattered most, as all countries sought to ensure greater enjoyment of human rights of their peoples.

Algeria

490. The review of Algeria was held on 14 April 2008 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents: the national report submitted by Algeria in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/1/DZA/1); the compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/1/DZA/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/1/DZA/3).

491. At its 16th meeting, on 10 June 2008, the Council considered and adopted the outcome of the review on Algeria (see section C below).

492. The outcome of the review on Algeria is constituted of the report of the Working Group on the Universal Periodic Review (A/HRC/8/29), together with the views of Algeria concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group.

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

493. The delegation of Algeria paid a tribute to the troika composed of Senegal, the Philippines and Uruguay and thanked all those who had shown interest in Algeria's report.

494. As the Minister for Foreign Affairs, who had personally headed the delegation during the presentation of Algeria's report, had emphasized, Algeria was aware that it still had a way to go and needed to improve its performance in a number of areas. Algeria was resolutely trying to do that, and it was all the more determined to do so in the light of the constructive discussions that

had taken place in the Working Group, with all participants demonstrating a genuine desire to cooperate in order to help all States, from North and South alike, do better in the field of human rights. By not lapsing into outright indictments or preaching, as the former Commission had sometimes done, the Council had given new impetus to the promotion of human rights.

495. Algeria's commitment to the universal periodic review exercise was reflected in its immediate acceptance of nearly all - 17 out of 20 - of the recommendations that had been formulated: the recommendations that had been accepted fell within the ambit of national efforts to consolidate and protect human rights and promoted the development and welfare of all citizens.

496. As soon as the universal periodic review exercise had been completed, Algeria had stepped up the implementation of its national human rights plan and instituted a professional code for journalists. It had prepared draft legislation criminalizing domestic violence and human trafficking as well as a draft framework law on children which had four main components: health, education, equality and protection. In addition, on 28 and 29 June 2008, Algeria planned to hold a national meeting on family relations that would deal with, inter alia, the topic of violence against children.

497. The Algerian Government had taken the first steps towards ratification of the Convention on the Rights of Persons with Disabilities and its Optional Protocol, and intended to notify the relevant treaty body of its withdrawal of its reservation to article 9, paragraph 2, of the Convention on the Elimination of All Forms of Discrimination against Women. That reservation had already become null and void in Algeria.

498. Insofar as visits by mandate holders of the Human Rights Council's special procedures were concerned, Algeria took the same view towards its obligations vis-à-vis the Council as it did to those under the African Charter of Human and Peoples' Rights and the Arab Charter on Human Rights.

499. Just as it had agreed to the visit by the Council's Special Rapporteur on freedom of religion or belief and the Special Rapporteur on violence against women, its causes and consequences, Algeria had agreed to visits by the Special Rapporteur of the African Commission on Human and Peoples' Rights on the rights of women in Africa and the Commission's Special Rapporteur on human rights defenders in Africa.

500. Algeria was likewise prepared to receive the Council's Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression at any time. Algeria was currently considering the possibility of extending new invitations to other special procedures mandate holders.

501. With regard to the three recommendations that Algeria had been unable to accept because they were contrary to the Constitution, the Charter for Peace and National Reconciliation and the principle of non-discrimination with regard to religious worship, the delegation said it was conceivable that Algeria had not been explicit enough in its report to dispel any possible misunderstandings. However, it remained open to debate and would reply to any questions member States and non-governmental organizations might wish to ask.

502. The universal periodic review was designed to measure the extent of States' commitment to human rights in a way that was universal and treated all States equally. The exercise was intended, and therein lay its strength, to be a cooperative effort based on dialogue in which the country under review was fully involved and which took into account the country's capacity-building needs. The universal periodic review also made it possible to analyse the situation in a country objectively while preventing any influence from political factors when information was gathered and reviewed. It ought to result in specific action.

503. The universal periodic review mechanism had the advantage of constituting an assessment that could be applied to all States without distinction and had an effective impact on all human rights in a day-to-day context. The process should be left to take its own course and should not be overburdened, as some of those who had supported the review and in fact had been its earliest proponents of the review were trying to do.

504. It went without saying that the exercise benefited everyone. Above all, it made it possible to highlight things that were not working and identify ways of fixing them. Algeria had endorsed the conclusions of the Working Group and had already begun to implement them with the support and commitment of its citizens. Having been one of the architects of the founding text, Algeria was undertaking that task with a spirit of openness, humility and responsibility, and with complete confidence in the positive mission of the Council.

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

505. China noted that Algeria has been committed to national unity and social development, has established a developed judicial system and human rights institutions, signed and ratified many international and regional instruments and is taking active measures to carry out its legal obligations, which has demonstrated its determination to make positive efforts to realize and protect human rights. He welcomed new measures and relevant commitments, as outlined by the delegation of Algeria, in order to accomplish new achievements in national reconciliation and unity and in promoting and protecting human rights in all areas.

506. Tunisia took note of progress made in the field of human rights and congratulated Algeria for the efforts deployed to strengthen human rights protection in the country despite the difficult circumstances it faces, including terrorism. Tunisia noted the choice Algeria has made to achieve national reconciliation and support structural reforms, which are considerable and have covered many areas, including education, health, women and family affairs. Algeria has always ensured the application of international human rights treaties and has reaffirmed its human rights commitments. Tunisia encouraged Algeria in its endeavours and supported new initiatives taken within the universal periodic review context.

507. The United Arab Emirates welcomed the importance Algeria gives to human rights, the Council and the role of human rights in the national policies of the country. It noted the reforms undertaken, in particular regarding the rights of children and women, measures to promote economic, social and cultural rights to achieve the Millennium Development Goals by 2015 and welcomed the Government's willingness to pursue the path of national reconciliation, to ensure

social coherence, and its initiative to organize an international conference to discuss links between security and fundamental freedoms. Regarding the outcome of the Working Group, it was optimistic that Algeria would face its challenges.

508. Bahrain welcomed Algeria's important commitment to the universal periodic review, and welcomed its open and positive attitude during the review. It was highlighted that Algeria has ratified many human rights treaties and protocols thereto and is prepared to fully collaborate within the universal periodic review process, despite all the challenges the country faces. Bahrain expressed in particular support for the national strategy to combat violence against women.

509. Qatar, on behalf of the Arab Group, noted that Algeria is a State based on the rule of law and fundamental freedoms and referred to the initiative to amend the justice system. It welcomed that Algeria has accepted 17 out of 20 recommendations of the Working Group, highlighted its commitment to adopt international treaties, including the Convention on the Protection of All Persons from Enforced Disappearance, and to carry out a dialogue with religious minorities, and welcomed its measures to promote the rights of women and children and to guarantee the rights of prisoners.

510. Cuba congratulated Algeria for its commitment to the universal periodic review process and the open and constructive approach throughout it. Cuba noted that the support of Algeria for some of the recommendations made by the Working Group demonstrated its commitment to promoting and protecting human rights. Algeria has undertaken a wide range of actions, programmes and legislative reforms aimed at ensuring social equality and participation of all stakeholders in the political and social areas.

511. Nigeria noted that Algeria has already started taking necessary steps towards implementing many of the recommendations it agreed to during the review. It welcomed the various mechanisms put in place to guarantee the protection of the fundamental freedoms and rights of its citizens such as the right to fair trial, freedom of the press, the humanization of conditions of detention, the right to education and other economic and social rights.

512. Indonesia noted that Algeria is party to 10 treaties and 4 regional human rights instruments, which is a proof of the country's commitment to improving the promotion and protection of human rights. Algeria accepted an important number of the Working Group's recommendations, mainly in the areas of protection of women and children, the enhancement of its health facilities, the right to education, and is taking necessary steps through policy and legislation for the prevention of torture and other cruel inhuman and degrading treatment. Indonesia encouraged Algeria to provide follow-up to the recommendations of the Working Group. Regarding visits of mandate holders to Algeria, Indonesia noted that the contents of these visits must be factual and not relate to anecdotal events, and must be dictated by the country's own needs and priorities in the promotion and protection of human rights.

513. Belgium reiterated concern at the deterioration with respect to the situation of freedom of religion and opinion in Algeria and noted with regret that Algeria has not endorsed Belgium's recommendations in this respect. Reference was made to recent events which had occurred in Tiaret regarding the conviction of four young Algerians for having worshipped in an

unauthorized place on the basis of a decree of 2006 establishing the rules for the exercise of religions other than Islam. Belgium reiterated its request that Algeria ensure respect for the principle of the freedom of religion and opinion by undertaking a review of the text of that decree, and in the meantime to suspend its application.

514. Pakistan thanked Algeria for its comprehensive and elaborate review on the steps taken by Algeria with respect to the promotion and protection of human rights and the recommendations of the Working Group. Algeria is faced with a complex and challenging internal situation and has maintained a delicate balance between the need to ensure the promotion and protection of human rights of its citizens and the need to ensure peace and stability within the society by fighting terrorism. Pakistan expressed appreciation for the open and transparent approach adopted by Algeria during the universal periodic review process. It stated that despite serious challenges, the Algerian model to pursue multidimensional policies to promote sustainable development needs support and encouragement. It also welcomed the initiative to implement a national strategy to combat violence against women.

3. General comments made by other relevant stakeholders

515. The European Centre for Law and Justice, referring to observations by a number of States including Belgium, Brazil and the Holy See, as well as by non-governmental organizations, regarding the alarming situation of religious freedom, took note of Algeria's resolution to maintain a dialogue with all its citizens practising a minority religion. It however regretted that Algeria had refused to take into account recommendation No. 55 made by Belgium, which noting the deterioration of religious freedom, requested that Algeria suspend the application of the 2006 decree. This decree had led to the prohibition and closing of more than two thirds of the protestant churches in the country, as well as to the conviction of a growing number of Christian Algerians for religious reasons. It stressed the urgent need to develop a dialogue with religious minorities and fully respect the principle of religious freedom affirmed in the Algerian constitution. Algeria's willingness to facilitate the visit of special rapporteurs was welcomed and the European Centre for Law and Justice hoped that Algeria would invite the Special Rapporteur on freedom of religion or belief in the near future.

516. The International Federation of Human Rights Leagues and the Cairo Institute for Human Rights Studies congratulated the Algerian Government for having accepted most recommendations made by the Working Group. Nevertheless, they noted that the Algerian Government rejected the recommendation requesting the revision of the Charter for Peace and National Reconciliation so that authors of grave human rights violations such as forced disappearance be judged and prosecuted according to international standards. The two organizations noted that a similar recommendation had been made by the Human Rights Committee in November 2007 and the Committee against Torture in May 2008. They regretted that Algeria refused to accept the recommendation inviting it to suspend and revise the 2006 ordinance defining the rules and conditions to exercise non-Muslim religions, the restrictions of which are incompatible with the respect of freedom of religion and conscience. They congratulated Algeria for having withdrawn its reservation to article 2 of the Convention on the Elimination of All Forms of Discrimination against Women but regretted that it had not lifted the reservation to article 16 relating to marriage.

517. The Arab Commission for Human Rights, also speaking on behalf of Al Karama for Human Rights, regretted that the most important recommendations of the Working Group and of the treaty bodies have not been supported by Algeria. The Arab Commission for Human Rights stressed that enforced disappearances, torture, summary executions and extrajudicial executions are neither anecdotal nor occasional but crimes against humanity due to their widespread and systematic nature. It suggested ratification of the Rome Statute with a view to putting an end to impunity as enshrined in a decree issued by the executive branch. It also raised concerns about the state of emergency and powers accorded to the Department for Information and Security, which had led to the death of 200,000 people and the disappearance of more than 10,000 others.

518. Amnesty International welcomed the responsiveness of Algeria to the recommendations of the Working Group to protect detainees from torture and other ill-treatment; to strengthen efforts to protect women's rights; to ensure the rights of detainees, including access to a lawyer; and to cooperate with the special procedures. Amnesty International further expressed serious concern about a persistent pattern of secret detention and torture by the Department for Information and Security, and about discrimination against women in the Family Code and continuing reports of violence against women, including in the family.

4. Views expressed by the State under review on the outcome and concluding remarks

519. In reply to the questions raised during the meeting, the delegation of Algeria said that the impunity which, according to some speakers, was implicit in the Charter for Peace and National Reconciliation was nowhere to be found in that text, which the Algerian people had accepted by means of a referendum on 29 September 2005. It was that sovereign choice by millions of Algerians that alone gave the Charter its legitimacy, and the Algerian delegation wondered what kind of legitimacy could be claimed by the non-governmental organizations that sought to call that choice into question. That, in the delegation's view, was something that contrasted starkly with the elementary and intangible rules of democracy that drew their strength from choices made by a majority of the community. The Charter for Peace and National Reconciliation was a national patriotic response aimed at putting an end to fratricide, bringing those who had gone astray back into line, isolating the radicals and casting a spotlight on those who had misappropriated religion for their own purposes and those zealots who had, through their erroneous interpretation, violated the Holy Koran and the right to life of tens of thousands of innocent people.

520. Non-governmental organizations could not, in the name of ethics or morality, help to prosecute the bloodletting by casting doubt on an effort to bring about peace and reconciliation. The Charter for Peace and National Reconciliation was considered by some legal experts to be a form of transitional justice that represented the passage from a complex situation of crisis to one of relief in which the consequences of the national tragedy brought on by terrorism were addressed. It was in that spirit that Algeria had endorsed the Working Group's recommendations that priority should be given to tolerance and reconciliation.

521. The question of disappeared persons was a painful one for Algerian society. No family had been untouched by that phenomenon or was unaware of it. It was the direst consequence of the national tragedy confronting Algeria and one that the country was endeavouring to address through humanitarian, legal and social means. In other cases where States had planned,

organized and carried out policies aimed at the methodical liquidation of political, trade union and media opposition forces, the response had been reparations that took those parameters as well as the political and sociological context in which the disappearances had occurred into account. In Algeria, however, where the State had been faced with a terrorist attack on such a massive scale that the security forces had been ill-prepared to deal with it and where many people were killed defending their endangered homeland, the effort required to overcome the crisis was necessarily different. That was why a study group must be organized within the framework of the Council to consider different ways of surmounting crises in the light of the specific circumstances of each situation. Otherwise, by seeking to apply the same remedy to different situations without distinction, the Council ran the risk of acting like the sorcerer's apprentice.

522. Freedom of expression was guaranteed by the Algerian Constitution. The restrictions contained in that instrument were recognized in the International Covenant on Civil and Political Rights and were reflected in legislation throughout the world. Article 45 of the Charter for Peace and National Reconciliation must be understood as establishing the right of the Algerian people to have its desire for the success of the effort to bring about peace and reconciliation respected, a desire that had been expressed outright by an overwhelming majority. That right - and it was indeed a right enjoyed by 19 million Algerian citizens - had to be respected. Those who violated that right were liable to prosecution, and that consequence was spelled out in article 45. That rule was applicable to all citizens, and all citizens were equally obliged to observe it, just as they were all other rules that governed the functioning of society. That being said, no one had ever been prosecuted under article 45 of the Charter.

523. The Algerian Constitution expressly guaranteed the inviolability of freedom of thought, conscience and religion in article 37, which stipulated: "Freedom of belief and opinion is inviolable." Moreover, that freedom could in no case be used as grounds for discrimination under the law.

524. In that connection, article 29 of the Constitution stipulated that "[a]ll citizens are equal before the law. There shall be no discrimination by reason of birth, race, sex, opinion or any other personal or social status or circumstance". In Algeria, and contrary to what had been alleged, Act No. 63-278 of 28 July 1963, establishing the list of official holidays, recognized Christian and Jewish holidays in addition to Muslim holidays as paid holidays for persons of those faiths. The Algerian delegation wondered whether such tolerance existed in the countries where the headquarters of the major international non-governmental organizations were located. Furthermore, since independence, celebrations in observance of those holidays were broadcast live on the national radio without distinction.

525. Order No. 06-03 of 28 February 2006, concerning the conditions and rules governing the practice of faiths other than Islam, had been the subject of a number of comments. Article 2 of that text expressly provided that "the Algerian State guarantees freedom of religious practice consistent with respect for the Constitution, the present Order, the laws and regulations currently in force, public order, and the fundamental freedoms of third parties. The State also guarantees

tolerance and respect between the different religions”. The provisions concerning faiths other than Islam simply extended to those faiths the provisions in force governing Islam and included:

- Order No. 77-03 of 19 February 1997, concerning charitable contributions;
- Executive decree No. 91-91 of 23 March 1991, concerning mosques;
- Article 87 bis of Act No. 01-09 of 26 June 2001.

526. The Order of 28 February 2006 thus sought to correct a legal oversight. It constituted a response to numerous requests by citizens, who believed that the current social problems were being exploited by an aggressive form of proselytizing carried out in the name of freedom of worship that was sowing discord and tearing families and communities apart. Furthermore, those destabilizing acts were being carried out by unqualified and unauthorized persons. In short, whatever was applicable to Islam, the main religion in Algeria, had been extended to other faiths in the name of non-discrimination. To accuse Algeria, which was proud of being the homeland of Emir Abdelkader, the saviour of persecuted Christians, of intolerance was an oxymoron. Meanwhile, the evangelical proselytizing that was destabilizing the state of inter-faith coexistence was also affecting African countries, both those with a Christian majority and those where Muslims were predominant.

527. Public opinion in Algeria had been hostile to the missions of some of the special procedures and mandate holders. Algerians were in fact looking for stronger expressions of solidarity amidst the trials they had faced, particularly from human rights mechanisms and not, as had been the case, efforts to justify the acts of the criminals. Currently Algeria was on the path to reconciliation and a pacifying of hearts and easing of spirits. The situation had changed entirely, and life and hope had triumphed over terrorism. It was in the light of that situation that those mandate holders who had been unable to visit Algeria should explain why they wished to visit the country in their applications, which would be given careful consideration. Algeria did not have any particular dispute with those mechanisms that might be a source of concern, since their urgent appeals and communications were treated with diligence.

Poland

528. The review of Poland was held on 14 April 2008 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents: the national report submitted by Poland in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/1/POL/1); the compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/1/POL/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/1/POL/3).

529. At its 16th meeting, on 10 June 2008, the Council considered and adopted the outcome of the review on Poland (see section C below).

530. The outcome of the review on Poland is constituted of the report of the Working Group on the Universal Periodic Review (A/HRC/8/30), together with the views of Poland concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies

presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/8/30/Add.1).

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

531. Poland reiterated that the universal periodic review constitutes one of the *raison d'être* of the Human Rights Council. Therefore, the Council's credibility rests largely on the success of the review process. It believes that with the strong commitment of all the stakeholders, the universal periodic review can and will make a difference on the ground by improving the human rights situation in the States under review.

532. In this regard, Poland highly values all comments, questions and recommendations formulated in the course of the review process, which will allow it to better identify key challenges it is facing in the field of human rights. Poland commits itself to improving and further consolidating the national system of the protection and promotion of human rights on the basis of the review outcome. In this context, Poland also stands ready to share with other countries its best practices and experience concerning human rights. It also shared the following commitments and pledges:

(a) Poland will ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of death penalty;

(b) Measures will be introduced to streamline the implementation of the recommendations of the Human Rights Committee. The mandate of the Inter-Ministerial Committee for Matters Concerning the European Court of Human Rights will be extended to integrate therewith decisions of the Human Rights Committee;

(c) Poland is also committed to continuing actions to reduce poverty and social exclusion, which will remain a priority in our national social policy. Poland indicated that a new national programme on social security and social integration for 2008-2010, now under preparation, will strengthen assistance to families for the purpose of counteracting poverty and social exclusion of children. These actions are meant to equalize the opportunities of families and children, i.e. to eliminate educational deficits and improve access to services that will enable parents to reconcile their professional activities with the upbringing of children. In addition, the national programme will determine specific goals, including, in particular, lowering the poverty index and the index of poverty risk among children to achieve that the following actions will be undertaken by Poland:

- Improvement of family incomes
- Development of the child day-care service system
- Levelling educational opportunities of and support for school-age children from poor families

- Consolidating the system of assistance to families, family counselling; improvement of income support
- The development of cooperation with non-governmental organizations will also contribute to the effective combating of poverty and social exclusion

(d) Poland pledges to further improve the situation of disabled persons. Due to its limited effectiveness, a review of the current system of vocational and social rehabilitation and employment of disabled persons, particularly with regard to vocational activation, will be carried out;

(e) Poland will strengthen measures to reduce domestic violence. It indicated that current solutions need to be adjusted in light of the insufficient social awareness of the threats domestic violence poses to individuals, families and society as a whole, as well as insufficient assistance to victims of violence. An annual evaluation of the implementation of the National Programme to Counter Domestic Violence for 2006-2016 will constitute the basis for its adjustment to actual needs. Eradication of violence from the family environment can first and foremost be achieved through the implementation of programmes promoting positive methods of childrearing and partnership in the family, some of which are carried out in collaboration with the European Union and the Council of Europe. In 2008 the law against domestic violence and the National Programme to Counter Domestic Violence will be amended, resulting in:

- A complete ban on corporal punishment, and financial support for the implementation of projects against domestic violence at municipal level within the framework of the National Programme to Counter Domestic Violence
- The introduction of a warrant obliging the perpetrator to leave the house immediately after an incident of violence is reported by the victim
- The introduction of cost-free forensic medical examinations

(f) Poland will reinforce actions to implement equal treatment of women and men. A national programme for gender equality for the years 2009-2013 will be prepared, and the draft, on which consultations will be held with social partners and NGO representatives, covers the following areas of action:

- Equal economic independence of women and men, including equality in the labour market
- Reconciliation of family life and career
- Participation in political life and decision-making
- Equality in the area of health care
- Eradication of all forms of gender-driven violence

- Eradication of gender stereotypes, including in schoolbooks and school curricula
- Promotion of gender equality in external relations and development policy

The action plan for gender equality will reinforce the achievements of the Beijing Platform for Action and relevant international conventions, such as the Convention on the Elimination of All Forms of Discrimination against Women. In 2008-2013, the Ministry of Labour and Social Policy will carry out two projects involving research, training and promotion. The first one will be devoted to the reconciliation of career and family roles of women and men, and the second will be on the socio-economic activation of women at local and regional levels. In accordance with the draft law on equal treatment, the minister responsible for family matters and equal treatment, using data and analyses from independent research and in conjunction with other relevant bodies, will prepare a national programme against discrimination. The programme will determine adequate measures to:

- Raise social awareness of the root causes and effects of discrimination
- Counteract violations of the principle of equal treatment
- Establish cooperation with relevant social partners involved in implementing equal treatment

(g) Poland will continue to combat and counteract racism, xenophobia, anti-Semitism and hate crimes. Although these phenomena are not common in Poland, the Government is nevertheless determined to implement a wide catalogue of preventive measures of an institutional, legal and educational nature. Poland will continue implementing and evaluating its Programme for the Roma community, the National Programme against Racial Discrimination, Xenophobia and Related Intolerance 2004-2009, and the law enforcement officer programme for combating hate crimes. Moreover, the existing network of Human Rights Advisers attached to the Police Commander-in-Chief and Voivodship Police Commanders-in-Chief will conduct ongoing monitoring of incidents, trends and crimes related to discrimination and misconduct of law enforcement authorities. They will also make analyses and elaborate proposals on the improvement of the quality and methods of the work of the law enforcement. It is also planned to create the institution of Human Rights Advisers attached to the Border Guard;

(h) Poland will continue to participate in the World Programme for Human Rights Education, within the first stage of which education on human rights has been introduced into the core curricula of general education at primary and middle schools. Moreover, the Ministry of National Education has launched a number of other measures to promote education on human rights and the rights of child. Training to prepare activities for the advancement of human rights and combating discrimination in local communities has been carried out under numerous projects;

(i) Additional measures to level educational opportunities will be introduced. Poland will spare no effort to enable preschool-age children to enjoy their rights, among others through the creation of amenable conditions for developing various forms of preschool education, particularly in rural areas. The planned strategy for the development of education in rural areas

for 2007-2013 will be attuned to the Government Programme for the development of education in rural areas in the years 2008-2013. The strategic aim of the programme is to upgrade the quality and level of education in rural areas. Implementation of the measures facilitating access for children from rural areas and small towns to quality education will continue until 2013.

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

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

3. General comments made by other relevant stakeholders

534. The Federation for Women and Family Planning (also on behalf of Action Canada for Population and Development, the Latin American Committee for the Defence of Women's Rights and the International Women's Rights Action Watch Asia-Pacific) indicated that, with reference to the National Programme against Domestic Violence (paras. 29 and 34 of the Working Group report), the legal framework for the protection of domestic violence victims is not effective. It noted that the possibility to isolate victims from perpetrators of violence is rarely used and only after the criminal proceedings are finished. It also noted that there is no effective infrastructure of shelters and centres assisting both the victim and the perpetrators. It further noted that too many people continue to believe that domestic violence is a private matter. In reference to the new provisions permitting to file an appeal when a doctor refuses to conduct an abortion (para. 51 of the Working Group report). It noted that access to abortion in Poland is restricted to three situations described in law and that Polish law does not foresee effective measures to review refusals of abortions. It noted that both legislative reforms and increased social awareness were necessary to tackle these problems.

535. The International Commission of Jurists drew attention to recommendation No. 20 and paragraph 30 of the report, as well as to the fact that the dialogue has not enabled full consideration of the issues of secret detentions or of renditions of terrorism suspects. It indicated that there is strong evidence that at least one CIA-run secret detention centre has existed in Poland, involving systematic gross violations of human rights. This imposes an international human rights law obligation on Poland to provide for a thorough, transparent, independent and impartial investigation. So far, the only national-level investigation has taken place in secret, with no published report, which fails to satisfy Poland's duty to investigate alleged human rights violations. The International Commission of Jurists suggested that Poland establish a transparent and independent inquiry to investigate allegations of the involvement of Polish officials in secret detentions and renditions and make the outcomes of such investigations public.

536. Amnesty International welcomed the focus in the Working Group report on identity-based violence and discrimination. It shared the deep concern expressed by States during the review at the climate of fear that increasingly threatens the basic human rights of lesbian, gay, bisexual and transgender people in Poland. It expressed the wish that Poland act upon the recommendations in the outcome report and take effective measures to combat discrimination; that it refrain from making public statements which could be interpreted as encouraging discrimination; that it ensure thorough and impartial investigations; and that those responsible be brought to justice.

Concerning the issue of the alleged involvement of the Polish authorities in the programme of secret detentions and renditions led by the United States of America raised during the interactive dialogue, Amnesty International regretted that no specific recommendations were included in the outcome report.

537. The Helsinki Foundation for Human Rights expressed satisfaction at the fact that the Polish Government has accepted most of the recommendations made during the review, especially those concerning the use of pretrial detention, the overcrowding of prisons and the prevention of discrimination. It noted that despite denials by the Polish Government, senior Polish security officials have confirmed to the Council of Europe that Polish territory was secretly used to hold some of the United States' most important detainees after 11 September. Although the Polish Government has promised to release the findings of Senator Marty's report, these materials have never been made public, except at a press conference in which the Government denied the existence of any information regarding the use of detention facilities. In Marty's opinion, this exercise was insufficient in terms of the positive obligation to conduct a credible investigation of the allegations of serious human rights violations. In the light of this, the Helsinki Foundation expressed its hope that Poland will engage in a dialogue on this issue.

538. The International Lesbian and Gay Association expressed great satisfaction that Poland has accepted most of the recommendations and that those concerning lesbian, gay, bisexual and transgender people were addressed. As regards recommendation No. 6 on the adoption of an anti-discrimination law, it stressed that the proposition of Poland includes sexual orientation and gender identity only in employment and recalled that human rights standards in Europe on this matter include sexual orientation and gender identity in all contexts. It welcomed recommendation No. 27 encouraging Poland to enact a comprehensive body of anti-discrimination legislation and to set up a body to combat discrimination. It also expressed the hope that the new Plenipotentiary of Equal Status will be equipped with the sufficient resources to effectively perform its duties. In reference to recommendation No. 17 on the right to freedom of expression and association, it hoped that the decision of the European Court of Human Rights in this regard would be fulfilled and that the freedom of assembly be guaranteed to all. It also indicated that it would be suitable to include sexual orientation and gender identity as one of the grounds in the anti-hate speech criminal code provisions. Finally, in reference to recommendation No. 23 encouraging Poland to intensify its efforts to promote and protect dignity and equality, it noted the position of Poland that the issue of the Council of Europe's handbook COMPAS on promoting human rights had been resolved.

4. Views expressed by the State under review on the outcome and concluding remarks

539. In conclusion, the delegation reiterated that Poland is fully committed to make the universal periodic review process a success and to ensure that it will improve the situation of human rights at the national level. It stated that no country has a perfect human rights record and Poland is no exception. Poland is aware of its shortcomings in this field and it has been very clear about this in the national report and during the review process. What we need is to be constantly ready to respond to the new challenges in the promotion and protection of human rights. In this context Poland is convinced that the value of the UPR exercise lies not only in the presentation of human rights achievements but in particular in the identification of the key challenges that are still to be tackled. Poland perceives the recommendations made in the course

of the review process as an immense added value for further improvement of the human rights situations on the ground. Many of them reflect the challenges that Poland has already identified and is in the process of addressing.

540. The delegation of Poland thanked the representatives of civil society for their comments concerning the examination of the situation of human rights in the country. It stressed that the principles of openness and inclusion are of utmost importance in the review process, it refers in particular to the involvement of civil society. In this context, the delegation does hope that the lessons that were drawn from this experience will allow Poland to improve communication and cooperation with non-governmental organizations in the future. It noted that issues raised during the debate by non-governmental organizations, e.g. the problem of overcrowding in prisons, access to abortion, equal treatment, cases of discrimination based on sexual orientation, the question of secret flights and secret detention centres, pretrial detention and domestic violence, have already been discussed during the interactive dialogue that took place on 14 April. Some of them are also covered by recommendations formulated by the UPR Working Group; comments to them are to be found in the written responses of the Government to these recommendations (A/HRC/8/30/Add.1).

Netherlands

541. The review of the Netherlands was held on 15 April 2008 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents: the national report submitted by the Netherlands in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/1/NLD/1); the compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/1/NDL/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/1/NLD/3).

542. At its 17th meeting, on 11 June 2008, the Council considered and adopted the outcome of the review on the Netherlands (see section C below).

543. The outcome of the review on the Netherlands is constituted of the report of the Working Group on the Universal Periodic Review (A/HRC/8/31), together with the views of the Netherlands concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/8/31/Add.1).

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

544. The Netherlands stated that it had been an honour to be part of the very first session of the universal periodic review. It was of the opinion that the review had the potential to become a platform for the discussion of all the challenges and constraints, achievements and best practices of member States in the area of human rights.

545. The Netherlands was reviewed on 15 April, as the interactive dialogue the General Assembly had in mind when it adopted its resolution 60/251 in 2006. A total number of 37 countries intervened and many issues were raised, including on issues that were

currently the subject of debate in the Netherlands. It noted that the approximately 50 questions and 31 recommendations received would help it find answers to the challenges that the country was facing and to develop new thoughts and ideas for the future.

546. The Netherlands submitted its responses to the 31 recommendations to OHCHR (A/HRC/8/31/Add.1). In that document, the Netherlands tried to be as open and transparent as it had been during the review and earlier in its national report by substantiating why certain recommendations could or could not be supported. Many of the recommendations concerned integration, discrimination and migration issues, which were the subject of current public debate in the Netherlands. The Netherlands stated that it supported most of the recommendations and that they were generally in line with the Government's policies, as explained in its national report.

547. The Netherlands further noted that two of the questions that it received in April still needed to be answered. The first one was from Slovenia, which expressed its concern at the lack of sufficient mental health services for adolescents, the prevalence of drug and alcohol abuse, teenage pregnancies and sexually transmitted infections. Slovenia also requested more information on programmes and measures to prevent or reduce drug and alcohol abuse.

548. The Netherlands assured that it offered a variety of education and prevention programmes designed for young people. Young people with alcohol and/or drug problems could turn to outpatient or inpatient clinics for help. The number of teenage births was relatively low and not rising and the number of sexually transmitted diseases had stabilized over the past two years. It also informed the Council that, with regard to mental health care, more resources had become available so that young people with severe behavioural problems could now have access to care more rapidly.

549. The second question came from Switzerland, which asked about the action plan on human rights education. The Netherlands pointed out that the action plan was currently being discussed within the framework of the human rights education platform, which was looking for ways to help schools to incorporate human rights into existing study programmes. Furthermore, it stated that a major challenge was posed by the limitation mentioned in its national report, namely that schools could not be ordered to include specific subjects in their curriculum. The Netherlands stated that it would inform the Council on progress in due course.

550. Moreover, the Netherlands took the opportunity to make some remarks about the universal periodic review process to date. Although a lot of work still had yet to be done, the Netherlands highlighted some trends developing in the first two sessions of the review that it considered to be promising for the future.

551. Firstly, it noted that the major human rights issues in every State under review had been raised in a constructive manner, showing that the intention of the General Assembly that the universal periodic review should be a cooperative mechanism based on interactive dialogue could actually work. Secondly, the Netherlands was pleased to see so many member States actively participating in the process. Thirdly, it experienced an increasing openness and transparency as the sessions evolve. For the moment, the Netherlands considered the review a "work in progress" that would ultimately contribute to the improvement of the human rights situation in all countries.

552. The Netherlands pointed out that it should be kept in mind, however, that the universal periodic review was an additional tool for human rights monitoring, intended to complement and not duplicate the work of the treaty bodies and the special procedures. Furthermore, the review should not detract from the mandate of the Council to act upon gross human rights violations in specific countries.

553. The Netherlands was also of the view that it was crucial to have an open dialogue in the Council and at home; an open dialogue between States, but also between Governments and civil society. The Netherlands reported that, in its preparations for the universal periodic review, it had organized three consultative meetings with a total number of 24 Dutch human rights non-governmental organizations and other representatives of civil society. The last meeting had been held when its response to the 31 recommendations received was discussed. The Netherlands also stated that, directly following that review, the head of the Dutch delegation, State Secretary of Justice Nebahat Albayrak, had participated in a very useful side event for non-governmental organizations on the outcome of the Dutch review. The Netherlands expressed the view that policies designed through dialogue are more workable and effective than those conceived on the Government's drawing board alone.

554. While the Netherlands noted that several countries had followed a similar procedure, it strongly encouraged others to opt for and stimulate a more active involvement of civil society in preparations for the review, the review itself, the concluding outcome meeting and the follow-up of non-governmental organizations, and to participate in country-based side events on the premises of the United Nations Office in Geneva.

555. The Netherlands stated that it was essential for a productive universal periodic review outcome that the voice of civil society be sufficiently heard by the Council.

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

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

3. General comments made by other relevant stakeholders

557. The International Commission of Jurists welcomed the delegation's interaction with the universal periodic review mechanism and drew attention to recommendations Nos. 1, 9, 23 and 29 and paragraph 26 of the summary of the debate. It was recommended, inter alia, to ratify the Optional Protocol to the Convention against Torture and review the legislation in order to protect fundamental rights of all persons independently of their migrant status. The International Commission of Jurists noted that the ratification and the implementation of the Optional Protocol to the Convention against Torture would help improve the conditions of detention in the Netherlands, in particular in detention centres for immigrants. As regards counter-terrorism measures, it stated that the law expanding the powers to investigate and prosecute terrorist acts came into effect in the Netherlands in February 2007 and that the Netherlands must respect human rights obligations when implementing anti-terrorism measures and bring all anti-terrorism legislation in line with human rights standards. The Netherlands is late in submitting its reports to the treaty bodies, and often reports only on the European part of the State; recalling that the

Committee on the Elimination of Discrimination against Women, the Committee against Torture and the Human Rights Committee have all urged the Netherlands to report on the human rights situation in Aruba and the Netherlands Antilles.

558. Aim for Human Rights reiterated the concerns that were prioritized by the Dutch coalition of 17 non-governmental organizations that are involved in the Universal Periodic Review process. This coalition stressed the importance of the participation of non-governmental organizations in all human rights debates. It noted that the Government has conducted an open dialogue with the non-governmental organizations, which is highly appreciated, but there are still concerns on substance. Aim for Human Rights stressed that the Netherlands should speed up ratification of important human rights instruments and comply with the recommendations made by treaty bodies. The coalition recommended the establishment of a national human rights institution in accordance with the Paris Principles before the end of 2008. It also stated that the Netherlands should develop and implement a holistic approach to preventing the spread of intolerance and discrimination on the grounds of religion, sexual orientation and ethnic origin, and that human rights education should be promoted in all schools.

559. International Association of Democratic Lawyers referred to the reported persecution of certain Filipino political exiles. Attention was drawn to the raids late last year on the offices and residences of the Negotiating Panel of a national liberation movement called the National Democratic Front of the Philippines. In light of the statement made by the Justice Secretary during the review, the International Association of Democratic Lawyers also asked how the Government's commitment to respect human rights can be reconciled with what is viewed as unfounded arrest and labelling of asylum-seekers and what voluntary pledge the Government can make to guarantee that the legal processes are not affected by political interests.

4. Views expressed by the State under review on the outcome and concluding remarks

560. The Netherlands concluded by repeating what the State Secretary of Justice had said in April. For the Netherlands, the universal periodic review was not a snapshot of a particular moment in time, but rather an ongoing process that should lead to a permanent focus on the promotion of human rights at the national level. The Netherlands therefore stated that it would not wait four years to write a new report for the next review, but would submit interim overviews to inform States and others on the implementation of recommendations and other relevant human rights developments in the Netherlands, including the pledges made when it submitted its candidacy to the Council. It stated that it would continue the dialogue that it has now started, including the one with civil society, and that it would include answers to the questions that were asked during the adoption of the outcome either in its first interim overview or in bilateral contacts to the extent that they had not already been addressed in its national report or in its response to recommendations.

561. Finally, the Netherlands thanked Nigeria, Pakistan and Peru, the members of the troika that had helped prepare the Working Group report on the Netherlands, the Council Secretariat and the staff of OHCHR.

South Africa

562. The review of South Africa was held on 15 April 2008 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the presentation of the national report made by South Africa in accordance with the annex to Council resolution 5/1, paragraph 15 (a); the compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/1/ZAF/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/1/ZAF/3).

563. At its 17th meeting, on 11 June 2008, the Council considered and adopted the outcome of the review on South Africa (see section C below).

564. The outcome of the review on South Africa is constituted of the report of the Working Group on the Universal Periodic Review (A/HRC/8/32), together with the views of South Africa concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group.

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

565. South Africa thanked the members of the Council and other participants for the active and interactive dialogue that was held on 15 April 2008, when the Working Group on the Universal Periodic Review reflected on South Africa's national report. South Africa remains indebted to all those countries which demonstrated a keen interest in the affairs of South Africa, particularly at this critical stage of its development. Challenges abound in South Africa, which is a young democracy. It grappled with the challenge of having to reverse, in concrete terms, the negative effects of institutionalized forms of racial discrimination and dispossession which lasted well over 300 years, under successive oppressive colonial regimes and apartheid.

566. The South African struggle over this dark period was primarily the struggle for human dignity and equality, for democracy and the rule of law and for human rights and fundamental freedoms. South Africa is proud of the successes registered in the 14 years of its young democracy. As a deliberate Government policy, it embarked on a National Programme through the Parliament to repeal all the discriminatory legislation and to put in place a broad range of legislation promoting equality and dignity. The Government also put a particular emphasis on the rights of the vulnerable groups in the country, which during the apartheid era had suffered from multiple forms of discrimination.

567. Most of the recommendations proposed for South Africa require serious contextualization. Most of the recommendations have already been implemented through national legislation and policy programmes. It needs to be pointed out that the issue of corporal punishment in the home is being dealt with within the broader range of legislation covering domestic violence, i.e. the South Africa Domestic Violence Act. The Government has set up one-stop service centres (Thuthuzela Centres) where survivors of sexual assault can report crime, access specialist investigators and prosecutors and obtain medical care and counselling. The Department of Social

Development is in charge of implementing Social Development Programmes, which among others provides for social security and safety nets and other important services such as social grants for persons living with HIV and AIDS and other debilitating illnesses.

568. The Government has by legislation outlawed corporal punishment at school. It however acknowledges that there are isolated cases of non-compliance with legislation for which corrective measures are usually taken in accordance with the country's Penal Code. The South African Schools Act focuses on the best interest of the child and respect for children's dignity. South Africa promotes a human rights-based approach to all its educational policies, and these are strongly reflected into the National Curriculum Statement. This promotes the interests of the child and teaches the values of respect and dignity, diversity and non-discrimination. The Department of Education has initiated the Advanced Certificate Programme in Human Rights and Values Education for teachers, which is offered by universities, and enables teachers to act as champions for human rights in schools. Various other programmes contribute to this aspect as well.

569. Furthermore, the Department of Education has taken steps to ensure the right to education, and rights in education. Periodic reviews by the Human Rights Commission have ensured that these policies are effectively delivered. There is a racial integration strategy, an inclusive and non-discriminatory, non-religion policy in education, and a set of guidelines on managing sexual harassment in schools. These interventions are intended to ensure that no learner is unfairly discriminated against in education. The Bill of Rights is a constitutional imperative, and the Department of Education, working with religious leaders, has recently introduced a Bill of Responsibilities into schools, as a complement to the rights culture being established in the country.

570. School attendance in South Africa is relatively good, with universal primary education well established. A recent study on learner retention concluded that there is now near full enrolment until at least the ninth grade, after which there is a challenge regarding dropouts. However, at least 60 per cent of children complete 12 years of schooling. While financial constraints are cited as one reason for such dropouts, this has been alleviated through the following measures:

- 40 per cent of schools have been declared "no fee schools", in which parents are not expected to contribute anything towards the costs of education. This figure will be increased to 60 per cent in 2009.
- It could also be noted that the funding of public schools is heavily weighted towards the poor, with school funding dependent upon the poverty ranking of the school.
- At schools with tuition fees, a system of exemptions, based on family income, is in place to ensure that pupils are not excluded from these schools because of the inability to pay. The rule of thumb is that a family earning less than 10 times the school fee is fully exempted from fee payments.
- In addition, substantial loans and scholarships are made available to deserving students for study at the Further Education and Training College, at a university, or for teacher training. This has enabled large numbers of poor students to attend such institutions.

571. One seriously disturbing occurrence which shocked the conscience of an overwhelming majority of South Africans was the recent racial incident at the University of Free State in Bloemfontein. Through prompt action, the Government, upon recommendation of the Department of Education and other relevant stakeholders, decided to permanently close down the student residence at the University from which these acts were perpetrated.

572. In South Africa, everyone has the right to equal protection and benefit of the law. No one may be discriminated against on any ground. The Constitution extends this protection to all groups, including persons with alternative life and sexual orientations. Successful cases have been adjudicated upon by the South African Constitutional Court where discrimination on some of these grounds could be proven.

573. The Government is in the process of preparing legislation aimed at criminalizing all acts that are repugnant and demeaning of dignity in society. The areas covered in this regard include acts of racism, torture, cruel, inhuman or degrading treatment or punishment, as well as enforced disappearance. Some of the Bills are already at the stage of public consultation. The South African extradition policies are premised on the principle of non-refoulement. Just last week, the Government received the Counter-Terrorism Committee Executive Directorate as part of the Security Council's evaluation of South Africa's respect for human rights and fundamental freedoms while countering terrorism.

574. The Government of South Africa is on record as having publicly deplored the recent acts of violence against foreigners in the country by individuals and groups, ostensibly motivated by xenophobia. The prompt and decisive intervention by the Government against individuals and groups responsible for these violent acts of xenophobia manifestly demonstrates that what happened cannot be described as State-sponsored xenophobia. In acknowledgement that many African countries hosted and welcomed many South Africans as refugees in their countries during the dark days of apartheid, South Africans have lived peacefully with immigrants of all types over many years. Thus, the South African Immigration Act is premised on inclusivity. The Government uses the annual Africa Day celebrations as an occasion to promote diversity and multiculturalism.

575. Many of the special procedures of the Council who previously visited the country legitimately recommended to the Government to consider ratifying the International Covenant on Economic, Social and Cultural Rights. South Africa appreciates and welcomes this recommendation. The Government is currently looking at the appropriate structure which can be used as an "implementing agent" to coordinate the various rights resorting under this important instrument. The Government's position is very clear that the enjoyment of civil and political rights is meaningless unless these rights are inextricably linked to economic, social and cultural rights. The Constitutional Court system, through its adjudications, has given international momentum to the notion of "justiciability" of economic, social and cultural rights. The delegation is currently spearheading an initiative within the framework of the Council aimed at the rectification of the legal status of the Committee on Economic, Social and Cultural Rights. It is one of the few advocates of a very strong optional protocol which would guarantee the true meaning of the practical enjoyment of economic, social and cultural rights, including maximizing remedies for the victims whose economic, social and cultural rights have been violated.

576. South Africa will update the Council in line with its voluntary commitments and pledges.

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

577. Nigeria praised South Africa for taking the necessary measures to implement the recommendations it agreed to during the review. It expressed its optimistic view that with such a level of commitment, the primary objective of the universal periodic review as a mechanism intended to assess and determine the extent of the practical enjoyment of all human rights and fundamental freedoms in each country will fully be realized. It welcomed the laudable progress made over the years by the Government to transform the State and deploy resources to give all citizens equal access to rights and provide equal services to all. It wished South Africa success in this endeavour.

578. Canada indicated that during the review, it had highlighted reports of abuse of migrants in South Africa and recommended that it ensure that the rights of migrants are respected. The violence that subsequently occurred in Johannesburg and a number of other urban areas in South Africa shows that addressing issues related to xenophobia and the abuse of foreign nationals will not be easy. The challenge is made greater by the ongoing movement of large numbers of Zimbabweans seeking to escape the deteriorating political and humanitarian situation in their country. It was encouraged by South Africa's strong condemnation of these attacks and remains confident that the Government will do its utmost to promote tolerance, to combat prejudice and to ensure the safety of migrants. It also expressed its support to South Africa for its efforts.

579. Tunisia expressed its gratitude to South Africa for its commitment during the universal periodic review process. It commended it on the presentation and its efforts in the area of human rights, and noted with interest the information contained in the national report and the new provisions adopted in various areas in follow-up to the recommendations which resulted from the review. It also paid tribute to the leadership of South Africa in the area of combating racism, racial discrimination, xenophobia and related intolerance. It further noted that the experience of South Africa in this area remains for all a source of inspiration and pride.

580. China noted that South Africa has not only completed successfully the peaceful transition from apartheid to a democratic society but has also established a comprehensive national system for safeguarding human rights and taken positive measures for the protection of human rights with remarkable progress. It noted that South Africa had hosted the historic conference against racism and had excellent cooperation with various United Nations human rights bodies.

581. Pakistan thanked the delegation of South Africa for its elaborate presentation on the outcome of the universal periodic review. It noted that South Africa faces a complex and challenging internal situation after years of racial discrimination. South Africa has invested great human and material capital to improve the human rights situation in the country, and it was urged to continue to implement its reforms policies to promote economic, social and cultural rights, democracy and the rule of law, the national programme against discriminatory policies, rights of vulnerable groups, education, and racial integration policies and policies against

xenophobia. It understands that the challenges faced by South Africa are enormous, but with the commitment displayed by the Government, South Africa will soon be able to overcome these challenges.

582. Botswana was encouraged by South Africa's willingness to accept the recommendations of the Working Group and that most of them are already being implemented. It noted with appreciation the stance taken recently against xenophobic attacks on expatriates, which demonstrates the commitment of the Government to safeguarding the human rights of both South Africans and other nationals within its borders.

583. Algeria commended South Africa on having adopted, after the first democratic election in 1994, a reconstructive framework the primary goal of which was to address the historical legacy of inequality and create an integrated service delivery system to improve the quality of life of all South Africans. It noted that the Government is demonstrating a firm commitment to continuing to implement its human rights obligations and to address in the most appropriate manner xenophobic attitudes towards immigrants from neighbouring countries. It commended South Africa on following a coherent and structural approach to tackling poverty and underdevelopment by integrating appropriate measures into sectoral policies and strategies and by providing appropriate budgetary allocations thereto. With regard to HIV/AIDS, Algeria highlighted that through the establishment of the Medicine Pricing Regulation in 2004, the Government has made medicine affordable for all. It appreciated the fact that the challenge was addressed with a special focus on preventive programmes targeting adolescents. Concerning housing issues, it is impressed by the challenge that South Africa has met notably in addressing the phenomenon of "homelessness-landlessness". Beyond the impressive increase in available housing and the adoption of legislation to address the issue of land reform, it acknowledged the strong constitutional and legislative protection measures taken to prevent illegal evictions and to provide judicial recourse for victims of illegal evictions. It stated that South Africa will continue to be a source of inspiration in the field of human rights.

584. Malaysia noted with appreciation the positive engagement of the Government of South Africa in the universal periodic review process, including its forthcoming responses during the interactive dialogue in the session of the Working Group. It noted South Africa's commendable transformation into a vibrant democratic nation embracing the principles of the rule of law and sound socio-economic policies for its population. The benefits thereof have been acknowledged during the review of South Africa's national report. It congratulated the Government on its efforts to further enhance the promotion and protection of human rights in the country, despite the existing challenges it continues to face. It reiterated its support to the Government's leading role in the global fight against racism and racial discrimination.

585. Egypt congratulated South Africa on the efforts made in the short period since independence, and in getting rid of the repulsive system of colonialism, apartheid and racial discrimination. It noted the progress achieved, including the framing of a modern constitution and legislation, as well as the establishment of proactive institutions. Egypt noted that these achievements were a good basis, though a work in progress, and was satisfied with the constructive and open spirit in which the Government would address any new and remaining challenges.

586. Angola welcomed the readiness of South Africa to engage in an open and constructive dialogue regarding the situation of human rights and its cooperation with the universal periodic review. It expressed its appreciation for the efforts of the Government to improve the situation of human rights in all areas in spite of the challenges. It noted that South Africa is creating strategies to improve civil and political rights as well as economic, social and cultural rights and is showing a great commitment to improving human rights by ratifying a number of international human rights instruments and by accepting several recommendations to enhance human rights. It welcomed South Africa's commitment to overcoming social challenges it faces and welcomed the policies undertaken to promote gender equality, notably in education. It expressed its appreciation for the South Africa Bill of Rights as it enshrines the rights of all people and affirms the democratic values of human dignity, equality and freedom. It also welcomed South Africa's efforts to achieve universal primary education by 2015. In this regard, it underlines the South African Schools Act 84 of 1996. It believes that only through education can a nation aspire to achieving sustainable growth and development.

587. The Syrian Arab Republic noted that South Africa's acceptance and endorsement of the various recommendations was indicative of its determination in the field of human rights, despite the heavy legacy it inherited from the shameful ex-apartheid regime. These include the commitment to improve the handling by police of rape cases and to curb rates of violence, particularly against women and girls, to ratify the International Covenant on Economic, Social and Cultural Rights, to ensure that the rights of migrants are respected, particularly by law enforcement officials, and to take measures to address the inequities in access to HIV/AIDS treatment and support, particularly in rural areas. It noted that the development burden inherited by South Africa was enormous, but that its achievements in the areas of housing, basic services, education and medical care in favour of the historically disadvantaged masses are genuinely unsurpassed in developing countries and deserve encouragement and full support.

588. Djibouti welcomed the review of South Africa, which after years of deprivation of the human rights of its people who suffered so much and after the apartheid regime has been able to establish an atmosphere and climate conducive to the establishment of a democracy which is multicultural and multi-ethnic. It noted that South Africa has been able to promote and protect human rights and dignity of its people. It encouraged it to continue along these lines.

3. General comments made by other relevant stakeholders

589. Human Rights Watch welcomed the important recommendations to address the problems of sexual violence, equal access to HIV retroviral treatment and the enhanced protection of those seeking safety from persecution. It noted that the treatment of migrants and asylum-seekers has become particularly relevant in view of the surge in xenophobic attacks. It noted that poverty has a strong rural dimension, and that South Africa's Bill of Rights provides for binding and justiciable rights for all. It suggested that South Africa ratify the International Covenant on Economic, Social and Cultural Rights and ensure equitable access to antiretroviral treatment for all sectors of society. It regretted the absence of a recommendation on the prevention of evictions. It supported the recommendation made to provide victims of discrimination on the basis of sexual orientation more accessible and rapid remedies, and suggested strengthening the Sexual Offences Bill to include a comprehensive package of protection for child victims in

courts and to ensure that this bill is enacted without further delay. It believed that the review would be enhanced by broad and substantive participation and consultations with civil society and all branches of government.

590. The Centre on Housing Rights and Evictions welcomed the attention paid by South Africa to housing rights matters but was concerned that there were no recommendations on housing rights issues. It also expressed concern about the proposed amendments to the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act. A further cause for concern was a recently passed provincial legislation, the KwaZulu-Natal Elimination and Prevention of Re-emergence of Slums Act, and it was disturbing that other provinces were looking to adopt similar legislation, particularly considering the ongoing legal challenge to the constitutionality of this Act. The Centre on Housing Rights and Evictions welcomed the recent historic judgement in the case of *Mazibuko v. City of Johannesburg*, which, inter alia, increased the minimum amount of drinking water the city is obligated to provide to low-income residents in Phiri township in Soweto. It expressed serious concern at the escalation of forced evictions in Durban and other cities, noting that in Johannesburg, the “urban regeneration” and gentrification of the inner city is leading to the eviction of hundreds of thousands of desperately poor people. It suggested that the Council record these concerns and that the Government address them without delay.

591. Amnesty International welcomed the recommendations on the rights of asylum-seekers and migrants. It noted that despite assurances by South Africa, the recent wave of xenophobic violence in May 2008 against victims identified by the perpetrators by their perceived ethnic origin or status as “foreigners” or asylum-seekers demonstrated a need for much better State policies. It suggested that South Africa ensure that those subjected to this type of violence and displacement are afforded effective protection and access to legal remedies and humanitarian assistance. It noted that a full, independent and impartial judicial inquiry must be conducted into the violence, including that by law enforcement officials. It noted that the elimination of discriminatory barriers to access to health services for people living with HIV/AIDS continues to be a key challenge. It suggested that the Government address inequities, arising from poverty and gender-based violence, in the access to prevention, treatment, care, and support for those at risk of or living with HIV/AIDS, with particular attention to women in rural areas. It also noted with disappointment the limited participation of representatives from the capital in the review.

4. Views expressed by the State under review on the outcome and concluding remarks

592. In conclusion on the outcome review, the delegation of South Africa welcomed the opportunity to be reviewed as one of the first 16 States under the universal periodic review mechanism of the Council on 15 April 2008, at which it had the opportunity to present South Africa’s challenges, achievements and best practices to the Council and also to learn from the experiences of other member States. It also welcomed the active participation and collaborative spirit in which South Africa’s review was conducted, including the insightful comments and questions. The delegation noted with appreciation the very positive and constructive statements made in support of South Africa’s efforts to firstly achieve economic, social and cultural rights, especially from States which had experienced similar challenges in the past. Furthermore, the comprehensive reports and presentations by all States under review reflecting their achievements and best practices no doubt constitute valuable resources for countries that are looking for possible solutions to address their own challenges.

Czech Republic

593. The review of the Czech Republic was held on 16 April 2008 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents: the national report submitted by the Czech Republic in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/1/CZE/1); the compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/1/CZE/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/1/CZE/3).

594. At its 17th meeting, on 11 June 2008, the Council considered and adopted the outcome of the review on the Czech Republic (see section C below).

595. The outcome of the review on the Czech Republic is constituted of the report of the Working Group on the Universal Periodic Review (A/HRC/8/33), together with the views of the Czech Republic concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/8/33/Add.1).

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

596. The Permanent Representative of the Czech Republic to the United Nations Office at Geneva, in his introductory remarks, expressed his pleasure to represent the Czech Republic before the Council in this important exercise and welcomed the report, as well as the whole process starting with the preparation of the national report, continuing with the interactive dialogue on 16 April 2008, and the adoption of the outcome document. The Czech Republic was ready to continue the follow-up to the review, in cooperation with civil society and with a gender equality perspective.

597. Since the interactive dialogue on the situation of human rights in the Czech Republic, the Government had diligently considered all the recommendations raised during the discussion and a detailed written response to them had been submitted to the Council.

598. Regarding the rights of ethnic minorities, especially the Roma minority, the Government was aware of the need to continue its efforts through a number of initiatives aimed to eliminate all forms of discrimination or exclusion of individuals and groups defined by their race, colour of skin, nationality or language. A focused attention is being paid to the reduction of unemployment, improvement of the housing situation, health and prevention of social exclusion in Roma communities.

599. The recommendations related to the fight against Nazism and extremism were included and implemented in the framework of the Government's anti-extremism policy. This policy also contains medium and long-term provisions, both of a preventive and repressive nature, against extremism, neo-Nazism, racism, anti-Semitism and xenophobia. All activities leading to violence against groups of people and individuals, as well as any incitement to hatred against nations, ethnic groups, races or beliefs, and support of movements leading to suppression of the rights and freedoms of people, are criminal offences under Czech law.

600. The Czech Republic deeply appreciated the contribution of human rights defenders to the protection of human rights and actively supported effective measures to improve their protection and to promote their activities worldwide. The Government remains committed to maintaining an environment conducive to the work of human rights defenders in the Czech Republic as well, enabling individuals, groups and associations to freely carry out activities to promote and further the protection of human rights. The Government Council for Human Rights, where an open dialogue between the Government and civil society representatives takes place, is one of the examples of such an environment.

601. Regarding the cases of sterilization of women without their proper informed prior consent, the Ombudsman identified 50 such cases. In some of them complaints were filed with a court, and in one case financial compensation of 200,000 euros was awarded together with an apology. In another case, an apology was awarded by the hospital. In response to these findings, additional measures were taken to improve the effectiveness of existing legal safeguards against such sterilizations. Detailed rules on sterilization will become part of the new law on specific medical services, which is being prepared and is expected to come into force in 2009. Further, the Government would be considering the proposal made by the Council to establish an interdepartmental working commission to examine past sterilization practices starting from 1 July 1966.

602. On the issue of cage beds in health-care and social care facilities, cage beds or net-beds have been banned by law since 1 January 2007. In health-care facilities the use of restraining means is currently regulated by internal guidelines, not by law. In March this year, the Government approved a motion requesting the Ministry of Health to prepare a new legal regulation which should follow the Council's recommendations and contain a set of detailed rules and safeguards for use of any restraining means in health-care facilities.

603. The Government had for many years been exercising its strong resolve to fighting trafficking in human beings. The recommendations in this area enjoy its full support and are being implemented in compliance with the National Strategy of Fighting against Trafficking in Human Beings, which is being implemented since 2003 and is updated every two years. A number of measures continue to be taken regarding repression, prevention and care for the victims of trafficking, in accordance with the Palermo Protocol and other relevant international agreements and recommendations.

604. In the area of the protection of child rights and support to families, the Government's current activities and plans in this regard conformed to the recommendations made. In March 2008, the Government tasked the Ministry of Labour and Social Affairs to prepare a proposal on necessary measures for the transformation of the system of child protection, which would be submitted to the Government by the end of 2008. The long-term objective of this reform is to strengthen prevention and social assistance provided to families at risk and to improve conditions for the foster care in order to prevent the institutionalization of children. The Government is aware of the need to enable parents to combine their work and family life. A new system of a three-speed drawdown of parental allowance was introduced in January 2008, entitling parents to choose from three options of drawdown of parental allowance according to their reconciliation strategy, thus allowing families to choose the length of personal child care freely and to share responsibilities for child care within the family.

605. Regarding the Yogyakarta Principles, currently a committee for issues relating to sexual minorities is being set up under the Government Council for Human Rights. The committee will work on implementing recommendations stemming from the recently prepared analysis of the state of the lesbian, gay, bisexual and transgender minority, most of which are already in compliance with the Yogyakarta Principles, and stemming from the Yogyakarta Principles.

606. On the international political and legal framework for the protection and promotion of human rights, the Government remained committed to full cooperation and an open and constructive dialogue with all the monitoring treaty bodies and human rights special mechanisms. The Parliament is currently considering the Government proposal to ratify the Rome Statute of the International Criminal Court. In the course of this year, inter-departmental consultations will be taking place with a view to preparing a proposal to sign the International Convention for the Protection of All Persons from Enforced Disappearance, and the Ministry of Labour and Social Affairs will present to the Government a proposal to ratify the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto. The Government is of the view that the rights of migrant workers and their families are comprehensively protected under existing national legislation and international commitments, and is therefore currently not considering the signature of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

607. Regarding the recommendation related to trainings for the judiciary on international human rights law, the Czech Republic continues to strengthen this crucial aspect of education of legal professionals, which is attended by judges and public prosecutors. Some of these trainings are open also to members of other legal and court trainees, and seminars of continuing education are conducted for judges and public prosecutors with up to three years' experience.

608. The Government was ready to submit to the Council, in the coming months and years, information on all concrete developments that would be achieved in the areas covered by the recommendations as a proof of its commitment to the ultimate goal of the universal periodic review, which is to achieve concrete improvements in the situation of human rights in the countries under review.

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

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

3. General comments made by other relevant stakeholders

610. The Centre on Housing Rights and Evictions, in a joint statement with Canadian HIV/AIDS Legal Network, welcomed the process and outcome of the universal periodic review, and the attention paid during the interactive dialogue and in the report in the Working Group to the severe exclusion of the Roma minority in the Czech Republic and to the need to tackle discrimination on the basis of sexual orientation. It requested that the record reflect specific concerns, including the lack of a Government response to the coercive sterilization of several hundreds of Roma women during the period from the late 1970s to 2004. The Government had not offered any clear indication as how it intended to rectify the current erosion of the right to adequate housing in domestic law. It was also unknown how the Government would desegregate

the school system and deal with the Presidential veto of an anti-discrimination bill adopted by the Czech Parliament on 24 April 2008. It urged the Czech Republic to take account of these matters in the follow-up to the universal periodic review.

611. Amnesty International welcomed the focus in the review on the issue of discrimination against ethnic minorities and other marginalized groups. Amnesty International supports and welcomes suggestions to ensure that Roma are not discriminated against in the area of employment, health care, education, housing and access to justice. Roma continue to suffer from discrimination at the hands of both public officials and private individuals. They can often not obtain housing, even if they present financial guarantees. Segregation in the education system is widespread and Roma children are frequently placed in special schools for children with mental disabilities. Concern was also expressed at the fact that Roma women had been subjected to sterilization procedures without their full and informed consent. The Government should take all measures to stop such practices.

4. Views expressed by the State under review on the outcome and concluding remarks

612. In his closing remarks, the Permanent Representative of the Czech Republic thanked all representatives who had taken the floor. Thanks were also expressed to all those who had devoted their time to studying the human rights situation in the Czech Republic and had raised concrete recommendations during the interactive dialogue. For the Permanent Representative, the delegation and his colleagues in the ministries, the universal periodic review had become a unique chance to see the human rights in the country through the eyes of all others, and they would continue working on its follow-up.

Argentina

613. The review of Argentina was held on 16 April 2008 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents: the national report submitted by Argentina in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/1/ARG/1); the compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/1/ARG/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/1/ARG/3).

614. At its 18th meeting, on 11 June 2008, the Council considered and adopted the outcome of the review on Argentina (see section C below).

615. The outcome of the review on Argentina is constituted of the report of the Working Group on the Universal Periodic Review (A/HRC/8/34 and Corr.1), together with the views of Argentina 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

616. The Permanent Representative of Argentina to the United Nations Office at Geneva reaffirmed the commitment of Argentina to the universal system for the promotion and protection of human rights, in particular the Council and its mechanisms.

617. For Argentina, the system of bodies created pursuant to human rights treaties and special procedures of the Council is one of the main achievements of the United Nations in the field of the promotion and protection of human rights at the universal level, and constitutes one of the principal tools of the Organization for ensuring the compliance with international human rights obligations assumed by States.

618. Argentina noted that in the framework of the reform of the United Nations system some three years ago, the establishment of the universal periodic review was one of the main innovations. The review mechanism enables the Council to assess the human rights situation in a given country within a framework of universality and non-selectivity, while ensuring equal treatment for all States in accordance with General Assembly resolution 60/251 which created the Council.

619. Argentina noted that with the two first sessions of the Working Group on the Universal Periodic Review, the system has been put in place. Throughout these two sessions, a genuine and constructive international dialogue and an excellent cooperation among States took place, and this will certainly contribute to improving the compliance with human rights obligations and commitments. Nevertheless, Argentina noted that it is important to further improve the mechanism within the framework of the Working Group. In particular, it is necessary to work with a view to contributing to the uniformity of certain key aspects of the mechanism, such as the preparation of the reports of the Working Group, in coordination with the troika and the Secretariat, as well with regard to the format to be used for the section on recommendations.

620. Argentina was in the first group of countries to be reviewed in the context of the universal periodic review. Within the framework of the review of Argentina, 21 recommendations were made. The Government of Argentina has accepted all those recommendations.

621. Argentina considers that this last stage of the mechanism - the adoption of the outcome by the Council - is of particular importance since it makes it possible to include civil society in the process, in an active and participatory manner. Argentina has supported the participation of the civil society since the beginning of the negotiations on the institution-building process. Argentina highlighted the importance of contributions by non-governmental organizations to the debate.

622. Argentina also wished to emphasize the issue of follow-up to the recommendations and commitments made within the framework of the universal periodic review. The Council will in the future have the task of carrying out that work in the most appropriate manner. In this regard, Argentina has embarked on domestic measures to comply with the recommendations made during the review and with its voluntary commitments. Argentina will report in due course on the follow-up to the recommendations and commitments. Argentina indicated that it had already decided to announce its decision to recognize the competence of the Committee established

under the International Convention for the Protection of All Persons from Enforced Disappearance to examine individual complaints and inter-State communications, through a communication sent to the relevant office of the United Nations in New York.

623. Similarly, Argentina announced that on 21 May, the Congress approved the legislation authorizing the executive branch to ratify the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, the Protocol to the American Convention on Human Rights to Abolish the Death Penalty and the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

624. The Government of Argentina is also developing new initiatives to comply with recommendation 4 in respect to witness protection, in particular those witnesses giving evidence in trials related to human rights violations. Argentina further indicated that it is committed to keep the Council informed of developments for the fulfilment of its commitments and follow-up to the recommendations, and reiterated its commitment to continuing to take an active part in the work of the Council.

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

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

3. General comments made by other relevant stakeholders

626. The Latin American Committee for the Defence of Women's Rights, in a joint statement with Action Canada for Population and Development, Fundación para Estudio e Investigación de la Mujer, Federation for Women and Family Planning, International Women's Rights Action Watch - Asia Pacific, emphasized as a best practice meetings held by the Argentinean delegation with various organizations from the country which were present in Geneva prior to the adoption of the report of the Working Group, providing an opportunity to discuss the content and express concerns about the situation in the country. It also welcomed the adoption of a voluntary commitment to preserve and strengthen the role of non-governmental organizations. With reference to paragraphs 16 and 21 of the report regarding the effective implementation of Law 26.150 on sexual education, the organization welcomed that a minimum content was approved, including various forms of family organization, prevention of sexual abuse, birth control, respect for identities and gender equality, in compliance with recommendations 1, 2 and 17 and a voluntary commitment made by Argentina on the implementation of a national plan to combat discrimination.

627. The Permanent Assembly for Human Rights stated that many challenges that Argentina was facing in the field of human rights were not included in the recommendations of the report of the Working Group. The Permanent Assembly for Human Rights urged the Government of Argentina to take measures to prevent the recurrence of violent deaths in jails, as well as to inquire in a prompt and impartial manner into crimes perpetrated in prisons. It expressed concern at the lack of transparency of the Division of Internal Affairs and the opportunity given to the

police to judge its own officers, and called on Argentina to reform the *Ley Organica de la Policia Federal* and Act No. 21.695.965. Finally, the fact that the Security Secretariat was recently transferred within the competence of the Ministry of Justice and Human Rights, to which also the Human Rights Secretariat belongs, raised further alarm.

628. The Comisión Jurídica para el Autodesarrollo de los Pueblos Originarios Andinos, with reference to recommendations 15 and 16 of the report of the Working Group regarding the protection of indigenous peoples, noted that they should be taken into account for the resolution of potential conflicts related to the social impact of the operations of mining industries on the lands of indigenous peoples.

629. The Centre on Housing Rights and Evictions welcomed the attention paid to indigenous issues, especially indigenous rights to land, and of women, children and other members of vulnerable groups in the universal periodic review of Argentina. It was noted that the Argentinean national report made no reference to the realization of particular standards as defined, inter alia, in the International Covenant on Economic, Social and Cultural Rights, notably the right to an adequate standard of living for all. The lack of security of tenure and the continuing increase in forced evictions has not been adequately addressed. Argentina does not have a policy to prevent forced evictions and does not ensure adequate protection for those who lose their houses. The Centre on Housing and Evictions was also concerned that regularization and urbanization programmes in informal settlements are carried out in a discretionary basis and with uncertain results, without the possibility of recourse to judicial or administrative remedies. Argentina should transpose into the domestic legal order United Nations standards concerning housing rights and forced evictions as stated in general comments Nos. 4 and 7 of the Committee on Economic, Social and Cultural Rights.

630. Action Canada for Population and Development, with reference to paragraphs 16 and 25 of the report of the Working Group, regretted that the discussion of the issue of women's sexual and reproductive health and rights did not result in any recommendation. Implementation of the National Law on Sexual and Reproductive Health mentioned in paragraph 16 is very unequal across the country, due to the lack of political will on the part of some authorities and uneven distribution of contraceptive devices to public hospitals. It noted that unsafe abortion, being the leading cause of maternal mortality, is a problem of social justice because it affects poor women in a disproportionate way. It stressed the importance for the Government to take action to protect women's and girls' lives by, inter alia, guaranteeing ample provision of contraceptive devices to stop abortions, regulating the provision of therapeutic abortions that are currently allowed by law, and providing proper medical care to women and girls who have undergone unsafe abortions.

631. The Centre for Women's Global Leadership stated that, in spite of some legislative advances, Argentina still lacks a clear agenda for women's rights. In order to implement adequately recommendations 1, 2, 3, 17 and 18 of the report on the review of Argentina, a number of important issues should be addressed, namely the lack of sex-disaggregated official data on violence against women; women's vulnerability to HIV infection; the steadily decrease of the budget of the *Consejo Nacional de la Mujer*; the State's failure to implement the recommendation made by the Committee on the Elimination of Discrimination against Women

to incorporate domestic work - 90 per cent of which is performed by women - into the national accounts; and public housing plans' preference to two-parent households, which are discriminatory for families led by women.

4. Views expressed by the State under review on the outcome and concluding remarks

632. Argentina thanked the various actors who have made it possible for this new mechanism to come to life for their work and efforts, in particular, the President, the Secretariat of the Council and the delegations that worked in the preparation of the guidelines and modalities for the process, the methods to elect the States to be reviewed and the troika members. Argentina also expressed its appreciation to the troika members for Argentina - the delegations of Cameroon, Cuba and Ukraine - for their work and efforts during the review, as well as for the constructive spirit and dialogue on issues under consideration.

633. Argentina thanked OHCHR for Human Rights for its crucial cooperation and support. The inputs provided by the Office, both substantive and logistic, made a significant contribution to the mechanism, in particular, for the consolidation of the practice in the preparation of reports, which include the views and contributions from the treaty monitoring bodies, the special procedures mechanisms and the civil society. The contributions from stakeholders and other actors strengthen the mechanism and should be further supported and consolidated in the near future.

634. Argentina noted that it had also taken due note of the statements and suggestions expressed during the adoption of the final outcome of the review. Argentina reiterated its firm support to the universal periodic review as well as its commitment to continue to work in a constructive way within the framework of the review mechanism in the near future.

Gabon

635. The review of Gabon was held on 5 May 2008, in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents: the national report submitted by Gabon in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/2/GAB/1); the compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/2/GAB/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/2/GAB/3).

636. At its 18th meeting, on 11 June 2008, the Council considered and adopted the outcome of the review on Gabon (see section C below).

637. The outcome of the review on Gabon is constituted of the report of the Working Group on the Universal Periodic Review (A/HRC/8/35), together with the views of Gabon 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

638. Gabon had ratified the Rome Statute of the International Criminal Court on 20 September 2000 and had signed the International Convention for the Protection of All Persons from Enforced Disappearance in 2007. The Convention was under consideration in Parliament with a view to its forthcoming ratification. In the same spirit, the Government had decided in the wake of the recommendations made by the Working Group on the Universal Periodic Review to speed up the ratification of a number of instruments, including the Optional Protocols to the International Covenant on Civil and Political Rights and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. A bill abolishing the death penalty had been submitted to Parliament for adoption in the near future.

639. With regard to the protection of minors, a number of criminal justice reforms were under way and a bill on the punishment of sexual violence had been adopted by the Inter-Ministerial Council and the State Council. The bill took into account the special situation of child victims of sexual violence and provided for a stiffening of existing penalties, particularly for rape.

640. A bill establishing a juvenile court system, which had been prepared with the assistance of the United Nations Children's Fund (UNICEF), had been submitted to Parliament, while a draft decree establishing educational facilities in prisons would soon be submitted to the Inter-Ministerial Council and the State Council. Once that text had been adopted the Government would launch an appeal for funding for juvenile detention and rehabilitation centres. Minors were currently detained in areas known as "juvenile quarters".

641. Pursuant to article 177 of the Labour Code, Gabon had adopted Decree No. 0031/PR/MTEFP, on child labour, and Act No. 09/2004, on the prevention and combating of trafficking in children, with a view to ensuring the consistency of national legislation with the principles set out in the Convention on the Rights of the Child.

642. In the area of women's rights, the following activities had been undertaken: an Observatory for Women's Rights and Equality had been established; day-care centres had been created to provide assistance to working child-mothers; a special prize for the promotion of women's socio-economic activities had been established; and the State had been encouraged to develop a structure for the coordination of women's organizations. Women had the same rights as men in Gabon. A Ministry of Women's Affairs, which had subsequently become the Ministry for the Advancement of Women, had been created to deal with all questions relating specifically to women.

643. The highest authorities in the country had taken a number of initiatives aimed at making the Gabonese press free and diverse. One such initiative was the establishment, by means of Act No. 14/91 of 24 March 1992, of the National Communications Council, a regulatory body governing the broadcast media and the press in Gabon. A press code had also been prepared with the involvement of media professionals, including journalists' unions.

644. Freedom of the press was thus guaranteed by law. While the press was governed by a simple registration system, the broadcast media were subject to licensing, as Gabon was a young multi-ethnic State with underpinnings that were still somewhat fragile. Given the media's impact on the population, it was sometimes necessary to ensure that that balance, which was a work in progress, was not disrupted.

645. With regard to the Pygmy population, the Gabonese delegation drew attention to all the measures that had been described during the review by the Working Group. With the support of the international community, the Government had formulated a plan of action aimed at protecting that population and protecting its rights more effectively. In addition, an integrated development project for Pygmies had been set up in collaboration with UNICEF.

646. Civil society was becoming organized with support from the State, pursuant to Act No. 35/62 of 1962, governing associations. Laws and regulations guaranteed the exercise of trade union freedom. Thus the right to strike was recognized, provided that the regulations in force were observed. To date no trade union member had been detained on account of his or her union views.

647. In order to meet the requirements of the treaty bodies, Gabon had created, by means of Decree No. 000102/PR/MDHCCEI of 15 January 2007, a National Committee for the Drafting of Human Rights Reports. When the Committee had been established, the various constituent administrations had been informed of the deadlines and timetables for the submission of the various reports. With regard to the request of the Special Rapporteur on the right to education to visit Gabon, the delegation invited the Special Rapporteur to resubmit his request through the Permanent Mission of Gabon to the United Nations Office at Geneva.

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

648. Algeria congratulated Gabon on its cooperation and commitment to the promotion and protection of human rights despite the challenges due to the development needs in Gabon. Algeria appreciated the spirit of dialogue and cooperation with which Gabon has undertaken the exercise and its desire to meet its commitments in the sphere to human rights. Algeria noted the success of the new mechanism of the Council based on cooperation and interaction, thus allowing States to improve the situation of human rights in harmonization with their national priorities. It welcomed the decision of the Government to endeavour to increase school attendance and equal access for boys and girls to education. It noted Gabon's commitment to pursuing its effort in the area of economic, social and cultural rights. Algeria also welcomed the establishment of a body to reduce the time for ratification of treaties. It noted that Gabon requires technical and financial assistance to implement its commitments and renewed its call to the international community to provide such assistance. Algeria referred to the issue of the follow-up by OHCHR in the sphere of technical and financial assistance to the implementation of the recommendations, which applies to Gabon and other countries and requested further information on the measures being taken to implement this.

649. Morocco congratulated Gabon on its exhaustive presentation and noted Gabon's active role for peace in the region and its policies of constructing the rule of law within their country. It noted the establishment of drafting committees on treaty bodies, standard-setting

institution-building activities to increase awareness of human rights, the development of a plan to combat exploitation of children, the establishment of an observatory on women and gender parity and the designation of women ministers for one third of the portfolios. It also noted as evidence of Gabon's commitment the translation into the national languages of the human rights treaties and the posting of their contents in police stations, and the training of police and prison staff in human rights. Morocco also noted Gabon's recognition of its shortcomings in its human and institutional resources, which hamper efforts to promote all human rights. Morocco expressed trust that OHCHR and Gabon's development partners would hear this appeal to strengthen its capacity in the field of human rights.

650. China noted Gabon's active preparation for the national report and its honest and constructive approach during the interactive dialogue. It also noted that Gabon introduced during the review its achievements in promoting and protecting human rights such as ratifying international human rights conventions, establishing human rights commissions and formulating programmes of action on poverty reduction and on the protection of women's and children's rights. It noted that Gabon also referred to gaps and challenges such as a high poverty rate and the foreign debt pressure. It noted Gabon's determination to promote and protect human rights and indicated that Gabon will continue to make positive efforts in the field of human rights.

651. Egypt congratulated Gabon on the constructive and positive way in which it participated in the universal periodic review. It noted with appreciation the progress made by Gabon in the promotion and protection of human rights and for the promotion of democratic practices in the country. It appreciated that Gabon requires further time to implement the recommendations made by the Working Group and noted that further analysis may be carried out in the future. Egypt thanked Gabon for the presentation made and was convinced that the relevant authorities in Gabon will spare no efforts to put into practice the recommendations made and to further the promotion and protection of human rights in the country.

652. Djibouti noted the progress achieved for the promotion and protection of human rights in Gabon and expressed its support to future activities to be carried out in the implementation of the recommendations addressed to Gabon. It recalled the quality of the national report and presentation during the review. Djibouti congratulated Gabon for its spirit of openness, frankness and seriousness which characterized the answers it provided by Gabon to questions raised during the interactive dialogue. Djibouti was convinced that this same spirit of seriousness would prevail in the implementation of the recommendations.

653. Nigeria commended Gabon on the presentation and the extensive preparation of reports and noted the recommendations which Gabon indicated it will implement fully. Nigeria noted the challenges Gabon faces and that it has undertaken a number of actions to implement the recommendations referred to, including on education, which is quite comprehensive, gender mainstreaming and women's rights. It also noted that these challenges will require international support in order to implement fully the recommendations made by the Working Group.

3. General comments made by other relevant stakeholders

654. No comments were made by other relevant stakeholders.

4. Views expressed by the State under review on the outcome and concluding remarks

655. The delegation of Gabon wished to thank the troika, composed of Nigeria, China and Azerbaijan, for their efficient drafting of the report of the Working Group on the Universal Periodic Review, as well as the members of the Working Group and all delegations present at the meeting of the Council.

Ghana

656. The review of Ghana was held on 5 May 2008 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents: the national report submitted by Ghana in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/2/GHA/1); the compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/2/GHA/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/2/GHA/3).

657. At its 18th meeting, on 11 June 2008, the Council considered and adopted the outcome of the review on Ghana (see section C below).

658. The outcome of the review on Ghana is constituted of the report of the Working Group on the Universal Periodic Review (A/HRC/8/36), together with the views of Ghana 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

659. The Permanent Representative of Ghana to the United Nations Office at Geneva, in his opening remarks, welcomed the report of the Working Group on the Universal Periodic Review, which was discussed on 7 May 2008. The report covered, inter alia, the interactive dialogue held during the review and the conclusions and recommendations made by delegations. The Government of Ghana confirmed its acceptance of the 22 recommendations listed in paragraph 68 of the report. In accordance with the undertaking made by the delegation at the review, the Government had carefully examined the other recommendations listed in paragraph 69 of the report and wished to reply as follows.

660. Regarding the abolition by law of the use of corporal punishment in all situations, all punishment in Ghana must be reasonable. Corporal punishment in its classical sense had been abolished. Caning could only be exercised by the principal of the school and only in specific circumstances and under specific guidelines; any breach of these guidelines was sanctioned by law. Unreasonable punishment in the home was also sanctioned by existing laws, including the Domestic Violence Act, the Children's Act and the Criminal Code of Ghana.

661. Concerning the recommendation on the adoption of a legal moratorium on the death penalty and the ratification of the Optional Protocol to the International Covenant on Civil and Political Rights aimed at the abolition of the death penalty, the Representative referred to the

previous response of Ghana at the universal periodic review session held in May 2008, and reiterated the fact that this was an entrenched provision in the Constitution that required a referendum before it could be amended. In the interim, the Government would continue to maintain the de facto moratorium on the application of the death penalty.

662. Regarding the enactment of the Freedom of Information Bill, Ghana shared the view of those who had made the recommendation for such a law, that it was important and that it was intended to consolidate democracy. It was with this mind that the Right to Information Bill was being prepared within the framework of ongoing consultations with relevant stakeholders.

663. With regard to the recommendation concerning the implementation of measures to abolish polygamy in Ghana, in accordance with the Convention on the Elimination of All Forms of Discrimination against Women, Ghana informed the Council that there were three forms of marriage in the country: the ordinance marriage, the customary law marriage and Islamic marriage. With the exception of ordinance marriage, the other forms of marriage were in conformity with the customs and traditions of Ghana. With regard to faith-based marriages, chapter 5 of the Constitution guaranteed freedom of religion. There was therefore a problem in abolishing the practice since it would be an infringement of the right to practise one's faith.

664. The recommendation on combating discrimination against minority groups, immigrants and children with disabilities was found to be rather curious, and Ghana was therefore not able to accept it, given that the situation that the Government was required to fight against did not even exist. The Constitution of Ghana guaranteed the protection of rights of all individuals and groups resident within its territory and, for that matter, all acts that tended to deny any such individual or group of people their inalienable rights could be sanctioned. Ghana continued to host a large number of immigrants, including those who had fled their countries as a result of social unrest, economic deprivation or otherwise, and who, over the years, had come to consider Ghana their home. Such people were guaranteed their rights as long as they abided by the rules and regulations that contributed to making the country a safe haven for both its citizens and foreigners. The Disability Act and the Children's Act had both been passed to protect the rights of children with disabilities.

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

665. Algeria congratulated Ghana on the comments and responses made to the recommendations put forward during the session of the Working Group and was encouraged by the willingness of Ghana to implement its human rights obligations notwithstanding the challenges the country faces, particularly in the area of development. Algeria reiterated the appeal it made during the session of the Working Group to provide assistance to Ghana so that it can continue to improve its human rights. Algeria appreciated that Ghana had accepted Algeria's recommendation regarding women's rights and also appreciated Ghana's willingness to improve the quality of its educational system, to increase the school enrolment rate and fill the gap between boys and girls in the field of education, despite significant challenges. Algeria encouraged Ghana to continue its work and the Council to adopt the outcome of this review.

666. Luxembourg indicated that the spirit of dialogue and cooperation shown by Ghana was welcomed. The commitments of Ghana made with regard to the recommendations were also

welcomed, especially the recommendation related to the right to food. Ghana was encouraged to effectively pursue work with regard to the recommendations that had not yet been accepted, especially those regarding the abolition of the death penalty, the decriminalization of sexual activity between consenting adults or the abolition of polygamy.

667. Senegal said that the report of the Working Group on the Universal Periodic Review testified to Ghana's full commitment to promoting and protecting its citizens. Ghana's acceptance of the majority of the recommendations was also noted. Senegal encouraged Ghana to continue with its efforts and possible follow-up with the view to improving the national human rights situation. Senegal expressed its congratulations to Ghana for its re-election to the Council and for its seriousness in the universal periodic review process.

668. Nigeria congratulated Ghana for its presentation, and commended it on the open, transparent and constructive manner it had engaged with all parties in the process. It welcomed the steps taken thus far by Ghana to fully implement the recommendations made during the review and its commitment to addressing human rights challenges. The various mechanisms put in place over the years by the Government to eradicate poverty and create a conducive environment for youth empowerment were commendable. Nigeria noted that Ghana has a great reputation in the subregion for the quality of its education and for gender mainstreaming, and encouraged it to continue with its socio-economic and political reforms that enhanced human rights and freedoms.

669. Egypt thanked the delegation of Ghana for the exhaustive answers it had provided. This demonstrated Ghana's true political will to create a national environment so that real, radical change could take place in the country which ensured further the promotion and protection of human rights. Such a process is an ongoing one and requires transfer of expertise, and Egypt hoped that Ghana would pursue this path and continue its cooperation with civil society in order to advance human rights and meet the aspiration of the population. It expressed its understanding that Ghana had not been able to accept some recommendations.

670. Malaysia congratulated Ghana on its presentation which focused on the commitments of the Government following the recommendations made in the report of the Working Group. Malaysia commended Ghana on its comprehensive efforts towards the promotion and protection of human rights in Ghana and its positive engagement with the Universal Periodic Review process. The Government of Ghana had implemented various strategies in the human rights sphere, specifically those regarding education, health, trafficking of persons and domestic violence. The Constitution of Ghana provided free education for every child. Further, Malaysia recognized the efforts made by Ghana to address the issue of child labour.

671. Uganda congratulated Ghana on the steady improvement of its human rights record and its commitment to addressing challenges by putting in place legislation in particular to address problems of corruption, domestic violence, human trafficking and child labour. Uganda commended Ghana on its efforts to increase women's participation in governance and noted universal primary and secondary education as the way forward, especially among the poorest of the poor in remote areas of Ghana.

672. India congratulated Ghana on its open and frank interaction during the universal periodic review. India noted that Ghana had accepted the majority of the recommendations made and commended Ghana on its constructive approach. India expressed the hope that the recommendations would be implemented for a brighter future in Ghana.

3. General comments made by other relevant stakeholders

673. Amnesty International welcomed recommendations made on the use of the death penalty, including the establishment of a moratorium on executions and the removal of the death penalty from domestic law. It however regretted that, Ghana was not able to support the recommendation on this issue. Amnesty International welcomed that no executions had been carried out for the past 15 years, but remained concerned that death sentences continued to be handed down, Ghana was encouraged to complete the reform of the judicial system and to urgently address the issue of prison conditions, including the problem of acute overcrowding. Further, Amnesty International was concerned at reports suggesting that the police fail to bring suspects before a judge within 48 hours of arrest, as guaranteed in Ghana's Constitution. Amnesty International encouraged the Government to ensure that anyone held was charged with a recognizable criminal offence or released; and that the cases of those awaiting trial were regularly reviewed to ensure their right to a fair trial.

674. The Centre on Housing Rights and Evictions welcomed Ghana's support of recommendation 23 in the report of the Working Group to include a gender perspective and a rights-based approach into issues related to the right to adequate housing. It noted that Ghana's poor struggled with issues of sanitation, infrastructure, natural disasters and floods. It was also concerned about the current rent act. It commended Ghana's Ministry of Water Resources, Works and Housing on having initiated a consultative process to enable stakeholder inputs into a national shelter policy. It also congratulated several Governments for commenting on the rights of women in Ghana. It was concerned that outside the area of inheritance few questions were raised about women's housing, land and property rights. Although Ghana had ratified a number of international treaties, it noted that Ghana had yet to ratify the Protocol to the African Charter on Human and Peoples' Rights related to women rights in Africa.

675. The Food First Information and Action Network thanked the delegation of Ghana for its openness during the universal periodic review process, but noted that a statement made by the Minister of Justice and Attorney-General had not been truly reflected in the report. According to it, the Minister had said that it was true that at a certain point, joint military and police teams had been protecting mining companies driving away illegal miners, but that it had been a short-term measure. This had been the first time that the Government had announced the discontinuation of military support for mining companies. This announcement had demonstrated that the review process could be a valuable instrument. The announcements made by Ghana were laudable, but only if they are implemented and it was convinced that the Council could play a role in this regard.

4. Views expressed by the State under review on the outcome and concluding remarks

676. In his closing remarks, the Permanent Representative stated that Ghana was thankful to all Member States and the stakeholders who had participated in the review exercise for their very

important and constructive contributions, offered by way of comments, observations, criticisms or recommendations. The review had been enriched by those contributions and Ghana was grateful. He conveyed the sincere appreciation of Ghana to the troika members - Sri Lanka, Bolivia and the Netherlands - for their understanding, commitment and cooperation, which were vital to achieving the balanced report that they had before them. In a similar vein, he thanked the Secretariat for its extremely helpful role in facilitating the compilation of the report. The delegation of Ghana further wished to reiterate the importance that Ghana attached to the promotion and protection of human rights and to the universal periodic review process, which sought to improve the human rights situation on the ground. Ghana would continue to discharge its responsibilities by ensuring that all its citizens enjoyed the full compliments of a safe and sound society in which the respect for human rights was pre-eminent.

Guatemala

677. The review of Guatemala was held on 6 May 2008 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents: the national report submitted by Guatemala in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/2/GTM/1); the compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/2/GTM/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/2/GTM/3).

678. At its 18th meeting, on 11 June 2008, the Council considered and adopted the outcome of the review on Guatemala (see section C below).

679. The outcome of the review on Guatemala is constituted of the report of the Working Group on the Universal Periodic Review (A/HRC/8/38), together with the views of Guatemala 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

680. The Ambassador and Permanent Representative of Guatemala to the United Nations and other International Organizations in Geneva indicated that it was an honour to receive on behalf of the Government of Guatemala the report of the Working Group on the Universal Periodic Review. Guatemala welcomed the various recommendations resulting from the review that took place on 6 May 2008. Guatemala fully concurs with the concerns on specific issues reflected in the recommendations. It reiterated the political will of the current Government of Guatemala and the importance and priority that it attaches to the promotion and protection of human rights.

681. Guatemala highlighted the considerable challenge it will be facing to implement in practice the recommendations on various issues, noting that it will need to strengthen its actions in the following areas:

- (a) Ratification of international instruments;
- (b) Improvement of the constitutional and legislative framework;

- (c) Establishment or strengthening of institutional and human rights infrastructure;
- (d) Increasing the already solid cooperation with human rights mechanisms;
- (e) Adoption of additional measures to combat discrimination and to obtain equality for indigenous peoples;
- (f) Ensuring the right to life, liberty and security;
- (g) Strengthening the administration of justice and the rule of law;
- (h) Guaranteeing the freedom of expression, opinion and participation in political life of the country;
- (i) Ensuring effective enjoyment of economic, social and cultural rights.

682. A number of measures were already being taken for adequate follow-up to the recommendations and encouragement of actions with a view to their implementation. One of those measures has been the convening of government and State institutions that integrate the High Level Human Rights Commission, which is coordinated by the Ministry for Foreign Affairs, with a view to disseminating the recommendations and jointly defining a strategy for follow-up and implementation.

683. Guatemala highlighted the need to link the universal periodic review recommendations to those made on the same issues by treaty monitoring bodies and a number of thematic rapporteurs and working groups that have visited the country. Guatemala stated that it will have a comprehensive national plan of action to follow-up on the recommendations made by various human rights monitoring bodies of the United Nations, including the specific recommendations made by OHCHR in Guatemala. It further indicated that the responsibility for the follow-up will be exercised by the Presidential Human Rights Commission (COPREDEH), with the support of the High Level Commission and other relevant government institutions. With the support of OHCHR in Guatemala, COPREDEH was currently defining a methodology to be discussed with relevant institutions. Once an agreement in that regard had been reached, it will proceed with its implementation.

684. Actions are already being undertaken in many of the areas highlighted in the recommendations and Guatemala will thus seek to reinforce its efforts, including through additional actions to ensure more effective results. Furthermore, some good practices were identified in the interactive dialogue. Guatemala indicated that it hopes it will be able to share additional good practices in the next universal periodic review dialogue.

685. Guatemala appealed to States that have gone through the review process to, in the near future, exchange good practices with respect to national mechanisms being set up to monitor and implement the universal periodic review recommendations, in particular countries of the region. Guatemala reiterated its request to OHCHR, in particular its Office in Guatemala, to accompany and support its national efforts in the process. It also appealed to the friendly countries to continue their cooperation, support and technical assistance, so as to comply with the recommendations.

686. Guatemala thanked the member countries of the troika, the Working Group and the Secretariat for their support, as well as the States that participated in the interactive dialogue, noting that their participation reflected their concern and solidarity with the people of Guatemala.

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

687. India commended Guatemala on the open and fruitful exchange of views that took place during the review and welcomed the detailed responses given to the recommendations, which shows the seriousness with which these have been considered. India noted the reiterated political will expressed by Guatemala and its full commitment to the promotion and protection of human rights and stated that this positive approach was also evident in the engagement of Guatemala during the universal periodic review process. India wished full success to Guatemala in further improving the situation of human rights in the country.

688. Slovenia expressed its appreciation to the commitment expressed by Guatemala throughout the whole universal periodic review and commended the fact that it accepted all the recommendations addressed to it and the spirit in which it was done. Slovenia welcomed in particular that Guatemala accepted the recommendations made by its delegation during the review. It called on Guatemala to consider informing the Council on a voluntary basis on the progress made in implementing the recommendations prior to the next review in four years time.

3. General comments made by other relevant stakeholders

689. Franciscans International emphasized the openness to dialogue displayed by the national delegation during the review on the issue of violence against children and adolescents in Guatemala. It noted with satisfaction the Government's intention to implement a national policy to combat juvenile violence, which would in practice prevent juvenile violence and encourage education for boys and girls who are victims of violence, or engaged in the "maras", the youth gangs. It noted that prevention and education were key to breaking out of the circle of violence, and requested Guatemala to devote adequate resources to the full and effective implementation of that national policy. It also called on Guatemala to promptly proceed with the practical implementation of the recommendations arising out of the universal periodic review with respect to the rights of indigenous peoples, since they constitute one of the most vulnerable sectors of the Guatemalan community.

690. The Centre on Housing Rights and Evictions was pleased by Guatemala's progressive efforts in the implementation of the housing infrastructure, but asked that the issue of land and property rights of indigenous people be addressed. It appreciated Guatemala's efforts to create new human rights institutions to tackle impunity and democratize access to justice but noted that crimes committed during the conflict such as genocide, torture and enforced disappearances have still not been fully investigated. It highlighted that the resettlement of the displaced following armed conflict and other land-related issues are only partially implemented. It urged Guatemala to provide full reparations and to bring to justice all those responsible for human rights violations in the case of Rio Negro. It also expressed concern on the threatened forced evictions of more than 30 indigenous communities as a result of the planned or implemented development projects, without due process of consultation, participation and information of affected communities. It

endorsed the recommendation made to Guatemala to follow up on the recommendations made by the Committee on the Elimination of Racial Discrimination and other human rights bodies towards enhancing the equal protection of indigenous peoples. It regretted that Guatemala did not approve legislation to regulate indigenous rights, noted that the absence of an Agrarian Law has resulted in the non-recognition of communal and cultural rights of indigenous peoples over their territories, and was concerned about measures taken to ensure investigation of violence against human rights defenders, and suggested that the coordination between the police and the Office of the Attorney-General be increased.

4. Views expressed by the State under review on the outcome and concluding remarks

691. Guatemala reiterated its appreciation for the statements made on 6 May 2008 and the recommendations resulting from that session, as well as for the issues raised at the present meeting. It further reiterated the commitment of Guatemala to promoting and protecting human rights. As noted earlier, some of the recommendations had already been envisaged as part of public policies and the implementation of recommendations made by treaty bodies, visiting special procedures and as a result of contacts with the Inter-American human rights system.

Peru

692. The review of Peru was held on 6 May 2008 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents: the national report submitted by Peru in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/2/PER/1); the compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/2/PER/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/2/PER/3).

693. At its 19th meeting, on 12 June 2008, the Council considered and adopted the outcome of the review on Peru (see section C below).

694. The outcome of the review on Peru is constituted of the report of the Working Group on the Universal Periodic Review (A/HRC/8/37), together with the views of Peru 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

695. Mr. José Eduardo Ponce Vivanco, Ambassador and Permanent Representative of Peru to the United Nations Office at Geneva reiterated the commitment of Peru to the universal system for the promotion and protection of human rights, and in particular to the Council. Peru participated actively in the institution-building of the Council and supported the creation of the universal periodic review mechanism, which is an essential mechanism to ensure equal treatment to all Member States, regardless of their level of development.

696. The first two sessions of the Working Group on the Universal Periodic Review have been positive, since the 32 countries that were examined demonstrated their genuine commitment to the system. Peru hoped that the procedural issues raised during the first two sessions have now been fully resolved. It noted however the importance of refining the way in which questions, comments and recommendations are formulated. It is essential to avoid both a politicization of the exercise and also disproportionate words of praise, and advisable to avoid repetitive statements that ignore the concrete situation in each country being examined. It indicated that the dialogue should focus on actions and facts that can objectively contribute to addressing human rights issues in the countries being examined. This should be the responsibility incumbent of all States that want the universal periodic review to be an effective instrument in order to improve the human rights situation in the countries being reviewed.

697. During the review, Peru always kept in mind the ultimate goal of the exercise, as being to contribute to the enjoyment of human rights in the country. Thus, Peru acknowledged its actual shortcomings and challenges and reiterated its appreciation to all States that participated in the dialogue with Peru contributing to it with valuable recommendations.

698. Considering the recommendations, Peru noted that the second part of recommendation 4, as well as recommendations 17 and 20, are relevant to the commitments that the Government made during the session of the Working Group and therefore accepts them with pleasure. Regarding the others, not directly linked to the three voluntary commitments made by Peru, it indicated that in a constructive spirit and within the framework of its national legislation, Peru will study each of the recommendations, and these will also serve as substantial guidance for the human rights agenda. Peru indicated that recommendation 3 however cannot be implemented within the constitutional and legal framework, but recalled that for more than 30 years there has not been a single execution in Peru. Peru also reiterated its firm commitment to continue being part of the Inter-American system.

699. Peru summarized its voluntary commitments within the context of the first review and highlighted the open invitation made in 2002 to all United Nations human rights mechanisms to visit Peru, which remains valid.

(a) With regard to the submission of reports to treaty monitoring bodies, Peru indicated that it will submit the pending periodic reports according to the following schedule:

- Report to the Committee on the Elimination of Racial Discrimination, December 2008
- Report to the Committee on Economic, Social and Cultural Rights, December 2008
- Report to the Human Rights Committee, June 2009

(b) Concerning obligations under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Peru reiterated its full willingness to comply with the obligations accepted when ratifying it. In accordance with articles 3 and 17 of the Optional Protocol, one or various independent national preventive mechanisms will be designated. Within the framework of the current policy of dialogue, the Ministry of Justice will seek to define the most adequate mechanism at the earliest possible time;

(c) Concerning the National Human Rights Plan, Peru indicated that dialogue will be the most effective tool to achieve the goals of the Plan and to establish a national human rights agenda. Peru will strengthen the National Human Rights Council by establishing round tables that will allow for permanent and institutional dialogue.

700. Peru further informed that upon her return to Peru following the review of Peru at the second session of the Working Group, the Minister for Justice established a working group composed of representatives of public institutions and civil society to evaluate progress and make further proposals. Peru is prepared to carry out appropriate follow-up to the recommendations and commitments, to be carried out by relevant national institutions, such as the Ministry of Justice, the National Human Rights Council and other State entities, in coordination with other relevant stakeholders in the country. Peru further noted that it is convinced that the universal periodic review exercise cannot be considered to have finished with the dialogue within the Working Group and the additional plenary discussion in the Council. Rather, Peru would like to continue with this productive exchange of ideas and to report back progressively and regularly on progress achieved.

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

701. No views were expressed by States members or observers of the Council.

3. General comments made by other relevant stakeholders

702. The Latin American Committee for the Defence of Women's Rights, also on behalf of Action Canada for Population and Development, the Federation for Women and Family Planning and International Women's Rights Action Watch-Asia Pacific, welcomed Peru's open attitude to dialogue with civil society during the universal periodic review. It referred to paragraph 8 and recommendation 5 of the Working Group report on the issue of violence against women, stating that there are two obstacles which Peru should address in order to implement this recommendation. First, while the Law on Family Violence contains appropriate measures, the judicial system does not fully provide for the defence of the family in terms of the rights of women who denounce ill-treatment. This should be urgently remedied, through training of justice personnel. Second, there are budgetary and programme weaknesses in institutions of implementing programmes and plans, as mentioned in paragraph 8 of the Working Group report. It also refer to a study undertaken by the Latin American Committee for the Defence of Women's Rights which states that violence against women is a serious issue in Peru. It concluded that implementing recommendations on this issue represents a duty to ensure that the right to life of women is upheld.

703. The Comisión Jurídica para el Autodesarrollo de los Pueblos Originarios Andinos referred to the first recommendation of the Working Group, which recommends that Peru promote the situation of indigenous peoples, and stated that it must urgently grant constitutional status to the rights to indigenous peoples. For the follow-up effort, it stated that measures should be adopted in accordance with recommendation 15 to counter the adverse effects of the oil, mineral and water extracting industries affecting the full exercise of economic, social and cultural rights of indigenous peoples. It urged that responses be made to communications provided to treaty bodies, in accordance with recommendation 17, to avoid legislative decree 10/15 which should

be repealed, because it leaves indigenous peoples without the right to free prior and duly informed consent. Further, Peru should stop uncontrolled pillaging of surface and subterranean water resources in the Tacna Andean region where the Aymara people should preserve pasture land. Lastly, the pending invitations to the Special Rapporteurs on freedom of expression and on extrajudicial, summary and arbitrary executions should be carried out in accordance with the principles of transparency and universality of human rights.

4. Views expressed by the State under review on the outcome and concluding remarks

704. Peru thanked all those that participated in the session for their constructive comments, noting that Peru will take these into consideration in the follow-up to the review process. With regard to the interventions made at the present on the human rights of women, Peru indicated that the issues raised require due attention and indicated that Peru will do so. Concerning the situation of indigenous peoples, Peru recalled that it had taken a decisive part in the drafting of the United Nations Declaration on the Rights of Indigenous Peoples. With respect to mining activities and national resources extraction, consultations with the communities are held in the context of the development projects and these will continue in the future. Peru and the mining companies are fully aware of the fact that the development of mining and exploitation of natural resources in general must be done in association with the people of the concerned communities. It further noted that socially responsible companies can indeed help the impoverished people of the country.

705. In conclusion, Peru thanked again all those who had participated in the session, the President, the States of the troika for Peru - Cuba, India and Mali - as well as the Secretariat for its work and cooperation. Peru reiterated its commitment to continue to disseminate information about the universal periodic review outcome and process and reinforce the dialogue with relevant national institutions and key human rights actors in the country. Peru hopes, with the support of all, to make a positive follow-up to this review.

Benin

706. The review of Benin was held on 7 May 2008 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents: the national report submitted by Benin in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/2/BEN/1); the compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/2/BEN/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/2/BEN/3).

707. At its 19th meeting, on 12 June 2008, the Council considered and adopted the outcome of the review on Benin (see section C below).

708. The outcome of the review on Benin is constituted of the report of the Working Group on the Universal Periodic Review (A/HRC/8/39), together with the views of Benin 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

709. Benin commended the Working Group on the Universal Periodic Review for the constructive dialogue that had taken place during the country's review on 7 May 2008, a dialogue that had elicited contributions and recommendations from delegations. Benin also wished to commend the members of the troika: Nicaragua, Madagascar and Germany.

710. Since the adoption of the draft report by the Working Group at its 9th meeting, on 9 May 2008, Benin had taken a number of measures relating to its international commitments. From 18 to 26 May 2008, Benin had been visited by the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which had enjoyed access to places of detention. Despite some difficulties relating to a lack of information on the part of some of the parties involved, Benin had not stinted in its cooperation and had taken all the necessary steps to facilitate the Subcommittee's mission.

711. Following its visit, the Subcommittee on Prevention had presented its confidential preliminary conclusions to the State bodies involved in the implementation of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

712. Benin had also participated in the regional meeting of directors of penal institutions. During that meeting a cooperation agreement had been signed by the Minister of Justice, Legislation and Human Rights. Benin noted with satisfaction and interest 33 of the 34 recommendations that had been formulated after the review by the Working Group. Benin wished to thank the delegations that had contributed to the interactive dialogue and pledged to undertake all necessary measures to implement the Working Group's recommendations.

713. As part of its effort to enhance its cooperation with the Council's special procedures mandate holders, Benin agreed in principle to visits by special rapporteurs, would extend official invitations to them and undertook to reply to communications and urgent appeals.

714. With regard to recommendation 6, concerning the decriminalization of homosexual acts between consenting adults, it was pointed out that during the interactive dialogue the Beninese delegation had stated that that phenomenon was marginal in Benin and that no Beninese court had in fact prosecuted or punished anyone for such acts. Given the current state of Beninese positive law and taking into account certain endemic factors, it would be difficult to contemplate any such decriminalization in the near future.

715. In the context of compliance with international human rights obligations, the representative of Benin said that the right to life was guaranteed by law; the most recent executions had taken place more than 16 years previously. Accordingly, Benin had voted in favour of General Assembly resolution 62/149, on a moratorium on the use of the death penalty, on 18 December 2007. However, the debate on that question would continue in order that de facto abolition might become de jure. Steps would be taken to speed up the establishment of a national mechanism for the prevention of torture. In that connection, Benin willingly agreed to engage in bilateral cooperation with the United Kingdom and other partners for the establishment of the national mechanism.

716. Steps were likewise being taken to bring internal legislation into line with the relevant international norms. At its meeting on 23 April 2008, the Council of Ministers, adopting the recommendations issued by the Committee against Torture at its thirty-ninth session, called upon the Minister of Justice, Legislation and Human Rights to:

(a) Introduce without delay, and in cooperation with the relevant bodies, a bill to incorporate into Benin's domestic legislation:

- The definition of torture as contained in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- The offences classified as constituting torture and the appropriate penalties for those offences
- The rules regarding universal competence set out in articles 6 and 8 of the Convention

(b) Propose, with the bodies concerned, urgent measures to be taken to ensure that conditions in the country's prisons are in conformity with the Standard Minimum Rules for the Treatment of Prisoners adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and in particular the material and human resources needed to:

- Reduce the prison population and the high number of persons held in pretrial detention
- Take appropriate measures to put an end to the acts of corruption and ransoming that are alleged to occur in prisons
- Improve the health care and the quality and quantity of food provided to prisoners

717. The Minister of the Economy and Finance had also been requested to provide the Minister of Justice, Legislation and Human Rights with the financial resources needed to ensure that the food and medical treatment provided to detainees was improved.

718. It was true that in its May 2008 report Amnesty International had denounced the deplorable conditions in Benin's detention facilities. Implementation of the aforementioned corrective measures would demonstrate Benin's good faith and its determination to honour the international commitments it had voluntarily undertaken. Nevertheless there were challenges to be met, which was why Benin planned to intensify its efforts to combat poverty and traditional practices that adversely affected women and children and to guarantee the right to education for all.

719. The Beninese Constitution guaranteed and protected the rights of persons with disabilities. Benin therefore welcomed the entry into force of the Convention on the Rights of Persons with Disabilities and its Optional Protocol, and was prepared to take the necessary steps for the ratification of those two international instruments. Benin looked forward with interest to any cooperation for the implementation of the Working Group's recommendations.

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

720. Algeria congratulated the Government of Benin on its cooperation and commitment to promoting and protecting human rights, despite its limited resources and related constraints. It recalled that Benin had specified that the universal periodic review provided it with an opportunity to appeal to the international community to fill implementation gaps regarding its international commitments. It invited the international community and primarily OHCHR to respond to this appeal. Furthermore, it welcomed that primary education is free of charge and Benin's willingness to consider Algeria's recommendation to extend free education to the secondary level, with international assistance. It welcomed the establishment of an action plan to reduce poverty, including the question of illiteracy. It underlined that the international community has the responsibility to provide support to Benin, in particular through appropriate and durable provision of technical and financial assistance so that it can improve its performance in the area of human rights.

721. Morocco welcomed with satisfaction the fact that Benin agreed to 33 of the 34 recommendations made by the Working Group. It stated that the firm commitment of Benin with regard to the implementation of the recommendation Morocco made during the review was quite clear well before the adoption of the outcome of the Working Group. Benin started implementing some of its recommendations and the recent visit of the United Nations Sub-committee against Torture is part of the strengthening of the cooperation between the country and human rights mechanisms. It further noted the drafting of a law to refine the criminal code and bring the definition of torture in line with the definition contained in the Convention against Torture, and the decision to take immediate measures to improve conditions of detention. It expressed further the need for the Council to support the reforms undertaken to restore a modern democracy and the rule of law.

722. Senegal reminded that during the Working Group review of Benin it had underlined the progress achieved by Benin in the promotion of the rights of disabled persons, the realization of the right to education and providing access to clean water. Senegal also highlighted the need for the international community to provide appropriate technical assistance to Benin. Senegal reiterated that it maintained these views and expressed satisfaction about the commitment of Benin to overcome all challenges and improve the situation of human rights by implementing the recommendations that it had accepted.

723. Nigeria noted that Benin has already demonstrated practical and strong commitment to constructively engaging with the international system, as demonstrated by the ratification of the Optional Protocols to the Convention on the Rights of the Child, the Optional Protocol to the Convention against Torture, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the Statute of the International Criminal Court. It welcomed the steps taken by the Government to fully implement the recommendations emanating from the review, and to ensure the enjoyment by its citizens of a wide range of economic, social and cultural rights.

724. Djibouti congratulated Benin for the frank and comprehensive report and noted that it shows results achieved in the promotion and protection of human rights. It also congratulated Benin for its lucidity and sincerity in stressing the constraints that need to be dealt with and difficulties encountered in trying to meet remaining challenges. It called for international assistance to be provided to the country to help it in achieving and implementing the recommendations resulting from the review.

3. General comments made by other relevant stakeholders

725. Franciscans International acknowledged Benin's spirit of cooperation and the frank dialogue which characterized its involvement in the universal periodic review process. It noted that Benin acknowledged the existence and persistence of infanticide linked to traditional practices in the north of the country. It also encouraged Benin to further implement recommendations made by the Committee on the Rights of the Child, the Committee against Torture and the Committee on Economic, Social and Cultural Rights. It encouraged the authorities to further continue its efforts to improve the quantity and quality of health infrastructures, including in the north of the country, and to sensitize women living in rural areas about the health risks linked to delivering at home.

4. Views expressed by the State under review on the outcome and concluding remarks

726. The delegation of Benin warmly thanked all speakers and repeated Benin's commitment to implement all the recommendations and measures addressed to it and that it has accepted. With reference to the intervention of Franciscans International, the delegation recalled and confirmed that Benin continue to intensify its efforts to eradicate the phenomenon of child sorcerers and all negative impact on women and children. It also referred to the constructive exchanges and fruitful discussion held during the universal periodic review of Benin and welcomed the initiative of the Council, its observations and recommendations. It finally reiterated Benin's commitment to implement, in so far that it is able to do so, those recommendations and welcome any support in that regard.

Switzerland

727. The review of Switzerland was held on 8 May 2008 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents: the national report submitted by Switzerland in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/2/CHE/1 and Corr.1); the compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/2/CHE/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/2/CHE/3).

728. At its 19th meeting, on 12 June 2008, the Council considered and adopted the outcome of the review on Switzerland (see section C below).

729. The outcome of the review on Switzerland is constituted of the report of the Working Group on the Universal Periodic Review (A/HRC/8/41), together with the views of Switzerland 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/8/41/Add.1).

1. Views of the State under review concerning recommendations and/or conclusions, as well as its voluntary commitments

730. The representative of Switzerland began by thanking delegations for the interest they had expressed in Switzerland's review and for the quality of the dialogue that had taken place on 8 May 2008. At that time 31 recommendations had been addressed to Switzerland. Switzerland had already taken a position on eight of the recommendations, and that position was reflected in the report of the Working Group (A/HRC/8/41), which stated that six recommendations had been accepted and two rejected. The remaining 23 recommendations had been discussed subsequently by the various departments of the Federal Administration: 14 recommendations had been accepted, 6 had been rejected and 3 had been changed to voluntary undertakings. While most of the recommendations addressed to Switzerland had thus been accepted, recommendations 4, 7, 11, 15, 18 and 20 had been rejected for the following reasons.

731. Recommendation 4, "Adopt legislative or other measures so that human rights are taken into account upstream by the judiciary, in particular during the elaboration of popular initiatives to ensure their compliance with international obligations", would entail a substantial modification of existing procedures by giving the Federal Tribunal competence in the areas of monitoring constitutional conformity and international law that it did not currently have. There was thus no reason at present for additional measures to achieve the objective of the recommendation. The Swiss Government and Parliament made a preliminary check to ensure that popular initiatives were consistent with Switzerland's obligations under international law. Popular initiatives that were contrary to a peremptory norm of international law were declared to be totally or partially null and void by Parliament. Furthermore, when an initiative was accepted, its implementation had to be consistent with Switzerland's international commitments.

732. Recommendation 7, "Adopt a specific law prohibiting incitement to racial and religious hatred, in accordance with article 20, paragraph 2, of the International Covenant on Civil and Political Rights", was already covered by article 261 bis of the Criminal Code (article 171 (c) of the Military Criminal Code) on racial discrimination, which had entered into force on 1 January 1995. That provision punished anyone who publicly incited hatred or discrimination against people because of their race, ethnicity or religion, violated human dignity, refused to provide a public service or propagated a racist ideology. Since the entry into force of article 261 bis, approximately 450 cases had resulted in judgements or decisions in various courts. The recommendation was thus covered by that provision of the Swiss Criminal Code, and Switzerland did not feel it was necessary to adopt any additional legislation in that area.

733. Recommendation 11, "Recruit minorities in the police and establish a body tasked to carry out inquiries into cases of police brutality", could not be accepted owing to Switzerland's federal nature: police forces were a matter for the cantons, and even local communities, to decide, and it was the cantons and communities who determined recruitment policy. All Swiss citizens, provided they met the criteria for eligibility, could apply for the entrance examinations

regardless of their place of origin or establishment. Moreover, some cantons allowed only those foreign nationals who had residence permits to join their forces. Legal remedies were available to victims of police brutality.

734. Switzerland rejected recommendation 15, “Withdraw reservation to article 4 of the International Covenant on the Elimination of All Forms of Radical Discrimination”. Although it continued to maintain its reservation to article 4 of that Convention, Switzerland had adopted article 261 bis of the Criminal Code (article 171 (c) of the Military Criminal Code) on racial discrimination. Switzerland reserved the right to take the legislative measures necessary for the implementation of article 4, taking due account of freedom of opinion and freedom of association, which were provided for, inter alia, in the Universal Declaration of Human Rights.

735. The overall thrust of recommendation 18, “That federal legislation be strived for to provide protection against all forms of discrimination, including on grounds of sexual orientation and gender identity”, did not pose any major problems for Switzerland, which made combating any kind of discrimination a priority. However, the fact that sexual orientation was the only type of discrimination mentioned in the recommendation was an obstacle to its acceptance. Switzerland thus rejected the recommendation for the same reasons adduced for its rejection of recommendation 20.

736. Recommendation 20, which Switzerland also rejected, called on the country to “take additional steps to ensure that same-sex couples are not discriminated”. The Federal Act on registered partnerships, which had entered into force on 1 January 2007, had introduced partnership registration, whereby same-sex couples could have their relationship recognized in law. Registered partners enjoyed the same status as married couples. However, registered partners were not allowed to adopt children or to use medically assisted means of reproduction.

737. The representative of Switzerland then discussed the recommendations that had not been accepted but which it had chosen to change into voluntary undertakings.

738. Recommendation 1, “Establish a national institution on human rights in accordance with the Paris Principles”, had become the following voluntary undertaking: “Switzerland shall consider the possibility of establishing a national human rights institution in accordance with the Paris Principles”. That language reflected more accurately the current state of the debate in Switzerland. In January 2007, the Federal Council had established a joint federal/cantonal working group, which would soon transmit its report to the Government. The federal authorities did not wish to adversely affect the final decision by accepting or rejecting recommendation 1.

739. Recommendation 3, “Accede to the first Optional Protocol to the International Covenant on Civil and Political Rights”, had been changed to the following voluntary undertaking: “Switzerland is ready to consider becoming a party to the first Optional Protocol to the International Covenant on Civil and Political Rights”. Switzerland recognized the importance of allowing individuals to have access to communication and complaint mechanisms when their fundamental rights were violated. It remained ready to consider becoming a party to the Protocol.

740. Recommendation 21, “Withdraw the reservations to the Convention on the Elimination of All Forms of Discrimination against Women and ratify the Optional Protocol thereto”, was problematic in that it dealt with two different issues. Accordingly, Switzerland wanted to split it into two parts. Swiss regulations governing family names, which were currently under discussion in the Federal Parliament, would most likely not be changed before Switzerland’s next periodic review in 2012. The same was also true for Switzerland’s reservations to article 15, paragraph 2, and article 16, paragraph 1 (h) of the Convention. Those provisions were applied subject to several interim provisions of the matrimonial regime, which were scheduled to expire after the next universal periodic review cycle. Switzerland did, however, agree voluntarily to undertake ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

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

741. Belgium appreciated the response of Switzerland to questions concerning its immigration policy, stated that it was familiar with it and therefore understood that adjusting this legislation could not be done in a precipitous manner. Belgium particularly welcomed the declaration on the direct applicability of international human rights instruments, and that migrants could demand redress before the courts on the basis of those instruments. Belgium noted the reply regarding taking into account human rights prior to organizing popular initiatives, and was pleased to note that accepted popular initiatives needed to be in line with Switzerland’s international commitments. Belgium welcomed the continuity of its dialogue with the Council and the civil society and the clarity and rigour of Switzerland’s replies.

742. Qatar congratulated Switzerland for its commitments to the enjoyment of human rights. Switzerland cooperates with all mechanisms for the promotion of human rights, as evidenced by the role played by Switzerland in the debates which led to creation of the Council. Switzerland replied favourably to a number of recommendations and as a result of this dialogue, Switzerland took the decision to accede to the Optional Protocol to the Convention against Torture, which will allow bringing to justice people who have been responsible for such kind of crimes. Qatar commended Switzerland on its commitment to combat racial discrimination and the ratification of the Convention on the Rights of Persons with Disabilities. Further, Qatar expressed its satisfaction with regard to the harmonization of domestic legislation with international human rights law at the local level undertaken by the Swiss Federal authorities. Lastly, the representative of Qatar commended Switzerland on its initiative to establish a human rights institution in line with the Paris Principles and on accepting some recommendations, specifically those related to article 2 of the International Covenant on Civil and Political Rights.

743. Azerbaijan noted that Switzerland had achieved remarkable success in promoting and protecting human rights and in creating a society that meets the needs of all its citizens. This is why development in this country is a model of success. It appreciated the efforts to ensure fundamental freedoms and the accomplishments in this field, as well as the policy led in promoting respect for international humanitarian law. Azerbaijan encouraged Switzerland to take effective measures to improve the situation regarding migration and asylum. Azerbaijan noted with satisfaction that Switzerland would consider ratifying the International Convention for the

Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities. Finally, Azerbaijan hoped that Switzerland would consider creating a national human rights institution in line with the Paris Principles.

744. The United Kingdom of Great Britain and Northern Ireland congratulated Switzerland on its constructive and considered approach to the universal periodic review process, which proved that the review offers each and every country the opportunity for an honest, detailed and self-critical assessment of its own human rights record. The United Kingdom commended Switzerland on its frank assessment of progress achieved to date and of areas where it will seek to make further progress. It thanked the delegation of Switzerland for the detailed responses provided to the recommendations made during the review and noted with satisfaction that Switzerland has accepted the recommendation to consider creating a human rights institution in line with the Paris Principles. It recognized the importance that Switzerland had attached to civil society involvement in the review process and encouraged it to continue its efforts in the follow-up to the review.

3. General comments made by other relevant stakeholders

745. The representative of Indian Movement “Tupaj Amaru”, in a joint statement with the World Peace Council, was extremely concerned that Switzerland’s attitude to housing and land rights will have a negative effect on the respect for this right worldwide and noted with regret that it had chosen not to approve the widely supported recommendation that it recognize the justiciability of economic, social and cultural rights. It noted that in 2007, 80 children and adults were evicted from buildings known as “Rhino” without warning, court order or measures to ensure respect for basic human rights, and without alternative housing being provided, an eviction qualified by the Special Rapporteur on adequate housing as a violation of housing rights. It stated that the federal structure of Switzerland could not be used as an excuse to avoid respecting its human rights obligations, and noted that another community, the “Tulipiers”, is at present being threatened with such an eviction. It welcomed Switzerland’s support to non-governmental organizations to deliver general statements in the universal periodic review procedure, but noted that communication with civil society, and in particular with victims of human rights violations, should not be limited to 20 minutes every four years.

746. Amnesty International presented a joint statement speaking on behalf of a coalition of 32 non-governmental organizations. It thanked the Swiss delegation for organizing an open consultation and was pleased with the fact that Switzerland has accepted 20 out of 31 recommendations and took on voluntary commitments on two of them. Switzerland’s consistent implementation of recommendations by treaty bodies could be progressively resolved through the establishment of the human rights institution. It expressed concern regarding Switzerland’s refusal of some essential recommendations, in particular the one related to social and economic rights. As Switzerland noted that legislative authorities should consider human rights as the guideline for their activities, it stressed that the human rights contained in the Universal Declaration of Human Rights are not guidelines, and such position may lead to a differentiated approach to the rights guaranteed by the Declaration. It deplored the fact that Switzerland is not ready to discuss the possibility of signing the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and noted that

the refusal to envisage introducing federal legislation against discrimination is a missed opportunity to set up a central system to prevent discrimination based on racial or religious reasons or persistent discrimination against women or sexual discrimination.

747. The Centre on Housing Rights and Evictions was particularly concerned at the views on economic, social and cultural rights expressed by the Government, which is clearly incompatible with Switzerland's obligation under the International Covenant on Economic, Social and Cultural Rights. It noted that Switzerland had failed to implement effective remedies for most of the economic, social and cultural rights. It noted that no due remedy had been provided to the victims of the 2007 forced evictions from the Rhino Collective, nor in the matter of the forced closure of the Rhino association and the arbitrary seizure of its assets. It was also concerned at the threats levelled by the public prosecutor against persons residing at the "Tulipiers" residence in Geneva and urged the Swiss authorities to adhere to due process requirements in that case, noting that forced evictions do not affect only squatters. Regarding Switzerland's rejection of recommendation 18 on discrimination on grounds of sexual orientation, on the basis that homosexuals do not have the right to adopt, it highlighted that since a recent judgement of the European Court of Human Rights, discrimination on grounds of sexual orientation was now explicitly impermissible in Council of Europe States.

748. Prison Fellowship International commended Switzerland, and specifically the Swiss Development Aid agency on its work in the area of defending and promoting the human rights of a variable group of population, particularly, ten million people in various forms of detention or imprisonment. Specifically, on the practical level, Switzerland is bridging the gap between the enlightened discussions in Geneva and the reality on the ground in the prisons of the world. Over the last eight year, in cooperation with Prison Fellowship International, Switzerland delivered for the needs of prisoners in over 30 countries in Eastern Europe, Central Asia and Africa. Switzerland provided various assistance programmes to prisons including training programmes on human rights and financed other projects together with other donors from the United States of America, Canada, the United Kingdom and the Netherlands. It praised the spirit of openness and sincerity demonstrated by the Swiss delegation during the interactive dialogue, and hoped that Switzerland will continue its development assistance in defence of human rights in the spirit of global solidarity.

749. Canadian HIV/AIDS Legal Network welcomed Switzerland's acceptance to create a national institution in accordance with the Paris Principles, which will greatly assist in carrying forward its commitment to non-discrimination. It was concerned about Switzerland's refusal of recommendation 18 regarding a Federal anti-discrimination law, including on grounds of gender identity and sexual orientation. It noted that the reasons put forward, namely that Switzerland is reluctant to single out a particular ground such as gender identity and sexual orientation, was unconvincing and it highlighted a number of recommendations where Switzerland had accepted that particular needs be addressed separately. Moreover the recommendation did not state that sexual orientation and gender identity should be the sole grounds covered, solely that these grounds be included. Canadian HIV/AIDS Legal Network encouraged Switzerland to reflect on its response to the recommendation and to put in place such a law which would be inclusive of all grounds.

4. Views expressed by the State under review on the outcome and concluding remarks

750. The Swiss delegation also welcomed the fact that representatives of civil society had taken the floor before it made its concluding remarks. The delegation then thanked the States and non-governmental organizations that had spoken. It wished to dispel a misunderstanding by reaffirming that Switzerland believed that economic and social rights were ipso jure obligations. There was no distinction between economic, social and cultural rights on the one hand and civil and political rights on the other. Rather, the question had to do with the persons to whom those rights were addressed in the domestic legal order: were those rights aimed at lawmakers, or were they sufficiently clear to be invoked directly in the domestic legal order? That was the distinction that the Federal Tribunal had drawn. Switzerland believed that economic, social and cultural rights were intended for lawmakers and must be implemented by legislative measures and policies. Furthermore, Switzerland had a monistic system that allowed it to invoke the violation of those rights, which were also guaranteed by the Constitution, directly before the courts. With regard to discrimination, particularly discrimination based on sexual orientation, it had been pointed out that Switzerland had chosen to take a global approach. The delegation then outlined a number of preliminary lessons that Switzerland had learned in recent months as well as planned next steps.

751. The first lesson was the high degree of interest in Switzerland shown by Member State and observer delegations. The Swiss delegation had been impressed by the quality of the statements delivered and of the constructive dialogue that had ensued.

752. The second lesson had to do with Switzerland's contacts with civil society. The universal periodic review exercise had made it possible to open up the Swiss authorities' dialogue with civil society to a certain extent. A dialogue that encompassed the whole range of rights and went beyond the usual framework of sectoral discussion had been initiated.

753. The third lesson was related to the opportunity that had been provided to discern a number of major points and certain aspects that needed improvement in the internal consultation process.

754. A number of measures that were to be implemented in the coming months to ensure that the universal periodic review, which should not be merely an exercise carried out in Geneva, remained an ongoing process were identified. One of the first major effects that the universal periodic review had had on Switzerland had been the setting up of a coalition of some 30 non-governmental organizations, to which the representative of Amnesty International had referred. That step would help to continue the general dialogue that had been begun during the preparation of Switzerland's national report with civil society. During the follow-up the need to keep the Human Rights Council informed in a spontaneous way of the progress made in implementing the recommendations that had been accepted had been recognized; such informal reports would constitute a sort of voluntary intermediate review before the next report was submitted in 2012.

755. Switzerland fully intended to learn from the universal periodic review, which sought to bring about a genuine improvement in the implementation of human rights in the country, and it was prepared to take all necessary steps to make the review mechanism a tool for achieving that objective.

756. In conclusion, the Swiss delegation wished to thank the Secretariat for its untiring efforts without which it would have been impossible to carry out the review in the very short amount of time allotted.

Republic of Korea

757. The review of the Republic of Korea was held on 7 May 2008 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents: the national report submitted by the Republic of Korea in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/2/KOR/1); the compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/2/KOR/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/2/KOR/3).

758. At its 19th meeting, on 12 June 2008, the Council considered and adopted the outcome of the review on the Republic of Korea (see section C below).

759. The outcome of the review on the Republic of Korea is constituted of the report of the Working Group on the Universal Periodic Review (A/HRC/8/40), together with the views of the Republic of Korea 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/8/40/Add.1).

1. Views of the State under review concerning recommendations and/or conclusions, as well as its voluntary commitments

760. The Government of the Republic of Korea reiterated its full support for the review mechanism on the highly significant occasion of the adoption of the outcome of its review. The Republic of Korea stated that this also offers an opportunity to reaffirm its unswerving commitment to the promotion and protection of human rights, a priority in its national agenda.

761. The Republic of Korea deeply appreciated the valuable contribution by States and all other stakeholders in the universal periodic review of the Republic of Korea. It stated that it has been a collaborative effort and that the bonds of cooperation formed have in themselves proved to be another further benefit of this process. It reiterated its thanks to the members of troika for their invaluable work and for the outstanding leadership they have displayed in guiding it through this significant process.

762. According to the Republic of Korea, the international community, with these two universal periodic review sessions, has embarked on the task of addressing all human rights situations of all States in a fairer and more inclusive way. This is indeed a task of the utmost importance. The Republic of Korea noted that the launch of the universal periodic review represents a milestone and all earnest efforts should focus on ensuring that it is truly effective. The member States, the treaty monitoring bodies, non-governmental organizations and OHCHR are all involved in ensuring that the mechanism does indeed prove to be effective. In its case, the Republic of Korea stressed that the review has been constructive in terms of reaffirming the human rights issues and that it has provided a valuable opportunity to galvanize its will to achieve improvements in the areas concerned.

763. Following the review by the Working Group in May, the Republic of Korea has given thorough consideration to all the recommendations made by States. It believes that the 33 recommendations contained in the report of the Working Group cover almost all key human rights issues, long-standing ones and relatively new ones alike.

764. As part of its efforts to gain a clearer overall picture of the recommendations, the Republic of Korea held an inter-ministerial meeting on 30 May. Each ministry which was involved in the review process has undertaken a thorough study of the human rights issues raised in the review. The Republic of Korea briefly touched upon its Government's responses to the recommendations contained in paragraph 64 of the report.

765. It was pleased to say that the Republic of Korea accepts most of the recommendations, either in full or in part. Further detailed information on the responses to all recommendations (A/HRC/8/KOR/Add.1).

766. First of all, the Republic of Korea accepted the entire group of recommendations relating to women's rights. It has been consistent in its pursuit of a policy of advancing women's rights. The Ministry of Gender Equality is deeply committed to incorporating a gender perspective into government policies. To this end, it has been developing concrete initiatives and playing a leading role in addressing the issues in inter-ministerial meetings.

767. Secondly, the Republic of Korea stated that the Government will intensify efforts to effectively protect the rights of foreign workers by upholding relevant laws, including the Employment of Foreign Workers Act. It also stressed that continued efforts focusing on various measures for their fuller social integration will be made and more effective remedies developed to further protect the rights and interests of foreign workers.

768. Thirdly, the Republic of Korea noted that it continues to make sincere efforts to protect the rights of disabled persons. To this end, it is currently pursuing domestic procedures for the ratification of the Convention on the Rights of Persons with Disabilities.

769. Fourthly, the Republic of Korea also welcomed other important recommendations relating to matters such as the implementation of observations of treaty bodies, freedom of association and assembly, human rights training for law enforcement personnel, the Resident Registration System, marital rape, child abuse and domestic violence, sexual crime, and refugee recognition procedures. It stated that it will continue to seek ways to strengthen and improve the relevant domestic laws, institutions and procedures in these areas.

770. Some of the recommendations contained in paragraph 64 of the report will need further study regarding their implementation as this may require legislative actions or entail an interpretation of domestic law.

771. First of all, on the recommendations advocating further ratification of and accession to human rights treaties, the Government will indeed carefully consider accession to several of them, such as the Optional Protocol on the Convention against Torture. More efforts are needed to bring domestic legislation and regulations in full conformity with these human rights norms and standards.

772. Secondly, as the Republic of Korea indicated during the interactive dialogue of its review, issues such as the death penalty, the National Security Law and conscientious objection to military service require further study and the forging of a broad national consensus; there is therefore a need for the Government to continue to make efforts in this direction.

773. Thirdly, issues such as the definition of torture, corporal punishment and the security surveillance law also entail amending important provisions of its domestic law, and the Government therefore needs to give careful thought to ways to overcome the difficulties of such a process.

774. Fourthly, the Republic of Korea noted that the withdrawal of the reservation to article 22 of the International Covenant on Civil and Political Rights is another matter which requires further examination and in-depth consultations. In particular, there is a call for further tripartite consultations and inter-ministerial consultations for a review of the matter of trade union pluralism and labour rights of public officials.

775. Lastly, the Republic of Korea highlighted that the recommendation on the accession to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families is the only one that its Government is not in a position to accept at this stage. It welcomed the intention and spirit of this recommendation, which is to protect migrant workers and their family members. However, it considered that some provisions of the Convention are in conflict with some key domestic laws. In the meantime, the Republic of Korea will make every possible effort to protect the human rights of migrant workers under the current national laws that cover the human rights and welfare of foreigners.

776. The Republic of Korea further noted that for the universal periodic review to be a credible mechanism leading to actual improvements in human rights, effective follow-up measures are imperative. These should include mechanisms to promote implementation at the national level by providing a platform for national dialogue on human rights between various stakeholders. It is also crucial to provide an opportunity for public scrutiny of government policies.

777. In this regard, the Republic of Korea also engaged in discussions on a mechanism for the systematic implementation of the recommendations in the coming four years. One suggestion put forward was that the recommendations could be included in the ongoing National Action Plan for 2007-2011 for the Promotion and Protection of Human Rights. Another suggestion was to create a mechanism tasked exclusively with follow-up to issues raised during the review process.

778. The Republic of Korea emphasized that neither suggestion should exclude the recommendations considered, *prima facie*, difficult to implement. In this regard, it underlined that even a recommendation that it feels unable to accept for the moment will be given due consideration and, if necessary, may be the subject of discussions with all stakeholders.

779. The Republic of Korea stressed that the Government will continue to bear in mind all the recommendations made, as it seeks to strengthen its institutional and policy responses to achieve greater human rights protection and promotion in the country. It looks forward to seeing these recommendations serve as a valuable guide in its efforts in the months and years ahead, as it constructively engages with the Council, other international mechanisms and bilateral and regional partners on human rights issues.

780. The Republic of Korea reiterated the great importance it attaches to the universal periodic review.

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

781. Malaysia expressed its appreciation to the Republic of Korea for its opening statement and for the response it gave to its question during the interactive dialogue in the review. It also welcomed the positive engagement by the Republic of Korea with the Council in the universal periodic review and the additional responses provided before the adoption of the outcome. Malaysia noted that the Republic of Korea has undertaken positive legislative and policy measures to further improve the human rights situation in the country while taking steps to overcome the challenges that it continues to face. It also stressed that notable improvements include the empowerment of women, the rights of children and the rights of the disabled.

782. The Democratic People's Republic of Korea referred to the numerous recommendations it made during the interactive dialogue which are contained in the report of the Working Group, and requested more details about the practical and guaranteed measures vis-à-vis those recommendations. Following the responses provided by the Republic of Korea and in the light of the situation on the ground, it reiterated its call for more concrete and comprehensive measures on the recommendations it made, in particular on the abolition of the National Security Law.

3. General comments made by other relevant stakeholders

783. The National Human Rights Commission of the Republic of Korea noted its active participation in the universal periodic review process through consultations with the Government and non-governmental organizations and by submitting a stakeholders' report. It welcomed the 33 final recommendations made to the Republic of Korea, all of which come under the Commission's core mandate. It noted that especially in regard to the death penalty and the National Security Law, the Commission had already made recommendations calling for their abolishment. With regard to petitions outlining alleged violations of the right to freedom of assembly, it recommended that the Assembly and Demonstration Act be amended because article 8 is subject to arbitrary interpretation. It urged the Government to adopt viable measures for the implementation of the recommendations. It welcomed the re-election of the Republic of Korea to the Council, with the anticipation that the Government will fully and actively implement the voluntary pledges made upon its initial election to the Council and the newly affirmed pledges. It anticipated that the role of national human rights institutions will be expanded in the universal periodic review and the follow-up processes thereto.

784. The Asian Forum for Human Rights and Development (Forum-Asia) and the People's Solidarity for Participatory Democracy, in a joint statement, welcomed the engagement of the Republic of Korea in the review process, but expressed their extreme disappointment at the inadequate and evasive responses. Reference was made to concerns voiced about threats to freedom of assembly. They referred to the fact that numerous documented cases and evidence show police and security personnel using excessive force and arbitrarily detaining demonstrators at will. They echoed the recommendation for mandatory human rights training and education for all security and law enforcement personnel, and strongly urged the review of and amendment to the Act on Assemblies and Demonstrations. It referred to arrest of migrant workers and

deportation of union leaders without due process. It called upon the Government to, inter alia, take concrete measures to stop all acts of discrimination against migrant workers, and to ratify the International Convention on the Protection of the Rights of Migrant Workers and Members of Their Families. It also urged the Government to reduce the disparity in wages between irregular and regular workers, and to maintain a gender perspective in addressing the specific needs of women irregular workers.

785. The Canadian HIV/AIDS Legal Network delivered a statement on behalf of 86 grass-roots human and cultural rights organizations from the Republic of Korea, in reference to recommendation No. 23 of the report of the Working Group on the Universal Periodic Review, which suggested that discrimination on the basis of sexual orientation be included in the draft anti-discrimination bill. It noted also the exclusion of six other categories from the bill. It stated that exclusion is a tacit approval of discrimination against groups that need protection, and expressed its deep concern that it may provide basis for future structural and interpersonal violence. It noted the Republic of Korea's significant achievements and the demonstrated international leadership to uphold and respect international law protecting minorities. It stated that civil society is very proud of being a part of the nation's efforts toward equality and equity, and expressed disappointment and alarm about the growing communication gap between civil society and the current administration. It noted that in order to fully acknowledge the Universal Declaration of Human Rights, the non-discrimination law must be inclusive and explicit, and it urged the Government to immediately re-introduce the six dropped categories with specification of gender identity in the federal non-discrimination law.

786. Amnesty International welcomed the call on the Government to pass into law the special bill to abolish the death penalty. It also welcomed recommendations to abolish the National Security Law, or to amend it to bring it in line with international standards, and to ratify the Optional Protocol to the Convention against Torture and the Convention for the Protection of All Persons from Enforced Disappearance. Several recommendations focused on the need to ensure increased protection of the rights of migrant workers. It stressed that since November 2003, the Government has conducted a series of crackdowns leading to the arrest, detention and deportation of irregular migrant workers. It also deeply regretted the deportation of the president and vice-president of the Migrants' Trade Union. It strongly encouraged the Government to implement recommendations to accede to the International Convention on the Rights of All Migrant Workers and Members of Their Families, to withdraw the reservation to article 22 of the International Covenant on Civil and Political Rights, to protect female migrant workers against discriminatory practices, and to ensure access of all migrant workers to the justice system. It also called on the Government to follow through on its Council election pledge to ratify the four International Labour Organization fundamental conventions related to the right to freedom of association, to organize and on abolition of forced labour.

787. MINBYUN - Lawyers for a Democratic Society stressed that the report of the Working Group pointed out that the National Security Law has been arbitrarily limiting freedom of expression and association in the Republic of Korea and recommended its abolition several times. The Government's response that this law was not overused was not true according to Lawyers for a Democratic Society, which cited a number of examples to the contrary. The police had censored certain websites without a court order. The Government was strongly urged to follow the recommendation of the Working Group and to abolish the National Security Law as soon as possible.

4. Views expressed by the State under review on the outcome and concluding remarks

788. Following the interventions from the States delegations and representatives of civil society, the Republic of Korea thanked them for their constructive comments and noted that a number of concerns and issues raised and advice offered could be a valuable source of inspiration for the Government to further materialize its commitment to achieving high standards in relevant areas of human rights. It also thanked the troika members and the Council Secretariat.

789. The Republic of Korea noted that many of the comments made by the speakers, including on the issue of migrant workers and the National Security Law, were already dealt with in the report of the Working Group and responses were provided either in its written responses or in its opening statement.

790. The Republic of Korea reaffirmed that the National Security Law should not be misused or interpreted arbitrarily and that the Constitutional Court has formulated strict criteria regarding the interpretation of the law to prevent abuse and to ascertain the constitutionality of its application. Moreover, it noted that the Ministry of Justice and the Prosecutor's Office are making efforts to apply the law prudently and in accordance with the constitutional jurisprudence.

791. Lastly, the Republic of Korea pointed out that the review was an opportunity to take stock of a specific country human rights situation and that a broad consultative process at the preparation stage of the national report contributes to identify what the State under review should do for the cause of human rights. It further noted that interaction between all relevant stakeholders will be inevitable and critical for the follow-up process. The Republic of Korea stated that this is one of the good reasons to be optimistic and that the universal periodic review will serve to improve human rights in the long run.

792. Regarding the demonstrations presently under way in the country to which a civil society organization referred, the Republic of Korea stressed that it has always guaranteed the freedom of lawful and peaceful demonstration but noted that when demonstrators violate laws by resorting to unlawful means, it is inevitable for the Government to take measures necessary to maintaining law and order and to protect public safety.

Pakistan

793. The review of Pakistan was held on 8 May 2008 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents: the national report submitted by Pakistan in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/2/PAK/1); the compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/2/PAK/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/2/PAK/3).

794. At its 20th meeting, on 12 June 2008, the Council considered and adopted the outcome of the review on Pakistan (see section C below).

795. The outcome of the review on Pakistan is constituted of the report of the Working Group on the Universal Periodic Review (A/HRC/8/42), together with the views of Pakistan 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/8/42/Add.1).

1. Views of the State under review concerning recommendations and/or conclusions, as well as its voluntary commitments

796. In the context of the consideration of the universal periodic review outcome of Pakistan, the Permanent Representative of Pakistan to the United Nations Office at Geneva presented information (A/HRC/8/42/Add.1).

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

797. China noted its appreciation of the open and frank attitude with which Pakistan has participated in the universal periodic review mechanism as well as the frank and full dialogue Pakistan has conducted with various parties during the entire review process. It also appreciated the measures taken by Pakistan to protect human rights, promote democratic values and the rule of law and in combating terrorism at its source. China welcomed the signature and ratification of international human rights instruments and Pakistan's commitment to further promote and protect human rights. It welcomed the great importance that Pakistan has attached to the effective implementation of international obligations as well as its positive efforts to promote the protection of the human rights of women, children, persons with disabilities, ethnic minority groups and other people. China stated its conviction that Pakistan is entirely capable of strengthening protection of human rights for its people, achieving sustainable progress in economic, political and social areas and playing a positive and constructive role for the healthy development of the Council.

798. Bahrain noted that Pakistan was a party to a number of human rights instruments, and that Pakistan is fully committed to fulfilling its obligations by virtue of its membership in the Council. Bahrain noted the achievements of Pakistan in the field of human rights and in pursuit of democracy, despite the daunting challenges it is facing. Bahrain welcomed the efforts made by Pakistan in the fields of education, health, rights of women, elimination of poverty and empowerment of women as well as its determination to deal with all urgent matters.

799. Canada expressed its appreciation for Pakistan's response to the report on its review and looks forward to its final response to recommendations made by the Working Group. In particular, Canada appreciated Pakistan's commitment to reviewing statutes that could lead to discrimination against religious minorities. Canada noted that one of its recommendations had not been accurately reflected in paragraph 106 of the report of the Working Group. The recommendation as made included a specific reference to the Qadiani, Lahori and Ahmadi religions. This is correctly reflected in paragraph 23 of the report. Canada requested that the Secretariat correct this error prior to the adoption of the report of the Working Group within the deadlines for corrections. Canada accepted the adoption of this report in plenary on the understanding that it will be corrected to accurately reflect the recommendations as made. The

2nd Amendment to the Pakistan Constitution outlaws the Ahmadi religion and the Penal Code allows for the imprisonment of members of the Quadiani, Lahori and Ahmadi religions for preaching their faith. Canada was disappointed that Pakistan had rejected its recommendations to repeal provisions of the *Hudood* Ordinances that criminalize non-marital consensual sex and failed to recognize marital rape. The right to liberty and the prohibition of arbitrary interference in privacy are universally recognized freedoms found in the Universal Declaration of Human Rights. Canada stated its disappointment that Pakistan rejected its recommendations to decriminalize defamation. The right to freedom of opinion and expression is a universally recognized right found in the Universal Declaration of Human Rights. Vaguely defined blasphemy laws criminalize insulting the name of the Prophet Mohammed and prescribe the death penalty in some cases. Lawyers defending those accused of blasphemy often face death threats and physical assault. Such restrictions on freedom of opinion and expression are not justifiable under the limitations on this freedom permitted under international law. Canada encouraged Pakistan to update the Council on measures taken in follow-up to these recommendations on a regular basis.

800. Morocco congratulated Pakistan for its sincerity and frankness during the review and its efforts to create a state of rule of law and fundamental rights, despite the difficulties faced. Morocco noted that Pakistan has met many challenges which are slowing down the country, such as terrorism and large flows of immigrants. Ensuring transparency in the most recent elections also reflected these efforts. Morocco was pleased to see the efforts made to protect women and children and the implementation of the right to education and health, and welcomed the efforts and reforms made along these lines. Morocco also noted with satisfaction the fact that Pakistan considers the independence of the judiciary and freedom of expression as priorities on its agenda and welcomed the availability of Pakistan to share its good experiences with others. Lastly, Morocco welcomed Pakistan's commitment to implementing the recommendations of the Working Group, recalling that all recommendations cannot be immediately implemented and may require a medium or even longer term process to be fully implemented and enjoyed.

801. Kuwait recognized the great efforts made by Pakistan in the universal periodic review process. This showed the great interest and deep-rooted cooperation of Pakistan with all organizations dealing with human rights. Kuwait referred to the democratization process and the efforts made by the late Benazir Bhutto and her great sacrifice for democracy and basic liberties. Kuwait noted that all measures taken by Pakistan reflect its political will to uphold all rights and reinforce the role of civil society.

802. Algeria referred to Pakistan's comments as relevant and progressive in view of the challenges Pakistan faces, especially in its fight against terrorism which has an impact on the whole world. Algeria noted that the conclusions and recommendations of the Working Group highlighted the fact that Pakistan continues its efforts to fight terrorism. Therefore it is essential that Pakistan receives adequate support from the international community and benefits from a full understanding of the country's constraints. Algeria commended Pakistan on the progressive efforts made in the promotion and protection of human rights, its continued efforts to spearhead progress towards gender equality and development for women in the areas of education and employment, and on developments in children's rights and its steady economic progress in its fight against poverty.

803. Indonesia noted with appreciation that many of the recommendations put forward to Pakistan during the universal periodic review had already been taken into account and measures taken to carry them out. Indonesia welcomed the fact that Pakistan has undertaken the transition to a full democracy. It commended Pakistan on the serious efforts made to develop relevant legal structures to eradicate violence against women, and encouraged Pakistan to ensure the faithful implementation of the laws adopted to combat violence against women. It also noted that there has been a positive change with regard to women and believed this would translate into a positive contribution by the office holders into an active policymaking debate on issues related to women and children. Indonesia expressed the view that Pakistan is on the right track in addressing the issue of ensuring the independence of the judiciary, through Pakistan's elected Parliament, but that ample time may be required and that the approach therefore must be supported.

804. India stated that the national report of Pakistan to the Working Group on the Universal Periodic Review refers to the territory of the so-called "AJ&K" (para. 72) and "AJK" (para. 81). India wished to state for the record that the territory referred to is part of the Indian State of Jammu and Kashmir and is under the illegal occupation of Pakistan.

3. General comments made by other relevant stakeholders

805. The International Federation of Human Rights Leagues and the Human Rights Commission of Pakistan welcomed Pakistan's recent ratification of the International Covenant on Economic, Social and Cultural Rights, the signature of the International Covenant on Civil and Political Rights and the Convention against Torture. It also expressed interest in the future establishment of an independent human rights commission in accordance with the Paris Principles. However, it expressed its deepest concern about the comment made by Pakistan in paragraph 108 of the report of the Working Group, namely that a number of recommendations neither fall under the framework of universally recognized human rights nor are consistent with the pledges and commitments made by Pakistan. In relation to paragraph 43 of the report of the Working Group, the organizations urged Pakistan to consider the adoption of a moratorium on executions, in accordance with General Assembly resolution 62/149. Regarding paragraph 43, they raised the issue of women who continue to be haunted under accusations of *Zina* even when legally married but without the blessing of their families. They stressed that for awarding *Hadd* punishment, the evidence of non-Muslims and women is not acceptable despite the fact that *Hadd* punishment is also prescribed for the crime of rape, where women are victims. Concerning paragraph 23 on the criminalization of defamation, they deplored the refusal of Pakistan to review the existing restrictions in the laws that are incompatible with the principles of the right to freedom of expression. They called on Pakistan to cooperate fully with United Nations treaty bodies and the special procedures, in particular the Special Rapporteur on the independence of judges and lawyers and the Special Representative of the Secretary-General on the situation of human rights defenders. Finally, they urged Pakistan to agree with all the recommendations made by the Working Group and to implement them over the next four years.

806. Human Rights Watch noted that the universal periodic review came at an opportune time when the newly elected government had engaged in a number of human rights reforms. It welcomed the repeal of laws that limit the freedom of the press and the restoration of rights exercised by workers organizations, and urged Pakistan to implement the recommendations aimed at restoring all freedoms suspended during the imposition of the state of emergency. This

includes blanket indemnity granted by President Musharraf to himself for suspending the Constitution, and that in spite of this recommendation, elections on 18 February and an elected government assuming office, the country has yet to return to constitutional rule. It regretted that Pakistan has not clearly announced a decision to implement the recommendation that it reinstate the dismissed members of the judiciary and recommended that Pakistan, in the future, fully involve civil society in consultations with the universal periodic review process. It also stated that the Human Rights Commission of Pakistan had expressed discontent with the position taken by the Government during the review that certain recommendations fall outside the scope of universally recognized rights, and do not conform to national commitments. It supports their recognition that safeguards and restrictions to the imposition of the death penalty is a universal and recognized human rights principle and that the Government is misleading itself by denying that the vulnerability of women accused of *Zina* is not a violation of their rights. Lastly, it regretted the absence of recommendations on disappearances and noted the secrecy surrounding counter-terrorism operations. It welcomed Mexico's recommendation for Pakistan to adhere to international human rights, humanitarian and refugee laws in its fight against terrorism.

807. The International Commission of Jurists called for the prompt implementation of all recommendations, including recommendations 4, 5, 14, 15 and 16. It noted that Pakistan had yet to address the consequences of the rule of law crisis which culminated in the 2007 state of emergency. It noted that the new Parliament had not yet decided on a method to clearly revoke constitutional amendments made by the Musharraf Government as well as the emergency decrees made under them. The International Commission of Jurists stated that while the Working Group recommended re-establishing an independent judiciary, the governing coalition had been unable to reinstate all the justices and judges deposed during the state of emergency. It highlighted that action against terrorist suspects must comply with the principles of the rule of law and international human rights standards. It further reminded Pakistan of the accessory and substantive nature of the right to equality before the law and to equal protection of the law, and suggested that the Council disregard the contents of paragraph 108 of the universal report of the Working Group on Pakistan.

808. Amnesty International welcomed the substantive exchange that took place in connection with the review of Pakistan and the positive commitments made by the Government. It encouraged it to pursue its work towards the abolition of the death penalty. It welcomed Pakistan's announced intention to accede to the Convention on the Protection of All Persons from Enforced Disappearance, by the Government's commitment to the rule of law and by its undertaking to investigate and remedy any alleged human rights violations in pursuit of the war on terror. It urged Pakistan to immediately resolve all acts of enforced disappearance; to ensure the immediate release of all persons held in secret detention or their transfer to official places of detention open to independent monitoring; and to bring to justice officials found responsible. It encouraged the Government to ratify the International Covenant on Civil and Political Rights and the Convention against Torture and implement them in domestic law. It stressed the need to restore judges who had been removed under the emergency rule and the establishment of a transparent procedure for the appointment and removal of judges to ensure that tenure is secure and free from conflicts of interest, undue influence and intimidation. It noted that Pakistan rejected some recommendations on the grounds that they do not refer to universally recognized human rights while many of these recommendations deal with issues addressed in

United Nations human rights instruments ratified by Pakistan. It encouraged Pakistan to reconsider the recommendations referred to in paragraph 108 of the report of the Working Group and to respond to their substance rather than their form.

809. The Asian Forum for Human Rights and Development (Forum-Asia), in a joint statement with the International Movement against Discrimination and Racism and Pax Romana, expressed grave concern and disappointment about the constant denials of Pakistan during the review on its human rights record. It stated that the new Government should recognize the oppression, and in some cases indifference in others, exercised by the military-led government in the very recent past. It underlined that while Pakistan stated during the session of the Working Group that there was no form of caste-based discrimination and no Dalits in the country, new research points to the fact that caste-based discrimination is indeed a reality for approximately 2 million people in Pakistan, and the majority of bonded labourers in agriculture, and strongly urged Pakistan to acknowledge this form of discrimination; to prevent the exploitation of bonded labourers; and take effective measures, in line with other affected countries, in order to eliminate this form of discrimination.

810. The European Centre for Law and Justice noted with satisfaction that the important question of religious freedom and the rights of minorities was examined during the interactive dialogue. It noted that, as mentioned by a number of States, the three main issues linked to freedom of religion in Pakistan are the prohibition of religious groups, the existence of blasphemy laws and the frequency of physical violence against religious minorities. Recalling the relevant articles in the Pakistani Criminal Code, the European Centre for Law and Justice noted that although all religions benefit from legal protection according to the Criminal Code, none was as important as the protection afforded to Islam. The European Centre for Law and Justice stated that, in actual fact, the blasphemy law is a repressive tool given to the State religion against the expression of minority political and religious views. The European Centre for Law and Justice concluded by hoping that a general process of revision of the judgements of persons currently imprisoned for blasphemy be undertaken.

811. The Asian Legal Resource Centre welcomed the acknowledgement by Pakistan of the importance of the March 2007 lawyers' movement and civil society's role in the struggle for an independent judiciary. It noted the repeated calls for reinstatement of the judges in the report of the Working Group and the fact that the lack of an independent judiciary is equivalent to the suspension of fundamental rights in the country, as there is no effective legal redress available at present. It has recently identified 52 illegal detention centres in Pakistan, where people have been held incommunicado, tortured, disappeared or subjected to summary executions. It welcomed the repeated recommendations to ratify the International Convention for the Protection of All Persons from Enforced Disappearance. It expressed its serious concern with regard to Pakistan's denial of the existence of caste-based discrimination. It however welcomes the call to Pakistan in the report of the Working Group to take concrete and effective measures to protect human rights defenders. It shared its disappointment with the Government's attempts to undermine the review process as a whole and the review of Pakistan, by trying to disregard valid recommendations, notably concerning the *Hadood* Ordinances, blasphemy laws and the death penalty. It hoped that Pakistan refrains from such actions and commits to addressing all the issues raised.

812. Interfaith International stated that several statements were made during the review of Pakistan to remove restrictions on the freedom of religion or belief, to amend legislation which discriminates against persons belonging to minority religions, to protect freedom of religion and belief in general, and urged Pakistan to take serious note of these recommendations. It referred to several recommendations made with regard to women's rights, gender equality and opposing violence and discrimination against women, and called upon Pakistan to implement these recommendations seriously. It also recalled observations made during the review on the need of separating the powers of the judiciary from the executive and ensuring the independence of the judiciary. Interfaith International stressed that such matters should be given high priority and serious efforts should be made to satisfy the political, civil, economic, social and cultural aspirations of the Pakistani people.

813. International Women's Rights Action Watch Asia-Pacific expressed its deepest concern on the rejection by Pakistan on recommendations which according to it are not universally recognized human rights. It noted the rejection of recommendation 23 (b) and 30 (d) relating to the non-recognition of marital rape, but welcomed the statement made by Pakistan that it would address marital rape through its criminal justice system, including the proposed domestic violence law. It urged Pakistan to ensure that the perpetrators of marital rape are punished through the effective implementation of the law and hoped that Pakistan's statement would be accompanied by an acceptance of recommendations 23 (b) and 30 (d). It also noted Pakistan's rejection of recommendation 62 (e) despite the recommendation of the Committee on the Elimination of All Forms of Discrimination against Women in 2007 to ensure that Qisas and Diyat law has no application in cases of violence against women and urged Pakistan to ensure that domestic law complied with the recommendation of the Committee. Regarding recommendations 23 (b) and 62 (b), it noted that the criminalization of non-marital consensual sex and adultery had been recognized by the Human Rights Committee as a violation of human rights law and noted that it is a practice which particularly discriminates against women and sexual minorities. It called on Pakistan to accept these recommendations.

814. The Islamic Human Rights Commission expressed concern that women's health rights appear to be neglected in Pakistan. It expressed its deep concern about the outcome of the draft Bill on the National Human Rights Commission, which has not moved since February 2005. It recalled that a number of provisions in the Bill have given rise to criticism, such as the requirement that the members of the National Human Rights Commission must be former government employees, an issue which could have an impact on their independence. Other aspects include methods of appointment of commissioners, their salaries and the funding of the National Human Rights Commission. Finally, it stated that the recent ratification and signature of three core human rights instruments is a significant step forward by Pakistan in fulfilling its pledges and commitments to promoting human rights.

4. Views expressed on the outcome by the State under review and concluding remarks

815. In closing, Pakistan thanked member States for their kind words and for having congratulated Pakistan on its strong commitment to human rights and democracy. It particularly thanked Algeria for its statement that Pakistan should be given support by the international community to combat terrorism.

816. In response to Canada's intervention, Pakistan stated that Canada did not meet the deadline for the submission of changes to the report of the Working Group, and that there was an omission in the report, which happens from time to time, and which can usually be resolved through dialogue. On the issue of consensual sex out of wedlock, Pakistan stated that it cannot be legalized in Pakistan. Pakistan's law stem from its norms, and it was of the view that this is not a universal human right or recognized as such. Further, Pakistan is trying to reform the national law on defamation, and there is some tendency towards abuse of the law which must be corrected. Some members of civil society have been demanding abolition, but at the end of the day, the Government aggregates views of all members of society and takes a decision. In this regard, Pakistan recalled Council resolution 7/36, in which the Council requests the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression to report on instances in which the abuse of the right of freedom of expression constitutes an act of racial or religious discrimination. This is part of international law, and ought to be respected.

817. Pakistan took note of the constructive proposals made by some of the non-governmental organizations that took the floor, and will transmit their input to Pakistan. However, it stated that some of the speeches were outdated and written without looking at Pakistan's statement which was just read out or at the one made on 8 May 2008. In some statements, there was poor homework which did not monitor developments since March 2008. Regarding the intervention of the International Federation of Human Rights Leagues, Pakistan stated that it rejected some of the recommendations, and did so in accordance with the procedure agreed on within the Council. Pakistan recalled that a review of the issue of the use of capital punishment has been mandated by the new Government. It stressed that simple accusations do not resolve issues, rather, a dialogue is needed. Pakistan informed that it has started the reform of *Zina* law, and as already mentioned, is looking into flaws within registration procedures; rape victims are of special concern to Pakistan, which is trying to provide redress to them.

818. In reference to India's intervention, Pakistan rejected that Azad Jammu and Kashmir was part of Indian territory. The whole state of Jammu and Kashmir was a disputed territory, including the Indian Occupied Kashmir, in accordance with the relevant Security Council resolutions, awaiting a final settlement.

819. Lastly, Pakistan thanked the President of the Council, the Secretariat and civil society. It stressed that all points raised will be faithfully transmitted to Islamabad, and that it appreciated independent and impartial criticism so it can help it gain traction to correct its course, if it is headed in the wrong direction.

Zambia

820. The review of Zambia was held on 9 May 2008 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents: the national report submitted by Zambia in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/2/ZMB/1); the compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/2/ZMB/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/2/ZMB/3).

821. At its 20th meeting, on 12 June 2008, the Council considered and adopted the outcome of the review on Zambia (see section C below).

822. The outcome of the review on Zambia is constituted of the report of the Working Group on the Universal Periodic Review (A/HRC/8/43), together with the views of Zambia 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/8/43/Add.1).

1. Views of the State under review concerning recommendations and/or conclusions, as well as its voluntary commitments

823. Zambia welcomed the universal periodic review mechanism and the active participation of States that characterized its review. The Council was invited to note that while Zambia faces a number of wide-ranging challenges in promoting and protecting all human rights within its territory, it has undergone positive changes in the area of human rights.

824. This can be seen from the consultative process that was undertaken in the preparation of the national report for the universal periodic review; the plans Zambia put in place in the Fifth National Development Plan relating to human rights; the importance it places on reporting to both regional and international treaty bodies to which it is a party; and the voluntary commitment made by Zambia to extend a standing invitation to special mandate holders on human rights, to mention but a few.

825. Under paragraph 59 of the report of the Working Group (A/HRC/8/39), Zambia undertook to examine 11 recommendations and to provide its responses thereon at the present session of the Council. These responses are contained in document A/HRC/8/39/Add.1.

826. With regard to the recommendation to ratify the Convention on the Rights of Persons with Disabilities, Zambia was pleased to report that it has signed the Convention in May 2008.

827. In conclusion, Zambia reiterated its commitment to the promotion and protection of all human rights and fundamental freedoms. It is in this regard that Zambia pledges its continued commitment to improving the situation of human rights within its territory and welcomes the opportunity to contribute to the work of the Council.

2. Views expressed on the outcome by States members and observers of the Council

828. China welcomed the honest and serious attitude shown by Zambia during the review. It noted that Zambia had made positive progress in the promotion and protection of human rights, not only in building a comprehensive system of human rights norms and human rights protection but also in formulating and implementing many human rights measures. China also noted the progress made in ensuring judicial justice and the rights to education, housing and health. Finally, it noted with appreciation the frank and open attitude of Zambia in dealing with many difficulties and challenges in the field of human rights.

829. Algeria congratulated Zambia for the report and commended Zambia on its commitments to promote and protect human rights as well as to cooperate with the universal periodic review. Algeria was encouraged by Zambia's acceptance to strengthen its efforts on gender issues and to

address extreme poverty and its impact on the enjoyment of economic, social and cultural rights, including regarding vulnerable groups such as girl children and those affected by HIV/AIDS. It also encouraged Zambia to pursue its efforts to improve its educational system, the living conditions of detainees and to seek international assistance for implementing its objectives.

830. Ireland applauded the broad consultations with civil society in the preparation of the national report and encouraged Zambia to deepen this engagement in addressing the issues raised during the process. It welcomed that Zambia has accepted 19 recommendations and has agreed to examine 11 others. It also welcomed that Zambia has extended a standing invitation to all special procedures. It took note that the improvement of prison conditions is being addressed and recommended the continued prioritization of such an improvement. It also welcomed progress made by Zambia in incorporating the Convention on the Elimination of All Forms of Discrimination against Women into domestic law and urged the full implementation of this instrument. It noted with appreciation that Zambia has recognized the need for reforms in relation to laws on freedom of expression. It also expressed the hope that Zambia will abolish the death penalty. Finally, Ireland asked for information, in due course, about the mechanisms to be developed to ensure follow-up on the recommendations and invited Zambia to update the Council on progress made, even before the next review.

831. Nigeria was pleased both by the transparency demonstrated by Zambia throughout the review process and by its initiatives aimed at ensuring the implementation of the various recommendations formulated during the review. As a developing country, Nigeria also recognized the challenges faced by Zambia in its efforts to promote and protect the rights of its citizens and called on the international community to complement Zambia's efforts in this regard.

832. Switzerland noted with appreciation the constructive and cooperative spirit showed by Zambia during the entire exercise. It welcomed that, amongst the 19 recommendations accepted by Zambia, several aim at improving the situation of women and children. As regards the situation of women, it welcomed the fact that Zambia wishes to incorporate systematically a gender perspective in the follow-up to the review. Aware of the challenges that Zambia faces, it noted however that the allocation of resources for the implementation of national programmes for children should be a priority. It noted in particular the situation of children belonging to vulnerable groups as regards, among other things, their access to health and education. According to Switzerland, particular attention should be given to girl children. It encouraged Zambia to implement the recommendations accepted and to continue to work with civil society to this effect.

833. Uganda congratulated Zambia on taking steps to address the bottlenecks in its justice system and for the measures that have been taken to put legislation in place to mainstream gender issues, particularly the challenge of gender-based violence. Uganda also noted that legislative measures and strategies that deal with issues of reproductive health to reduce both maternal and child mortality will go a long way to improve and develop health services and the delivery of health care to the most vulnerable groups, women and children. It stated that HIV/AIDS has compounded the problem of child labour, not only in Zambia but on the whole African continent, as child-headed families are forced to fend for themselves thus depriving them

of the right to education. It highly commended Zambia on having taken a holistic approach to deal with all those issues, and appreciated Zambia's commitment to implementing the recommendations made during the review.

834. Botswana welcomed the additional information provided in responses to some of the issues raised during the review, which demonstrates the positive and constructive commitment of Zambia in the whole exercise of the review process. The fact that Zambia accommodates some of the recommendations made shows its commitment to placing a high priority on the promotion and protection of human rights. It expressed hope that Zambia will benefit from the full support and understanding of the international community and an allowance of sufficient policy space to meet its international obligations in the context of human rights. It also commended Zambia on its resolve to embrace civil society as partners in the review process.

3. General comments made by other relevant stakeholders

835. Franciscans International, in line with the recommendations already formulated, suggested that the Government of Zambia continue and strengthen its efforts to guarantee free and compulsory basic education. It also suggested that the Government support civil society organizations that provide basic education services and involve them in a permanent and open dialogue. It expressed serious concern about the high number of street children, who are exposed to trafficking, physical and sexual abuse, forced labour and even police brutality. It called on Zambia to follow up on the recommendations expressed during the universal periodic review to develop and implement an effective strategy of assistance and prevention for street children in order to protect and guarantee their rights. Zambia should also give maximum priority to the recommendations of the Committee on the Rights of the Child. Echoing concern expressed by the Committee, it called on the Government to urgently develop and implement a specific assistance and protection programme for orphans. It finally welcomed Zambia's commitment to continue engaging with all the stakeholders in the follow-up to the universal periodic review.

4. Views expressed on the outcome by the State under review and concluding remarks

836. Mrs. Gertrude M.K. Imbwae, Permanent Secretary at the Ministry of Justice, concluded by stating that Zambia thanked all the countries that have contributed to the successful review of Zambia during the universal periodic review and that it appreciates the recommendations and statements that have been made by States and civil society organizations. Zambia considers dialogue as an effective tool for dealing with issues, including those that relate to human rights. She indicated that Zambia appreciates the role that this process will play in the improvement of human rights and in this regard, called upon the international community to play a positive role in the fulfilment of the objectives of the review process. She also welcomed Zambia's re-election to the Council and took this opportunity to thank the international community for the confidence it has in Zambia's ability to contribute to the human rights agenda.

Japan

837. The review of Japan was held on 9 May 2008 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents: the national report submitted by Japan in accordance with the annex to Council resolution 5/1,

paragraph 15 (a) (A/HRC/WG.6/2/JPN/1); the compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/2/JPN/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/2/JPN/3).

838. At its 20th meeting, on 12 June 2008, the Council considered and adopted the outcome of the review on Japan (see section C below).

839. The outcome of the review on Japan is constituted of the report of the Working Group on the Universal Periodic Review (A/HRC/8/44), together with the views of Japan 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/8/44/Add.1).

1. Views of the State under review concerning recommendations and/or conclusions, as well as its voluntary commitments

840. At the 20th meeting of the Council, on 12 June 2008, during the adoption of the final outcome of the universal periodic review on Japan, the Deputy Representative of Japan to the United Nations and other international organizations in Geneva indicated that his country had the pleasure of being considered under the review mechanism almost one month ago. It had been gratified that many delegations in the Council had expressed interest in the promotion and protection of human rights in Japan. It had been delighted to have heard from the more than 40 delegations that had raised a number of questions, requested clarifications and made a variety of suggestions, which the delegation realized were very useful for their future undertakings.

841. He reaffirmed that several delegations had also very kindly expressed appreciation about Japan's efforts for human rights education, for the elimination of discrimination against persons affected by leprosy - and for its assistance, including technical assistance. They also stressed their expectation for Japan's continued efforts in those fields. He stated that Japan was willing and ready to undertake further efforts to meet those expectations. As a reappointed member of the Council for the next three years, Japan also indicated that it was willing to do its utmost to realize its voluntary pledges and commitments.

842. With reference to the 26 recommendations which the delegation received during the review by the Working Group, Japan indicated that it has submitted comments to each of those recommendations (A/HRC/8/44/Add.1) and reflect Japan's efforts to accommodate positively many recommendations.

843. Several delegations, like Qatar, Algeria, Canada and Mexico, referred to the need for Japan to make efforts to establish a national human rights institution. The delegation clarified that, in March 2002, a bill was in fact submitted to the Parliament with a view to establishing a new human rights commission, which was expected to function as an independent administrative commission and to create a new human rights redress system. The deliberation of this bill was not completed due to the dissolution of the lower house in October 2003. While this bill did not pass, the Ministry of Justice is now continuing its efforts to review the bill.

844. A number of delegations, including Albania, the United Kingdom, Mexico, Brazil, Canada and Portugal, recommended that Japan should consider ratifying various human rights treaties, including the First and Second Optional Protocols to the International Covenant on Civil and Political Rights, the Optional Protocol to the Convention against Torture, the International Convention on the Protection of All Persons from Enforced Disappearance, the Convention on the Rights of All Persons with Disabilities and the Hague Convention on Civil Aspects of International Child Abduction. In response, the delegation explained that Japan has already ratified most of the major human rights instruments and fulfils the obligations set out in them. In April 2008, Japan submitted its third periodic report on the Convention on the Rights of the Child, its initial reports on the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, and its sixth periodic report on the Convention on the Elimination of All Forms of Discrimination against Women.

845. Japan also stated that it had already signed the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities and that it will proceed to the examination of ratifying them as early as possible. Japan also stated that it will consider adhering to the remaining recommended human rights treaties, except for the Second Optional Protocol to the International Covenant on Civil and Political Rights.

846. Regarding the standing invitation to special procedures of the Council, Japan will consider this on the premise that the dates and the duration of their visits will be arranged at the working level. At any rate, Japan clarified that it has been and is willing to cooperate with them and stated that it is ready to know the interests of each of them and arrange his or her visit to Japan as time permits.

847. Japan stated that the delegation of Canada recommended that the Japanese Government should take measures to eliminate discrimination based on sexual orientation and gender identity. Japan replied that for the purpose of eliminating all forms of discrimination including discrimination based on sexual orientation and gender identity, the human rights organs of the Ministry of Justice were conducting awareness-raising activities for human rights, human rights counselling, and the investigation and resolution of human rights violation cases.

848. It was stated that the delegation of Italy made a recommendation that all forms of corporal punishment of children should expressly be prohibited, and that positive and non-violent forms of discipline should be promoted. Japan accepted to follow up on the recommendation to prohibit corporal punishment of children. It was pleased to note that some of the recommended steps had already been put in practice. Japan further clarified that as for corporal punishment at schools, it was already explicitly prohibited by article 11 of the School Education Law in Japan. The Government of Japan had also been promoting appropriate guidance to students at schools based on this law and will continue such efforts.

849. The delegation of Bangladesh recommended that Japan should continue to provide financial assistance for countries in need of socio-economic development and extend support for the global effort in the realization of the right to development as stipulated in the Millennium Development Goal 8. The Japanese Government accepted to follow up on this recommendation.

850. Several delegations recommended that Japan adapt its national legislation to the principles of equality and non-discrimination, or that Japan adopt a national law against racism, discrimination and xenophobia. In response, it was stated that the Japanese Constitution, in its paragraph 1 of article 14, stipulated that all people are equal under the law. It was further clarified that Japan, based on its Constitution and relevant domestic laws, has been striving to realize a society without any form of racial or ethnic discrimination. Japan acceded to the International Convention on the Elimination of All Forms of Racial Discrimination in 1995. The International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, to which Japan became party in 1979, also prohibited discrimination on the grounds of race or ethnicity. In order to prevent human rights violations by racial discrimination, the Japanese Government has been pursuing the strict implementation of relevant domestic laws and has been promoting activities to raise public awareness.

851. The delegation of Poland made a future-oriented, forward-looking and therefore very pertinent recommendation on a human rights issue, namely the violation of human rights on the Internet. Japan replied that as for human rights violations in the Internet society, the human rights sections of the Ministry of Justice were working closely to eliminate malicious incidents, such as an intrusion of privacy or defamation, by warning the perpetrator in case the perpetrator can be identified, or by requesting the provider to remove the offending contents if the perpetrator cannot be identified. The Provider Liability Limitation Law was enacted in 2001 stipulating liability for violating human rights including defamation. As a guideline to observe this law, the Telecommunications Carrier Organizations issued the Guidelines related to Defamation and Privacy Protection for enterprises.

852. As for the question posed by Sri Lanka during the review, the Government of Japan formulated the National Youth Development Policy in December 2003, in order to indicate the future direction of the Government's basic principles and medium and long-term measures regarding the development of youth. The Government is promoting measures for youth development in coordination among the related ministries and agencies, giving due consideration to the protection of rights of the youth, as indicated in the Convention on the Rights of the Child. Four years have passed since the initial policy, and in order to continue to promote the strengthening of its commitment for children, the Government of Japan will formulate the new policy later this year and its concrete contents will be considered by related ministries and agencies.

853. A number of delegations raised concerns on the interrogation of detainees in police custody, and recommended that the interrogation in police custody should be monitored and recorded. It further recommended that the Japanese Government should review those systems. Japan continues its efforts to ensure appropriate treatment under the substitute detention system. Although a careful consideration is needed to introduce mandated recording or videotaping of all interrogations, Japan continues its efforts to ensure appropriate interrogation.

854. On the death penalty, several delegations, including the United Kingdom, Luxembourg, Portugal, Mexico, Switzerland, Italy, the Netherlands and Turkey, made recommendations at the session of the Working Group that Japan should review urgently the use of the death penalty with a view to a moratorium and abolition. Japan reaffirmed that its position on this matter was

stated during the interactive dialogue and recorded in the report of the Working Group. Japan was not in a position either to consider granting a moratorium on executions or to abolish the death penalty.

855. The delegation of Slovakia recommended the establishment of an independent body to review asylum applications. Japan indicated that it would be delighted to explain recent developments in this field including that refugee examination counsellors are appointed from among experts specialized in a broad range of fields and operate as a neutral, third-party institution to inspect refugee applications on a secondary basis.

856. On the Ainu people, the Japanese Parliament unanimously adopted a resolution concerning the Ainu people on 6 June 2008. Responding to this resolution, the Government of Japan issued the statement by the Chief Cabinet Secretary and will plan policies in accordance with this statement.

857. The delegation of Guatemala presented a recommendation on abolishing the system established to ask citizens to provide information on migrants suspected of being in an irregular situation. Japan did not have any intention to incite racial or ethnic discrimination and careful attention was paid in the operation of the system not to incite such discrimination. Japan stated that this was necessary for the purpose of strict law enforcement aimed at illegal immigration and that information provided by people was valuable in performing the Immigration Bureau's task.

858. As for the recommendations regarding the issue of the so-called "comfort women", Japan stated that it continued to promote understanding in the international community with regard to the sympathy of the Japanese people represented by the Asian Women's Fund and that it continued to have a dialogue with the treaty bodies.

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

859. Indonesia congratulated the Government on its open and thorough report, which presents in detail its careful consideration for the observations, concerns and recommendations expressed by various States during the review which took place in May. It also noted with appreciation that the report clearly expressed commitment to human rights education, to improving their criminal justice system and procedures which normally follows a very thorough investigative methodology. It commended Japan on the recent signing of the Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance. It noted that in October 2007 Japan became a party to the Rome Statute of the International Criminal Court and it considered this a constructive example of Japan's legitimate concern and commitment to the rule of law. From the consideration of its report, it is clear also that Japan is aware of areas where improvements can be made and Indonesia considered that the efforts in this regard form part of an ongoing process towards a full enjoyment of human rights in the country. It was encouraged by Japan's positive response to United Nations mechanisms as well as by its commitment to improving existing standards and norms. Indonesia stated that it is confident that Japan's efforts to fully implement these human rights norms will further enhance its latest commitments and achievements in the field of the promotion and protection of human rights.

860. Malaysia appreciated the opening statement by Japan. It appreciated the substantive responses to the comments Malaysia made during the interactive dialogue in the Working Group on 9 May 2008. It welcomed the frank manner in which Japan undertook the universal periodic review process. It noted that Japan has made great progress in several spheres and is widely acknowledged as one of the leading countries in promoting assistance to developing countries in numerous areas, including social, economic and cultural rights, as evidenced by the numerous cooperation programmes Japan has with other countries. Malaysia was encouraged that Japan continues to take this cooperative stance. Malaysia remained confident that Japan will continue to engage constructively with the international community in realizing the promotion and protection of human rights worldwide.

861. Thailand thanked the Japanese delegation for providing further information and responses to several outstanding recommendations of the Working Group. It commended Japan on the sincerity and commitment of the Government to advancing the cause of human rights in Japan. Many important recommendations that Japan has agreed to implement are both instrumental and crucial to improving the situation of human rights on the ground in a practical manner. Specific measures worth highlighting were the follow-up on the establishment of human rights institutions, the elimination of all forms of discrimination including discrimination based on sexual orientation and gender identity, as well as the intention to consider signing or ratifying relevant human rights treaties. It commended the Japanese Government on these steps. Thailand's delegation was impressed by the determination of the Japanese Government to seriously address other difficult issues and the challenges ahead. It believed that such determination should be supported and encouraged by the international community with a view to further enhancing the promotion and protection of human rights for all people in the Japanese society.

862. The Philippines thanked and congratulated the delegation of Japan on the presentation and its cooperative approach throughout the universal periodic review process, which reflected the importance the Government attaches to the promotion and protection of human rights and was demonstrated by the number of recommendations accepted by Japan. It recognized the clear intent of the Government to improve and strengthen its legislative and institutional human rights framework. It encouraged the Government to work with relevant partners and stakeholders to continue efforts in this regard. It appreciated that Japan accepted recommendations to enhance measures to address discrimination against women and minorities, and to combat trafficking in persons, with a special emphasis on women and children. It encouraged Japan to continue to pay attention to vulnerable groups and sectors of society, including migrants. It also commended Japan on its great contribution to the fight against poverty throughout the world. It expressed its confidence that the Government, through the strong commitment expressed before the Council, will indeed make steady progress in bringing better human rights promotion and protection to its peoples.

863. The Democratic People's Republic of Korea referred to the three recommendations it had made during the interactive dialogue, namely the settlements by Japan of its past human rights violations committed in Korea and other countries, the elimination of discrimination against Koreans in Japan, and the cessation of the distortion of the history. With regard to the responses made, it regretted some of the misleading arguments, and the lack or no mention of the concrete measures or commitments on the part of Japan vis-à-vis these recommendations. For example, the arguments in the response of Japan regarding Japanese military sexual slavery are construed

as impeding the solution of this problem. The surviving victims in their 80s and 90s are now continuing to take legal proceedings against Japan. This was followed by many parliaments and treaty bodies which have urged the Government to resolve the sexual slavery problem without any condition or delay. Its recommendations are based on the desire and aspirations, as well as the interests of not only the Korean people but also the many peoples throughout the world. It would be good for Japan if these recommendations were implemented. It called upon Japan once again to adopt practical and sincere measures or commitments aimed at implementing all these recommendations.

3. General comments made by other relevant stakeholders

864. The International Movement against Discrimination and All Forms of Racism welcomed the acceptance by Japan to a number of the recommendations but regretted its established position, for example in respect of the issues of comfort women, the death penalty, the lack of any domestic legislation prohibiting discrimination and the human rights of the indigenous Ainu peoples. It regretted that Japan had chosen not to accept a large number of recommendations, including the enactment of a national law to prohibit discrimination in spite of its obligations. It welcomed the recommendations on implementing the United Nations Declaration on the Rights of Indigenous Peoples, and applauded the recent resolution by Japan's national Parliament, followed by the official statement of the Government, regarding recognition of the Ainu as indigenous peoples. It welcomed Japan's commitment to fully involve civil society in the follow-up process, and regretted that it did not undertake broad or meaningful consultations with civil society for its national report.

865. The World Organization against Torture and the Asia-Japan Women's Resource Centre made a joint statement in which they warmly welcomed the comprehensive examination by the Council of the human rights situation in Japan, including gender-based violence and discrimination against women. They also welcomed the fact that Japan has expressed its determination, as a re-elected member of the Council, to implement its obligations under the human rights instruments and to address "situations of violation of human rights, including gross and systematic violations" worldwide in its voluntary pledges and commitments. They stated that they expect Japan to prove its commitment notably in addressing the "gross and systematic violations" of women's human rights for which it is responsible, namely Japan's military sexual slavery during World War II. According to the Committee against Torture, sexual violence and slavery in this context amounted to torture and called on Japan to stop the "continuing abuse and re-traumatization" that result from "official denial of the facts, concealment or failure to disclose other facts, failure to prosecute those criminally responsible for acts of torture, and failure to provide adequate rehabilitation to the victims and survivors". They called on Japan to urgently act on all recommendations including those on military sexual slavery without reservation, and set a best practice in ensuring remedies for the survivors of the most serious forms of violence against women in armed conflict. They stated that failure to do so would raise a serious doubt as to Japan's ability to act as a responsible member of the Council.

866. International Association of Democratic Lawyers, Indian Council of South America and Interfaith International made a joint statement indicating their full support for the recommendation that Japan should urgently review the use of the death penalty, have a moratorium and abolish it. They raised the question whether many Japanese people knew about the content of the Second Optional Protocol to the International Covenant on Civil and Political

Rights and the resolution adopted by the General Assembly seeking a moratorium. They suggested that the United Nations advise and cooperate with the Government of Japan so that the Japanese people become aware of the international tendency to create a society without the death penalty and that Japan would abolish the death penalty.

867. The Japan Federation of Bar Associations appreciated the positive approach shown by the Government of Japan during the session of the Working Group by involving officials of the relevant ministries and in engaging itself into a constructive dialogue. A total of 26 recommendations were made by States on various human rights issues, including on those that have remained unsolved despite repeated recommendations made by treaty bodies, in particular on the death penalty, the *Daiyo-Kangoku* substitute prison system and a national human rights institution. It was pleased to note that the Government had today accepted some of the recommendations, including regarding the establishment of a national human rights institution in accordance with the Paris Principles. It was also encouraged by the willingness of the Government to involve civil society in the follow-up to the universal periodic review process and to consider adhering to human rights treaties, including the First Optional Protocol to the International Covenant on Civil and Political Rights. It noted with appreciation the Government intention to carefully consider the need to introduce mandated recording or videotaping of all interrogations. It was disappointed by the reluctance of the Government to accept a number of recommendations and urged it to re-examine its position and start to move towards acceptance of the recommendations, in particular, on a moratorium on executions and the review of the *Daiyo-Kangoku* system.

4. Views expressed on the outcome by the State under review and concluding remarks

868. Japan thanked all delegations for participating in the discussions on its country and for their suggestions, encouragement and recommendations and for the different comments from non-governmental organizations. Japan shared the view that the universal periodic review should be a cooperative and effective mechanism and hoped that it will function as a mechanism that can contribute to the improvement of human rights all around the world.

869. Japan intended to make a positive contribution towards the improvement of human rights, while taking into consideration each country's situation, such as its history, traditions and a variety of other elements and bearing in mind Japan's basic approach of dialogue and cooperation.

870. Japan stated that new challenges and new kinds of human rights problems were being faced and that the Governments of all countries had to tackle them and take necessary measures. Japan further stated that it will continue to contribute to achieving better results for the human rights in the international community, in close cooperation with the United Nations, regional communities, other national Governments and civil society.

871. The delegation stated that the Council gave birth to the universal periodic review and Japan participated in this new endeavour as one of the first States to be under review. In Japan's view, the Council was steadily gaining in experience and formulating the practices of the review. Japan

would continue to participate actively in the review process and would make a further contribution so that it could function as an effective tool of the Council towards the improvement of the human rights situation around the world.

872. Japan sincerely hoped that in the course of the interactive dialogue there could be fruitful and constructive exchanges of opinions on Japan's human rights situation. Lastly, Japan thanked all delegations, and in particular the President of the Council and the Secretariat.

Ukraine

873. The review of Ukraine was held on 13 May 2008 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents: the national report submitted by Ukraine in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/2/UKR/1); the compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/2/UKR/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/2/UKR/3).

874. At its 20th meeting, on 12 June 2008, the Council considered and adopted the outcome of the review on Ukraine (see section C below).

875. The outcome of the review on Ukraine is constituted of the report of the Working Group on the Universal Periodic Review (A/HRC/8/45), together with the views of Ukraine 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 of the State under review concerning recommendations and/or conclusions, as well as its voluntary commitments

876. The delegation of Ukraine stated that the Government of Ukraine carefully examined the five recommendations contained in paragraph 58 of the report, and as a result has decided to accept recommendation 2 made by Portugal on signing and ratifying the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, and recommendation 4 made by Italy on ensuring the safety and proper treatment of all persons held in custody by the police and to consider the establishment of an independent police complaints mechanism.

877. The delegation of Ukraine added that recommendations 3 and 5 were not accepted. Regarding recommendation 1 proposed by Mexico on strengthening efforts to ratify the International Convention on the Protection of Migrant Workers and Members of Their Families, the Convention Relating to the Status of Stateless Persons of 1954 and the Convention to Reduce Statelessness of 1961, Ukraine stated that for the time being, this recommendation was not accepted. However, it emphasized that Ukraine makes all necessary efforts at national level to protect the rights of migrants, migrant workers and stateless persons. Furthermore, the Government was elaborating the concept of State Migration Policy, which will draw on international and European experience in solving migration issues. In this connection, a number of amendments were to be introduced into national legislation, in particular, in the law on the legal status of foreigners and stateless persons, the law on migration and the new law on refugees and persons who are in need of additional temporary protection in Ukraine.

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

878. The Russian Federation noted with satisfaction that Ukraine has adopted the majority of recommendations made during the review and its intention to ensure full and effective alignment of its national legislation and practices in applying the law with the obligations deriving from its accession to international legal instruments, including treaties related to the protection of national minorities, as suggested in one of the recommendations made by the Russian Federation. It expressed disappointment at Ukraine's refusal to consider other recommendations, specifically those related to providing access to education in a mother tongue for minorities compactly settled in some areas. Further, Russian should be assigned the status of second official language, as the Russian language was historically a mother tongue for almost half the people of the country. The attitude of the Ukrainian authorities towards the interests and rights of its own citizens runs counter to realities of life existing in Ukraine, as well as to its obligations under the regional and international legal instruments related to the protection of minorities.

879. Azerbaijan commended Ukraine on its national report, efforts undertaken, and ground covered since the dissolution of the Soviet Union in the early 1990s towards building a free and democratic society, ensuring the rule of law and protecting and promoting human rights and fundamental freedoms. Azerbaijan also welcomed efforts of the Government of Ukraine to reform the criminal justice system, to counter violence against women and children, and to improve the conditions in prisons and correctional institutions. The Government of Ukraine was encouraged to continue progressing in future and Azerbaijan noted that it had accepted a number of recommendations, demonstrating Ukraine's will and genuine commitment to human rights.

880. Guatemala commended Ukraine on the constructive and positive role that Ukraine played in the universal periodic review process. As a member of the troika, Guatemala welcomed the openness and cooperation shown by the members of the Ukrainian delegation, composed of high-level governmental representatives from different sectors, which reflected the importance attached by the Government of Ukraine to the review exercise, as well as its commitment to the protection of human rights. Guatemala was convinced that Ukraine will make further efforts to implement and follow up on the large number of recommendations made by the Working Group and which it had accepted.

3. General comments made by other relevant stakeholders

881. Prison Fellowship International expressed satisfaction with the proceedings of the universal periodic review concerning Ukraine and noted the attention it paid to the situation in prisons and the justice system, including by adopting a new criminal procedure code, introducing alternatives to prison, and drawing up a State programme for the improvement of prison conditions. Among the promising steps towards progressive change in the prison system, it noted the increasing cooperation with civil society, the possibility for visits by chaplains and volunteers of religious organizations, the creative use of humanitarian assistance for vocational training of juvenile prisoners, and the post-penitentiary centres for released prisoners. Prison Fellowship International suggested that the procedures for receiving humanitarian assistance for prisons be simplified.

4. Views expressed on the outcome by the State under review and concluding remarks

882. The delegation of Ukraine expressed its gratitude to all members of the Working Group on the Universal Periodic Review for the grounded and well-balanced approach in their examination of the Ukrainian national report. Special gratitude went to all those who participated in the interactive dialogue, which took place during the review of the national report. Ukraine attaches great importance to the recommendations contained in the report of the Working Group, and it was the delegation's strong conviction that all necessary measures will be taken to ensure their fulfilment.

Sri Lanka

883. The review of Sri Lanka was held on 13 May 2008 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents: the national report submitted by Sri Lanka in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/2/LKA/1); the compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/2/LKA/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/2/LKA/3).

884. At its 21st meeting, on 13 June 2008, the Council considered and adopted the outcome of the review on Sri Lanka (see A/HRC/8/52, chap. VI, paras. 257-259).

885. The outcome of the review on Sri Lanka is constituted of the report of the Working Group on the Universal Periodic Review (A/HRC/8/46), together with the views of Sri Lanka concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/8/46/Add.1).

1. Views of the State under review concerning recommendations and/or conclusions, as well as its voluntary commitments

886. Sri Lanka reaffirmed its firm resolve to constructively discuss critical issues connected with the human rights situation, as exemplified in its candid presentation and open engagement with members of the Working Group on 13 May 2008 and thereafter with the troika of rapporteurs and the Secretariat.

887. Sri Lanka expressed concerns relating to recording of the interactive dialogue in the report of the Working Group and placed on record its recommendation that all countries that make interventions are given equal weight in the report. Of the recommendations made, Sri Lanka had accepted 45, and had undertaken to further consider 11 others, while being unable to support 26 others. These last on analysis were in fact just about 10 since several of them were repetitions.

888. Sri Lanka submitted a document giving its responses to the 11 recommendations it had considered, and indicated its general agreement with a majority of these, which included items such as action against torture and action to prevent the use of child soldiers, all of which it

abhors and which should be stopped. With regard to other recommendations, Sri Lanka has undertaken a thorough review of the requirements of several instruments and will reach decisions having further studied the implications of participation. As a party to the seven core international human rights instruments and several protocols and as a State making legislative preparations for the ratification of the Convention on the Rights of Persons with Disabilities, Sri Lanka must focus keener attention on domestic legislative incorporation. In relation to domestic issues such as the re-establishment of the Constitutional Council, Sri Lanka has made its position clear, that it awaits the outcome of a parliamentary body tasked with proposing measures to rectify deficiencies in the seventeenth amendment to the Constitution.

889. Sri Lanka gave close attention to the 26 recommendations made by 17 countries; 12 of these recommendations related to the expanded presence of an office of the High Commissioner in Sri Lanka. Sri Lanka has already made clear that this is not acceptable. As to another repeated recommendation, i.e. in relation to the issuance of a standing invitation for visits by special rapporteurs, Sri Lanka has demonstrated its willingness to engage with them through several successful missions last year. Sri Lanka noted the very helpful visits from the Special Rapporteur on the question of torture and the Special Representative of the Secretary-General on internally displaced persons, and expects productive outcomes from this engagement, as for instance through its current work with the latter and the United Nations High Commissioner for Refugees on a workshop on durable solutions for internally displaced persons.

890. Amongst the rejected recommendations were several in relation to initiatives which have already commenced. Thus, the rejection was primarily of the language used, which implied that little or no action had been taken. In other cases the underlying premise was flawed or non-factual. With regard to one recommendation Sri Lanka noted that further time was required for consideration.

891. Sri Lanka also made 26 voluntary pledges. Promoting and protecting human rights takes pride of place in ensuring the welfare of its people and Sri Lanka attempts to do this whilst facing increasingly brutal and vicious atrocities from one of the most deadly terrorist forces in the contemporary world. Sri Lanka recently faced a spate of bombs targeting civilians, which were also attempts to destabilize the southern part of the country. This tactic of the Liberation Tigers of Tamil Eelam, when faced with military reverses in the North, suggests their desperation. But Sri Lanka assured the Council of its determination to defeat the forces of terror and to restore peace, pluralistic democracy and development to all its peoples. It legitimately expects the understanding and support of its international friends and partners.

892. The Ministry of Disaster Management and Human Rights is preparing a national action plan, in consultation with the United Nations Development Programme (UNDP) and the Human Rights Adviser to the United Nations country team. The Human Rights Commission of Sri Lanka also has its own plan and will be part of this process. Sri Lanka has, in accordance with the Stocktaking Report commissioned from Peter Hosking by the United Nations Development Programme and issued in April 2007, suggested to the National Human Rights Commission that the Government and the Commission should have a memorandum of understanding, which would help in establishing and institutionalizing the technical support and mechanisms that are needed. Sri Lanka strongly regretted that that report had been ignored by UNDP for over a year and was glad that the new UNDP team in Sri Lanka was now working on some of the suggestions contained therein.

893. Sri Lanka has made significant efforts to train and upgrade its law enforcement machinery. The Sri Lankan Police Department has established a task force to look into key aspects of training. Sri Lanka believes that a disciplined, well-trained and inclusive police force will be one of the principal instruments to facilitate some of the necessary changes. Targeted recruitment and commissioning of Tamil policemen has begun, and these are initiatives that Sri Lanka intends to develop.

894. Sri Lanka also apprised the Council of an important development in the legal system, the presentation to Parliament by the Government of comprehensive victim and witness protection legislation. The Bill is in line with the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.

895. In conclusion, Sri Lanka acknowledged the involvement of those who made the universal periodic review of Sri Lanka a valuable and productive exercise, thanked member States who had contributed constructively, and noted with gratitude the contribution of the three rapporteurs and the secretariat. This presentation was followed by comments by States' delegations and non-governmental organizations.

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

896. With reference to the fact that the Sri Lankan Government accepted 45 recommendations and refused to accept 26 others, Denmark found that the report does not sufficiently provide adequate recommendations. It noted that the International Independent Group of Eminent Persons in charge of observing the work of the Commission of Inquiry has recently decided to terminate its observation mission due - according to the majority of the Eminent Persons - to a lack of political will to support a search for the truth. Denmark would have liked a firm recommendation that the Commission be given total independence and the necessary funds. According to Denmark, strong recommendations were missing in the report, including to bring perpetrators to justice and to establish an international human rights monitoring mission. It further stated that the establishment of an office of the High Commissioner for Human Rights should have been accepted and that intimidations and killings of journalists must be stopped. Regarding 25 measures recommended by the Special Rapporteur on the question of torture, Denmark noted that non-binding words without a set timetable are easily forgotten without any international observers or follow-up measures in the Council.

897. Sweden welcomed the fact that Sri Lanka agreed to a large number of recommendations, including the Swedish delegation's recommendation on measures to investigate, prosecute and punish those responsible for serious human rights crimes such as enforced disappearances and the recruitment of child soldiers. Sweden hoped that all these recommendations would be implemented and followed up on, so that progress can be reported at the second round of the universal periodic review, if not earlier. Sweden regretted however the lack of support for many of the recommendations, including those concerning independent international monitoring and the establishment of a proper presence of OHCHR in Sri Lanka, made by several delegations, including Sweden. Sweden remained convinced that increased international and independent monitoring would make a significant contribution to improving the human rights situation and the persisting impunity, which continued to give cause for great concern.

898. Algeria appreciated Sri Lanka's willingness to address recommendations made by the Working Group and was encouraged by the voluntary commitment of Sri Lanka to guarantee civil and political rights as well as economic, social and cultural rights by drafting a constitutional charter on a human rights protection framework to harmonize Sri Lanka's constitutional human rights guarantees with its international obligations. It welcomed the efforts of the Ministry of Disaster Management and Human Rights to organize a regional seminar for parliamentarians and to launch a national human rights awareness campaign. Algeria was encouraged by the steps taken to safeguard and advance the rights of children and women, and efforts to address the situation and rehabilitation of former child soldiers. It also welcomed the commitment to restoring democracy and good governance in the newly liberated areas of the country.

899. Canada restated its strong recommendation that Sri Lanka allow for a full investigation of all allegations of extrajudicial, summary or arbitrary killings and bring perpetrators to justice. Canada noted that evidence given during the public hearings of the Presidential Commission of Inquiry has implicated members of the security forces in the killing of 17 members of Action contre la faim and in the murder of 5 boys in Trincomalee. Canada recommended that Sri Lanka fully support the Commission of Inquiry in determining the facts of these cases and take action so that the perpetrators are brought to justice. Canada also reiterated the importance of Sri Lanka ensuring that the Tamil Makkal Viduthalai Puligal and any other group with which it is affiliated disarm, release the child soldiers within their ranks, and stop such recruitment. Canada also continued to emphasize the importance of Sri Lanka providing for the independence of a national human rights protection institution and urged Sri Lanka to accept the presence of OHCHR with a full mandate to report on the situation throughout the country.

900. Qatar welcomed the steps taken for the promotion of all human rights and fundamental freedoms. It welcomed that in spite of complex and recurrent challenges faced by Sri Lanka which impede its reform process, Sri Lanka has positively responded to the Council and spared no efforts since the review to examine means to respond to the recommendations of the Working Group. It highly valued Sri Lanka's acceptance of most of the recommendations, which proves its aspirations to promote all human rights and to consolidate the rule of law. Qatar welcomed Sri Lanka's declaration to continue its institutional capacity-building in the field of human rights with the support of the international community, including OHCHR, and to guarantee the independence of its institutions in accordance with the Paris Principles. It welcomed the continuation of dialogue and cooperation with the United Nations mechanisms. It noted that Sri Lanka has also accepted the recommendation calling for integrating all substantive provisions of the International Covenant on Civil and Political Rights in its national legislation, as well as the recommendation on the Convention against Torture. Qatar appreciated the acceptance to involve all civil society institutions in the universal periodic review process, in addition to accepting measures to guarantee access of vulnerable groups to humanitarian assistance, as well as civilian protection, including of human rights defenders and humanitarian workers. Qatar noted that all these reforms prove that Sri Lanka is promoting the rule of law and fundamental freedoms.

901. China appreciated the serious and responsible attitude of Sri Lanka in answering the questions raised by the countries and in accepting most of the suggestions of the Working Group in an open and constructive spirit. China noted that Sri Lanka is a developing country, affected by terrorist activities, and that years of conflict and wars have caused serious disruption to its

nation building process. Despite these, Sri Lanka has never given up its efforts to promote and protect human rights. It has established a national human rights committee and will implement its National Human Rights Plan. The human development index for Sri Lanka has moved up in the ranking of the region. China further noted the effective cooperation of Sri Lanka with the United Nations human rights mechanisms. It welcomed the fact that Sri Lanka would fully cooperate with the international community for the settlement of the issue of child soldiers, and would make further efforts to promote democracy and good governance. It expressed its hope that the international community, in a spirit of mutual respect and equality, would provide technical assistance to meet the real needs of the country.

902. Bahrain appreciated efforts made by Sri Lanka for the promotion and protection of human rights, in spite of the challenges it faced, including natural disasters. It noted that Sri Lanka's constructive and positive approach during the universal periodic review process proves its willingness to develop human rights and achieve more progress in this field. It welcomed Sri Lanka's initiative to implement a national plan of action in the field of human rights and its commitment to taking steps to rehabilitate former child soldiers, in cooperation with the international community. Bahrain welcomed that Sri Lanka accepted 45 recommendations and in addition made more than 25 voluntary pledges. It wished Sri Lanka all success in its efforts aimed at achieving progress in the field of human rights.

903. Indonesia commended Sri Lanka on the straightforward and transparent manner in which it answered the questions raised by the delegations on the various human rights issues. The tone of these replies was in keeping with the consistent efforts made by Sri Lanka and the good will and commitment it demonstrated in striving to maintain democratic standards. Indonesia noted that Sri Lanka has worked hard to keep the channels of communication open despite frequent and murderous terrorist attacks, and that it had fought consistently to uphold and protect human rights in difficult circumstances. Indonesia took note of Sri Lanka's commitment to democracy and good governance. It noted that the national reconciliation efforts have been successful and should be consolidated through the extension and implementation of human rights standards and policies in all parts of the country. Sri Lanka's strong commitment to this goal, notably through its initiative to establish and implement a national plan of action for the promotion and protection of human rights, the drafting of the projected constitutional charter and its clear identification of its capacity-building needs, should be appreciated. Indonesia also appreciated Sri Lanka's positive and participatory approach to the universal periodic review. Indonesia commended Sri Lanka on its commitment to stepping up the rehabilitation of former child soldiers, through enhanced cooperation with the international community. Time should be given to Sri Lanka so that it has the opportunity to achieve the desired results.

904. Japan welcomed Sri Lanka's voluntary commitments and its support to 45 recommendations, especially in relation to increased efforts to further prevent cases of kidnapping, forced disappearances and extrajudicial executions, putting an end to the culture of impunity by bringing all perpetrators to justice, and enhancing its capacity in the areas of crime investigation, judiciary and the National Human Rights Institution. Japan was concerned about not having seen tangible results so far and, with reference to the recent dissolution of the International Independent Group of Eminent Persons, noted that it was important to secure an international presence in some form, in a manner acceptable to the Government of Sri Lanka, to

assist its efforts for the improvement of the situation. Japan reiterated that it expected further efforts by the Government of Sri Lanka to improve its human rights situation, and that it continued to support these efforts by the Government.

3. General comments made by other relevant stakeholders

905. Amnesty International, in a joint statement with Human Rights Watch, welcomed the recommendations made to Sri Lanka, in particular to investigate and prosecute all allegations of extrajudicial, summary or arbitrary killings, and bring the perpetrators to justice. In May, the Special Rapporteur on extrajudicial, summary or arbitrary executions informed the Council that the Government appeared to rely on paramilitary groups to maintain control in the east and that there was evidence that these groups were responsible for extrajudicial executions. It welcomed the recommendation to cooperate actively with special procedures. Given the pattern of increased disappearances as noted by the Working Group on Enforced or Involuntary Disappearances, it urged the Government to set an early date for the visit requested by the Working Group. It was deeply disappointed that Sri Lanka does not support the recommendation made by at least 12 States to establish an international human rights monitoring mechanism under United Nations auspices, essential to the protection of human rights, because effective domestic mechanisms to monitor and investigate abuses by all sides are ineffective. It further noted that the status of the national human rights commission was downgraded in December 2007 because of concerns in the appointment of its commissioners and its inability to investigate disappearances. It stressed that the Government must end the current climate of impunity for human rights violations, noting that none of those responsible for the most serious atrocities in the past two years, such as the killings of 5 students in Trincomalee and of the 17 aid workers have been prosecuted, and welcomed the Government's voluntary commitment to continue a constructive dialogue with the High Commissioner to strengthen national mechanisms in all aspects.

906. Interfaith International noted that the report of the Working Group indicated that many States are concerned about child recruitment in relation to all factions and some have recommended that Sri Lanka investigate the role of security forces in child recruitment and hold to account all those responsible. It also stressed the need to consider other child rights, in particular child labour, poverty and sexual abuse, and that there are many children affected by war, without parents, shelter and food, and without consistent assistance. It regretted that the review has not mentioned the recommendations of the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (A/HRC/8/3/Add.3), in which he urged the two parties of the conflict, the Government and the Liberation Tigers of Tamil Eelam (LTTE), to initiate and regularize contact between the government police and the policing forces that operate in LTTE-controlled areas. Referring to paragraph 82 of the report of the Working Group, it observed that even though some countries recommended that the independence of Sri Lanka's human rights institutions be strengthened, the High Commissioner for Human Rights and special procedures go further by asserting that the National Human Rights Commission is no longer independent. The Council should urge the Government of Sri Lanka to accept an independent presence of OHCHR and to allow the entry of international human rights monitors.

907. The International Educational Development, while it appreciated the many concerns reflected in the report regarding humanitarian law violations, regretted that in the absence of a detailed evaluation of the acts and policies of Sri Lanka in light of humanitarian law. It regretted

that the recommendations relate to the armed conflict or to the need for an enhanced representation of OHCHR do not enjoy the support of Sri Lanka. It also noted that Sri Lanka has not made any voluntary commitment relating to its humanitarian law obligations, but has in relation to humanitarian assistance and internally displaced persons. It noted that the vast majority of the internally displaced persons are Tamil civilians and that Sri Lanka has not fully complied with recommendations already made regarding human rights and humanitarian law. It highlighted that, in fact, violations have escalated, that the Sri Lanka monitoring mission was no longer in operation, that the national human rights institution did not meet the Paris Principles, and that even the narrowly focused International Independent Group of Eminent Persons has failed to make headway and has been disbanded.

908. The International Commission of Jurists called for prompt implementation of all recommendations by the Sri Lankan Government, and referred to recommendations 2, 3, 14, 17, 18 and paragraph 84 thereon. It noted that the information provided during the review showed that Sri Lanka's national human rights protection system does not function as part of a coherent and regular justice system. It noted that the Government must strengthen the independence, impartiality and capacity of the justice system to ensure adequate investigation, prosecution and conviction of the perpetrators of gross human rights violations and of the disproportionate and indiscriminate use of force and other breaches of international humanitarian law by both the Government of Sri Lanka and the LTTE and other non-State actors. It also maintained that the Government's reservations to the recommendations to combat impunity, as stated in paragraph 84 of the report of the Working Group, are absurd and should be disregarded, along with the reservations to the recommendations to protect humanitarian personnel. It was also concerned that the Constitutional Council remained dissolved and called for the swift appointment of its members as well as for the specification of a time frame for the adoption of the Victim and Witness Assistance and Protection Act. Finally, it noted that the volatile human rights situation in Sri Lanka largely prevails due to a lack of political will to ensure accountability for human rights violations and stressed that the meaningfulness of any future assistance to empower the regular justice systems will depend on the support from the international monitoring and reporting presence, which must be swiftly re-established.

909. The International Movement against all Forms of Discrimination and Racism and Pax Romana noted the recommendations made to address impunity, media freedom, the increase in disappearances and extrajudicial killings, and the continuing attacks on peace activists and human rights defenders. It expressed concern at the racial profiling of detainees, the majority of whom are Tamils, heightened communal tensions and violence faced by Muslims in the east, sexual violence faced by Tamil women in Akkaraipattu, and threat and intimidation faced by two journalists. They recalled the recommendation urging Sri Lanka to address torture, combat impunity, reconsider establishing a local presence of OHCHR, increase cooperation providing unrestricted access for humanitarian aid and ensure the protection and security of internally displaced persons. All initiatives taken by Sri Lanka have failed to address these issues effectively. It called upon Sri Lanka to provide information on a date or timeline related to the reconstitution of the Human Rights Commission in accordance with the Paris Principles; on the full implementation of the provisions of international human rights instruments at the national level, in particular the International Covenant on Civil and Political Rights and the Convention against Torture; on the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance; and on an action plan related to the implementation of

the voluntary pledges with benchmarks. It noted that several countries have spoken rightly about poverty and development challenges faced by Sri Lanka, and stated that the mere eradication of poverty does not make a guarantee of certain minimum human rights standards optional.

910. The Asian Legal Resource Centre noted that the report of the Working Group underlined the worsening of the human rights situation and the need for the Government to investigate, prosecute and convict those responsible for widespread torture, extrajudicial killings and forced disappearances. It was concerned about Sri Lanka's lack of credibility and unwillingness to address the widespread use of torture and impunity. It welcomed the recommendation made by the Islamic Republic of Iran on this issue, and noted that calls on the implementation of the recommendation of the Special Rapporteur on the question of torture, the ratification of the Optional Protocol to the Convention against Torture, the Rome Statute and the International Convention on the Protection of All Persons from Enforced Disappearance must be heeded by Sri Lanka. It noted that despite its repeated requests for Sri Lanka to provide evidence of the alleged 599 prosecutions of State agents concerning disappearances, it had not received a shred of information, and was concerned that these statistics relate to cases committed in the past. It stated that there was an undeniable gap in protection in Sri Lanka, which showed the need for an appropriately sized international presence, and highlighted that recommendations calling for the strengthening of the rule of law were of paramount importance, and stated that the worsening situation in Sri Lanka was driven by the paralysis of its institutions of the rule of law and the active role played by those in power to remain above the law.

911. International Women's Rights Action Watch Asia-Pacific noted that the vast majority of the recommendations rejected by Sri Lanka related to allowing international scrutiny of the human rights situation in and to assistance from United Nations agencies in addressing the human rights concerns in the country. It stated that this rejection demonstrated a lack of accountability and transparency contrary to the spirit of the universal periodic review process. It called on the Sri Lankan Government to allow for a strong and sustained international human rights presence in the country to monitor, investigate and report on human rights violations and assist in efforts to end human rights violations and impunity. It also expressed its deep concern at the fact that Sri Lanka had rejected recommendations 28 (b), 33 (b) and 55 (a) relating to addressing impunity for human rights violations. It added that Sri Lanka had rejected recommendation 32 (d) relating to the implementation of the recommendations made by the Special Representative of the Secretary-General on the situations of human rights defenders in relation to restricting the registration and activities of non-governmental organizations and civil society, thereby signalling an intention to maintain the lack of accountability and transparency with which the Government is responding to the human rights crisis in the country. While welcoming recommendation 35, it also expressed concern that women's specific human rights concerns were not raised during the interactive dialogue.

4. Views expressed on the outcome by the State under review and concluding remarks

912. In its final response, which dealt with certain key issues, Sri Lanka stated that, with regard to the question of torture and extrajudicial executions, Sri Lanka of course accepted the recommendations since it did not, at any stage, condone such acts. Sri Lanka strongly refuted some suggestions that it has been complicit in torture or extrajudicial executions. It stressed that there is an absolute constitutional guarantee against torture in article 11 of the Constitution and

that this constitutes a criminal offence with a seven-year minimum term of imprisonment applicable to convicted persons. The Supreme Court is empowered to make determinations regarding allegations of torture and award compensation. Sri Lanka also indicated that all complaints of torture are impartially and comprehensively investigated and perpetrators prosecuted in courts. It stressed that the civil legal system enables victims to obtain damages additionally and that in some cases disciplinary action is taken against public officials if found guilty of such offences.

913. Sri Lanka noted that extrajudicial killings are also criminalized without any exception and that comprehensive legal processes are available to act against those responsible for such criminal activity. Sri Lanka stated that it will, as it does at present, continue to implement and further develop safeguards to prevent the occurrence of such criminal activity.

914. On the allegations of impunity, Sri Lanka indicated that every effort is being made to bring to justice perpetrators of offences or violators of human rights. It refuted the allegation that there is no will of the Government to deal with this issue and indicated that necessary structures have been set up. Sri Lanka stressed that it has persistently asked OHCHR for technical assistance to develop local structures that deal with such matters, and for assistance with capacity-building for its national institutions. Sri Lanka recalled its long history of a highly developed legal system and referred to its complex system of laws. It stressed that it does not require any more assistance in terms of legal inputs to deal with matters of human rights. However Sri Lanka asked the Council to appreciate current difficulties and understand the need for technical assistance and capacity-building as requested.

915. Sri Lanka noted that a principal difficulty in ensuring the rule of law was its ongoing problems with terrorism, and expressed its deep concern about the failure of some of its friends to deal satisfactorily with funding flowing from their States for terrorist activity. It pleaded that every effort be made and that every assistance be given with regard to the endeavour to stop the funding of terrorism, internationally and in particular for Sri Lanka. It stressed that large sums flow from other jurisdictions to Sri Lanka to fund terrorism. Sri Lanka strongly believes that if the funding is curtailed, the fight against terrorism could be far more successful and that the conflict could be brought to a peaceful end, which would contribute immeasurably to strengthening efforts to protect all human rights.

916. On the question that had been raised with regard to sexual violence against women in Akkaraipattu, Sri Lanka indicated that mechanisms are in place both in criminal law and civil law to deal with questions of sexual violence against women all over the country. Perpetrators are brought to book as a matter of routine.

917. There had also been criticism as to threats to journalists allegedly made by the Secretary of Defence. Sri Lanka is conscious of its constitutional guarantees for the freedom of expression and respects such freedom. However it was necessary to understand that this did not preclude Government criticism of the press with regard to some matters concerning national security. Sri Lanka insisted that it cannot be in a position of compromising national security even whilst assuring the freedom of the press which it cherishes and would like to protect. The press must be conscious of and sensitive to the requirements of national security in the context of the crisis the country faces. The Government is committed to the protection of a free press and every freedom would be granted to every journalist in carrying out his or her work.

918. Sri Lanka stressed that the International Independent Group of Eminent Persons is still in existence and disagreed with the comment that this mechanism had failed. The previous members of the Group had withdrawn but the principle was still in place and could be activated. Sri Lanka invited member States to assist in whatever way possible to enhance the effectiveness of the commission investigating the offences to which attention had been drawn such as those related to the Action contre la faim incident and the incident in Trincomalee.

919. With regard to cooperation with United Nations mechanisms, Sri Lanka noted again its concern about torture, which is why it had welcomed the visit of the Special Rapporteur, who had provided a very helpful report on which action was being taken. It was also concerned about allegations of impunity, and noted that in this context it had found the 2006 report of the Special Rapporteur on extrajudicial, summary or arbitrary executions very helpful, inasmuch as it drew attention to many problems and suggested mechanisms to address them. Though action in this regard had been slower than Sri Lanka would have liked, for various reasons, further cooperation with the Special Rapporteur was desirable, and it was regrettable that he had failed to respond to recent communication which noted areas in which action was being taken and assistance and advice would be welcome. Sri Lanka however would proceed as necessary, and noted the assistance with police training provided by Sweden and the United Kingdom. It was a pity the so-called international Police Support Group had not been more effective, but action had been taken to revive it, and in particular to actively involve also the Government of Japan, which had provided such constructive suggestions.

920. Regarding the criticism of the National Human Rights Commission, Sri Lanka requested the President and the Council to investigate why the Stocktaking Report commissioned by UNDP in 2007 had been ignored. Sri Lanka indicated that this affirmed confidence in the existing Commission but suggested areas in which it could be strengthened, and its recommendations should have been implemented. Sri Lanka regretted what seemed a lack of efficiency or commitment on the part of some officials of OHCHR in this regard, and that senior officials had not been aware of the report. It was unfortunate that assistance requested to deal with disappearances that had occurred 15 years previously had not been provided. Since then these had been dismissed by the National Human Rights Commission, which ought not to have occurred, but the questions could be cleared with appropriate assistance, and it was hoped that this would be forthcoming.

921. Regarding the issue of the international monitoring mission, Sri Lanka felt that the continuous finger-wagging in this regard by some European States was not at all helpful. It was striking that out of the 12 recommendations as to a monitoring mission, 11 came from European countries. Greater efforts to improve national mechanisms and to eradicate the problems that complicated improvements with regard to all aspects of human rights for all Sri Lankan citizens would be more useful. Sri Lanka appreciated that all countries wished to put a stop to terrorism, but it was sad that some claimed that the mechanisms to stop the flow of terrorist funding were not in place or that there were other priorities. Sri Lanka expressed appreciation of the efforts of countries such as France and the United Kingdom for their efforts in this regard, but noted that unless there was greater commitment to deal with that issue, progress in many areas would be difficult. It did understand that legal niceties were difficult to resolve, but it trusted that similar understanding would be extended to Sri Lanka in the difficult situation it faced.

922. Sri Lanka was of the view that the comment made by Denmark stating that Sri Lanka did not look at recommendations because it rejected a few was just completely not true. Sri Lanka regretted such an intervention, in marked contrast to those of all other countries which, whilst drawing attention to matters that could be remedied, had tried to understand the difficulties Sri Lanka faced and the efforts it was making. There were four pillars Sri Lanka was strengthening in its efforts to develop a fully democratic and pluralistic society for its citizens. One of them was human rights, but it also needed to eradicate terrorism, to promote pluralism and to ensure development. It hoped its friends understood that all these needed to go together, and that assistance and support was desirable in all these areas. In this regard, Sri Lanka presented the President of the Council with a publication entitled “Pursuing Peace, Fighting Falsehood”, which it hoped would make clear the difficulties it faced and the efforts it was making to promote pluralism and democracy under testing circumstances.

France

923. The review of France was held on 14 May 2008 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents: the national report submitted by France in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/2/FRA/1); the compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/2/FRA/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/2/FRA/3).

924. At its 21st meeting, on 13 June 2008, the Council considered and adopted the outcome of the review on France (see section C below).

925. The outcome of the review on France is constituted of the report of the Working Group on the Universal Periodic Review (A/HRC/8/47), together with the views of France 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/8/47/Add.1).

1. Views of the State under review concerning recommendations and/or conclusions, as well as its voluntary commitments

926. The French delegation said that it was a privilege for France to be one of the first States to be reviewed under the universal periodic review mechanism. The preparation for the review, and the preparation of the national report in particular, had entailed a broad consultation involving government bodies and civil society, including the National Consultative Commission for Human Rights (CNCDH), and those parties had been consulted during the preparation of France’s responses to the recommendations made during the review on 14 May 2008.

927. The delegation then summarized France’s response to those recommendations, which were contained in document A/HRC/8/47/Add.1.

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

928. Qatar congratulated France for the information submitted at all stages of the universal periodic review process and acknowledged positively the constructive and cooperative spirit. It stated that several recommendations had been made and that France had accepted a majority of them. Qatar noted that France took the initiative, in its preliminary statement and during the dialogue, to make many other commitments to reinforce its human rights protection system. France, inter alia, committed itself to organizing a consultation to follow up on the Vienna Declaration and Programme of Action and the Durban Declaration and Programme of Action. Qatar noted that France further committed itself to submit for ratification to Parliament the Convention on the Rights of Persons with Disabilities, the International Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Finally, Qatar noted with satisfaction that many of the accepted recommendations by France aim at improving living conditions of persons belonging to vulnerable groups.

929. Morocco thanked France for its exhaustive replies to the deliberations of the Working Group. Morocco noted in particular the measures taken to reinforce the rights of migrants and the expressed will of France to address this issue during its presidency of the European Union. The priority given in the penal sphere to combat all forms of discrimination was also noted. Morocco expressed the wish that these two areas - non-discrimination and migration - will be part of the communications that France will be transmitting to the Council as part of the follow-up to which they have committed themselves.

930. Algeria paid tribute to the French delegation and made three comments with regard to the review process. Algeria regretted that it is not possible for France to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and expressed the hope that the time will come when France will be able to accede to this treaty. Algeria is pleased that incitement to religious and racial hatred are considered crimes in France. Finally, Algeria noted the recognition by France of the suffering relating to colonialism in accordance with paragraph 101 of the Durban Declaration and it expressed the hope that this would also be expressed regarding colonialism in Algeria.

3. General comments made by other relevant stakeholders

931. The Commission Nationale Consultative des Droits de l'Homme congratulated France on the involvement of civil society and the national human rights institution in the universal periodic review process. The recommendations made to France in the Working Group reflect similar observations already made by treaty bodies or by the Council of Europe, such as on the issue of prisons and places of detention, which have been the subject of increasing criticism by international and non-governmental organizations. Concerns were expressed regarding the treatment of asylum-seekers, police violence, and expulsion to borders in inhumane circumstances. It was of the view that France's position regarding the issue of minorities should be re-examined. The Commission stated that it would follow the implementation of commitments undertaken by France and proposed to keep States, the Council and treaty bodies regularly updated through its annual report on the human rights situation in France.

932. The Fédération Internationale of Action by Christians for the Abolition of Torture - FIACAT, jointly with Human Rights Watch, on the issue of places of detention, noted the commitments undertaken by France to develop alternative penalties to prison, and encouraged France to take concrete measures and establish a timeline to eliminate prison overpopulation, since it amounts to inhuman and degrading treatment. A clear response must also be provided to follow-up on allegations of ill treatment committed by security forces against persons deprived of their liberty. The existence of the National Commission on Ethics and Safety is threatened, while its role should, on the contrary, be maintained and strengthened. It is opposed to the use of electric stun guns, which results in sharp pain constituting a form of torture, according to the Committee against Torture, and called for their prohibition. It remained concerned at the absence of an automatic suspension of expulsion measures. It regretted that France did not go into details concerning persons held in custody for terrorism, including the lack of access to legal counsel.

933. The Foundation for Aboriginal and Islander Research Action said that France was one of the birthplaces of human rights and inquired on the issuance of an invitation to the Special Rapporteur on human rights and fundamental freedoms of indigenous people to visit Tahiti and Kanaky. It also asked how France planned to implement the United Nations Declaration on the Rights of Indigenous Peoples and noted that France had stopped nuclear testing in the Pacific. It noted the importance of the promises made to Tahitian workers in Mururoa and Fangataufa, especially to release health records of the workers. Further, it noted the imminent issues of land, health and environmental rights in Kanaky. Pollution from the mining at the Goro Nickel mining project is affecting the indigenous Kanaky living in their historic homeland, and it asked whether France would assist the Kanaky to ensure the right of free, prior and informed consent in this regard. The people in Tahiti were interested in learning more about human rights, inquired in whether France would be willing to work with non-governmental organizations in the region to sponsor trainings, seminars and workshops, including on how non-governmental organizations can access United Nations human rights mechanisms.

934. The Islamic Human Rights Commission was grateful for the conclusions and recommendations on the review of France, and was pleased to see that the recommendations reflect their concerns, especially on the issue of the rights of ethnic and religious minorities. Serious concern was expressed regarding the Government's failure to provide even the basic rights of ethnic and religious minority groups. By doing so, the Government harmed the minorities but consequently it also led to depriving the majority from taking advantage of a peaceful society. Some of the existing laws and many, in their application, were discriminatory, especially the headscarf (hijab) ban in schools which damaged the progress and advancement of Muslim women by depriving them of their basic right to education. The Islamic Human Rights Commission strongly recommended that the ban be removed and further urged the Government to stop its anti-religious attitude.

4. Views expressed on the outcome by the State under review and concluding remarks

935. The representative of France concluded by taking note of the observations made by member States, CNCDH and non-governmental organizations. Attention was drawn to France's response to the recommendations made during the review exercise, contained in document A/HRC/8/47/Add.1, which consisted of replies dealing with the following topics: ratification of the International Convention on the Protection of the Rights of All Migrant Workers and

Members of their Families; colonialism; prison conditions; the right to asylum; efforts to combat terrorism; France's Overseas Territories; and the wearing in schools of symbols or clothing indicative of one's religion. France would continue to honour its international commitments and keep the Council informed, and it would also continue to encourage civil society and CNCDH to participate in the follow-up to the universal periodic review.

Tonga

936. The review of Tonga was held on 14 May 2008 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents: the national report submitted by Tonga in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/2/TON/1); the compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/2/TON/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/2/TON/3).

937. At its 21st meeting, on 13 June 2008, the Council considered and adopted the outcome of the review on Tonga (see section C below).

938. The outcome of the review on Tonga is constituted of the report of the Working Group on the Universal Periodic Review (A/HRC/8/48), together with the views of Tonga 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 of the State under review concerning recommendations and/or conclusions, as well as its voluntary commitments

939. The delegation of Tonga expressed its deep thanks to the States that contributed to Tonga's review on 14 May 2008. Their involvement and contributions were a source of deep appreciation for Tonga.

940. Tonga paid a particular tribute to the role and work of the troika (Mexico, Nigeria and Qatar) as well as to the secretariat of OHCHR, with whom it was able to achieve and accept 31 recommendations.

941. Tonga also paid tribute to the support and assistance of New Zealand and the Commonwealth Secretariat, which assisted Tonga during the process for the preparatory work for the universal periodic review. Tonga noted that the time and capacity constraints were in no way an obstacle for the Government to sincerely support and contribute to the work of the Council.

942. Tonga stressed that the national report submitted to the universal periodic review mechanism was the result of an intense and broad consultation which included the civil society, the private sector and the Church. Tonga reiterated its willingness to share its experience with small island States of the Pacific region as well as others. It also reaffirmed its pledges and commitment to continue to support and cooperate with the Council and its universal periodic review.

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

943. Algeria thanked Tonga for its presentation and commended it on their open and transparent dialogue and willingness to promote and protect human rights and international obligations. It noted Tonga's commitment to heightening public awareness and conducting training programmes on the legal rights of women and for non-governmental organizations in support of women. It commended Tonga on having followed up on the recommendation to enact laws to protect women in employment from discrimination. Algeria was encouraged by the initiative of the Pacific Plan to set up a regional human rights institution, which complies with Algeria's recommendations contained in recommendation 25 of the report of the Working Group. Algeria also commended Tonga on the core values enshrined in its Constitution and welcomed its willingness to implement recommendation 26 to ensure human rights and fundamental freedoms for all Tongans and advocated that OHCHR provide support to attain this objective. It welcomed a representation in Geneva of the Pacific Islands Forum to pursue a fruitful dialogue.

944. Morocco welcomed the delegation of Tonga and thanked them for the presentation and cooperation with the Council throughout the universal periodic review process. It commended Tonga on its commitment to ratifying the key international human rights instruments to which it is not a party and the steps taken towards instituting a democracy. It indicated that the review of Tonga, which has no representation in Geneva, raised the question of the contributions by small islands. It stated that the proposal to open an office of cooperation for Pacific islands in Geneva deserves full attention and would have a positive impact on the work of the Council. At the same time, it noted the expectations of Tonga in terms of technical assistance and capacity-building and indicated that this should be considered with the greatest diligence by OHCHR in order to assist Tonga in its efforts to build a democracy and ensure the promotion and protection of human rights.

945. The United Kingdom of Great Britain and Northern Ireland wished to place on record its thanks to the delegation of Tonga for the open and constructive approach it has taken to the universal periodic review. As noted by many countries throughout the review process, it observed that to be among the first countries to be reviewed by a new mechanism offered particular challenges and that for a smaller country, those challenges were even greater. The United Kingdom believed that Tonga's approach to the universal periodic review had shown that this mechanism was truly universal and could offer added value to countries' efforts to advance their human rights record. The United Kingdom made recommendations to Tonga on the adoption of the Convention on the Elimination of All Forms of Discrimination against Women and on the involvement of civil society in the follow-up to the review, and was gratified that those and other recommendations were accepted by Tonga. It looked forward to seeing progress on those recommendations at Tonga's next review in four years' time.

946. Maldives welcomed the report of the Working Group and congratulated Tonga for conducting itself in an exemplary manner throughout the process. It noted that the report reflected the proud cultural heritage of Tonga and its belief in the importance of individual rights and freedoms. The report also reflected the forward-looking nature of Tonga's national report which identified a number of important challenges facing the country, and included many useful recommendations to help Tonga meet these challenges and strengthen the human rights protection for all its citizens. Maldives noted that the determination of small island States to

improve the human rights promotion and protection in line with the core international conventions is not always matched by the necessary resources necessary and that capacity constraints are the biggest factor preventing small island States from cooperating more fully with the Council and other human rights mechanisms. Maldives requested the international community, including donor agencies and OHCHR to enter into a dialogue with Tonga and to work with it to help it in the implementation of the recommendations contained in the report of the Working Group.

947. New Zealand stated that Tonga was the first country from the South Pacific region to be reviewed. It stated that Tonga had given the universal periodic review high priority, with the preparation of a comprehensive national report with the input of a number of non-governmental organizations. It observed that the quality of Tonga's presentation resulted in a wide-ranging discussion during the review, in which many delegations actively participated. New Zealand recalled that, as a sign of the importance attached by the Government of Tonga to its participation in the review, the Prime Minister visited Geneva shortly before the review took place. New Zealand stated that for small island States of the Pacific, many with populations of 100,000 or less, participation in the universal periodic review was a major undertaking. It recognized the practical difficulties they faced in meeting their obligations under the universal periodic review process. New Zealand intended to convene a seminar early next year to assist officials of the Pacific Island Governments in working through the universal periodic review process. It would be most valuable to have a representation from Tonga, as a pioneer of the universal periodic review in the Pacific, to make the planned seminar a success.

948. Switzerland congratulated the delegation of Tonga for its commitment and cooperation during the universal periodic review. It was pleased to note that even a small State with limited resources was able to participate with a large delegation, was able to present a report, and engage in a substantive dialogue with the international community. It encouraged Tonga to continue its commitments along these lines, in particular its cooperation with civil society. It noted that the universal periodic review is a tool to enhance dialogue and therefore recommendations next time should be formulated in a targeted manner so as to enable small countries to accept and implement them. Switzerland reiterated its appreciation for the openness of Tonga in presenting its aspirations in the field of human rights while at the same time noting its remaining challenges.

949. Qatar appreciated Tonga's cooperation and the constructive dialogue. It noted that Tonga responded to many of the recommendations made during the interactive dialogue and noted its agreement to these recommendations. It welcomed the pledge made by Tonga to continue the democratic reforms and to consider positively the recommendation to ensure ratification of core human rights treaties in addition to furthering cooperation with human rights mechanisms. It noted that Tonga expressed its willingness to ratify the two international covenants and the Convention on the Elimination of All Forms of Discrimination against Women, and to enact national laws to further the protection of women in employment. It also noted Tonga's willingness to promote the protection of freedom of expression and information and the right to education, and to offer training for law enforcement agencies and to promote the participation of civil society in the protection and promotion of human rights. Qatar appreciated all the measures that have been taken by Tonga to promote human rights and fundamental freedoms. It called upon Tonga to continue the reform process which is under way for the benefit of the people of Tonga.

3. General comments made by other relevant stakeholders

950. The Canadian HIV/AIDS Legal Network welcomed Tonga's constructive engagement in the universal periodic review and its cultural commitment to the respect for all people, the values of community and inclusiveness and the commitment to human rights. It however expressed its disappointment that Tonga did not accept the recommendation to decriminalize certain forms of consensual conduct, which despite the fact that the law is not enforced, is inconsistent with Tonga's commitment to international human rights principles. It also noted that, in the outcome report, Tonga welcomed a continuing frank and robust discussion of the issue. It hoped that Tonga will continue to keep an open mind and maintain that dialogue with a view to decriminalizing such consensual conduct in the near future so that all Tongans may participate in the life of their community in equal dignity and respect.

951. The Foundation for Aboriginal and Islander Research Action noted that throughout the region of the Pacific, ratification of the core international human rights instruments such as the Bill of Rights and the Convention on the Elimination of All Forms of Discrimination against Women is low, as is the level of completion of reports in a timely manner and of full participation in the treaty body mechanisms. It looked forward to working with Tonga in collaboration with civil society to complete its periodic report and to appear before the Committee on the Elimination of Racial Discrimination in 2009 or 2010, as well as to finalize its initial report and appear before the Committee on the Rights of the Child. It encouraged Tonga to continue its leadership in the region and to work on the idea of establishing an office in Geneva. It indicated that special procedures rarely visit the Pacific region and noted the importance that such visits would have to assist and support follow-up activities of these countries. It noted the requests made by special procedures to visit Tonga and the low interest demonstrated by the Government. It noted that since the session of Working Group, a meeting has taken place in New York between the United Nations and the Permanent Mission of Tonga to the United Nations. It noted its aim to assist Governments of the Pacific islands in the promotion and protection of human rights.

952. International Women's Rights Action Watch Asia-Pacific (also on behalf of Action Canada for Population and Development, the Federation for Women and Family Planning and the Latin American Committee for the Defence of Women's Rights) welcomed the engagement of Tonga in the universal periodic review process and the scrutiny to which the national human rights situation was submitted. It noted that Tonga rejected recommendations 38 (c) and 39 (a) which called on the Government to repeal national laws which discriminated against women, including in the area of inheritance, ownership to land and child support. It was deeply concerned by the Government's lack of willingness to bring its national laws into conformity with international human rights norms relating to equality and non-discrimination between men and women, and called on Tonga to accept those recommendations to bring its national law into line with its international human rights obligations. It also noted with serious concern that Tonga had rejected recommendation 39 (b) and others calling on the Government to decriminalize consensual same-sex activities, observing that the criminalization of consensual same-sex activities has been recognized by the Human Rights Committee as a violation of the human rights to privacy and non-discrimination guaranteed to all people by international instruments. It did, however, appreciate the rejection of recommendation 58 (b), as this erroneous recommendation failed to take account of international law and jurisprudence and the respect of the human rights of all people. It called on the Government to accept recommendations in the

outcome document which related to addressing discrimination against women and sexual minorities, thereby furthering the full implementation of human rights norms and the full enjoyment of all people of their human rights; and to this end, urged Tonga to ratify the Convention on the Elimination of All Forms of Discrimination against Women.

953. Amnesty International appreciated the positive participation of Tonga in the universal periodic review, noting its contribution to the improvement of the human rights situation in the country as well as to making the universal periodic review a universal mechanism. It also noted Tonga's leadership role as the Chair of the Pacific Islands Forum secretariat. It encouraged Tonga to implement the recommendations of the Working Group, particularly in relation to accession to core human rights treaties and to obligations under the treaties to which Tonga is already a party. It also encouraged Tonga to continue to engage actively with civil society organizations in human rights work, including capacity-building and training initiatives and general discussion of proposed legislative reforms. It acknowledged Tonga's challenges in preparing the national report and expressed hope that its experience would facilitate the process for the preparation of the next report, as well as of reports to the human rights treaty bodies. It also noted the importance of ensuring the wide dissemination of the review outcome to all stakeholders in the country, with the aim of providing greater understanding of the process, the importance of human rights, and measures that can be taken to improve the human rights situation in the country.

4. Views expressed on the outcome by the State under review and concluding remarks

954. In conclusion to the outcome of the review, the delegation of Tonga expressed its deep appreciation and gratitude to the speakers who had taken the floor and thanked them for their reflections, which have a positive impact on the experience of Tonga under the universal periodic review mechanism. With respect to the initiative mentioned by New Zealand to organize a regional seminar, Tonga, as already pledged, is prepared to share its experience and would be pleased to participate. As to enhancing the Pacific voice, it noted that this is a current discussion, which requires the consultation of the States members of the Pacific Islands Forum.

955. The delegation of Tonga also thanked all the stakeholders who took the floor. With respect to some of the issues that have been raised, in particular the decriminalization of certain sexual activities and the status of Tongan women in society, these had been already dealt with during the review and it did not intend to repeat the position of Tonga or to create a debate on those issues at this stage, and Tonga certainly noted the interventions made in that regard. It also noted that, in general, Tonga values the partnership with civil society and recalled that during the process of the preparation of the national report, the Government had engaged various local civil society members in the drafting process. While there was not participation of international non-governmental organizations, Tonga believes that the report reflects the views of the local civil society. It highlighted that one of the outcomes of the national report was to seek assistance from the international community for education programmes directed and led by the local civil society, with proper support. Such initiatives could certainly lead to a greater promotion and protection as well as understanding of human rights within the country. Despite the distance and its capacity constraints, Tonga will make every effort to enhance the spirit and values of its children. Tonga reiterated its thanks to the Council for its continued engagement and is looking forward to presenting its follow-up report in four years' time.

Romania

956. The review of Romania was held on 15 May 2008 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents: the national report submitted by Romania in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/2/ROM/1); the compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/2/ROM/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/2/ROM/3).

957. At its 22nd meeting, on 13 June 2008, the Council considered and adopted the outcome of the review on Romania (see section C below).

958. The outcome of the review on Romania is constituted of the report of the Working Group on the Universal Periodic Review (A/HRC/8/49), together with the views of Romania 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/8/49/Add.1).

1. Views of the State under review concerning recommendations and/or conclusions, as well as its voluntary commitments

959. The Government of Romania welcomed the recommendations made during the second session of the Working Group on the Universal Periodic Review on 15 May 2008 and thanked all States who participated in the interactive dialogue. Romania reiterated that it intended to make the best use of this process in order to further consolidate its national system of human rights protection. It noted that the universal periodic review offered Romania a good opportunity to undertake a comprehensive review of the current implementation status of its commitments in the area of human rights. It also helped to get a better picture of areas in need of remedies, including in terms of improving inter-institutional coordination.

960. Based on a careful consideration by relevant national authorities, Romania was pleased to inform that, with two exceptions, it accepted all recommendations received from States. The two recommendations which Romania was not ready to accept, at this time, refer to the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (recommendation 1) and the need to further harmonize its legislation in the field of religious freedom with international standards (recommendation 18).

961. Romania would consider the possibility to become party to the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families based on an evaluation of all relevant factors proving the added value of such a decision. At present, Romania considered that the rights of migrant workers are adequately protected by European Union law and existing national legislation.

962. Romania accepted the recommendation to become party to the Convention for the Protection of All Persons against Enforced Disappearance, the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention against Torture. Internal procedures have already been initiated to sign the former and ratify the latter two.

963. With regard to its legislation regarding freedom of religion, Romania considered that its 2006 law is in line with international standards. The Romanian legislation provides for a framework that ensures the non-discriminatory exercise of the freedom of conscience by all Romanian citizens.

964. The new law establishes a transparent system for the recognition of religious denomination. The law also regulates the institution of religious associations. Both religious denominations and religious associations represent associative structures with legal personality and religious purpose, being differentiated only by the fact that the religious denominations are granted de jure the status of public utility and, therefore, benefit from direct financial support from the State. This delineation does not infringe, in any way, upon a person's right to freely exercise his/her religion or belief. In addition, the religious associations also benefit from a series of fiscal exemptions.

965. Romania has undertaken resolute actions in all human rights sectors, on the normative, institutional and implementation levels and is determined to continue its efforts in this regard. While it openly considered and embraced suggestions received during the universal periodic review, it underlined that many of the recommendations are already a work in progress for the relevant national authorities.

966. Additional comments by Romania related to some of the recommendations and issues that may not have been sufficiently covered by the national report or during the Working Group.

967. With regard to recommendation 3, in recent years, successive legislative amendments related to public safety have also generated changes in the working methods of the law enforcement personnel.

968. Romania is committed to further ensuring adequate human rights training for law enforcement officials, including in the area of combating discriminatory practices and prejudices, and to closely monitoring the observance of the relevant provisions regarding their professional conduct.

969. With regard to recommendation 8, 280 policemen and 450 gendarmes were involved in maintaining order and public safety during the Gay Fest parade organized in 2007; 65 sanctions were applied on that occasion for disturbances of public order; 11 people have been further investigated for minor crimes, 9 of whom were prosecuted. As in previous years, the Romanian Police took adequate measures to ensure the organization of this year's Gay Fest in good conditions. The Police and Gendarmerie collaborated very well with the organizers. No incidents were registered during the Gay Fest parade that took place in Bucharest on 24 May 2008.

970. With regard to recommendations 4 and 5, Romania is determined to continue its efforts to combat any form of discrimination. As mentioned in its national report, Romania has already built up an efficient and advanced legislative and institutional framework in this area.

971. The National Council for Combating Discrimination and the Ombudsman remain at the forefront of this fight. Its regulatory and monitoring functions are complemented by awareness-raising activities, through the organization of educational campaigns.

972. The National Agency for Roma is working towards improving the condition of the Roma minority in the country. The Agency will continue to collaborate with competent governmental agencies and non-governmental organizations with the view to implementing the objectives set out in the National Strategy for Improving the Situation of Roma for 2001-2010 and in the related action plans. Ongoing programmes and projects are mostly focused on housing, education, employment and health sectors.

973. With regard to recommendation 6, the National Authority for Persons with Disabilities coordinates the activities dedicated to the protection and promotion of the rights of persons with disabilities, based on objectives set out in the National Strategy for the protection, integration and social inclusion of persons with disabilities for 2006-2013 and its related plan of action.

974. New measures were taken to encourage persons with disabilities to apply for the disability certificate issued by the National Authority. Based on this, they could have access to financial facilities and social services stipulated by the law. The disability law also contains special provisions to facilitate the employment of disabled persons.

975. With regard to recommendation 9, the situation of HIV/AIDS-infected persons is one of the priorities of the Ministry of Public Health.

976. While many efforts have already been made to reduce the number of HIV/AIDS-infected persons, authorities awarded increased attention to combating discrimination against such persons.

977. The National Authority for Persons with Disabilities took a set of measures meant to protect confidentiality with regard to such persons. Thus, any reference to the type of disability is eliminated from the certificate, in order to avoid discrimination.

978. According to the Labour Code, a person can only be employed if he/she can provide a medical certificate which attests that he or she is capable to carry out the required work. Hence, there is no obligation for HIV-testing upon employment.

979. With regard to recommendation 13, as previously described, Romania has put in place a coherent legislative and institutional framework meant to specifically address the problem of domestic violence. A new strategy to combat domestic violence for 2008-2013 and a related action plan are currently being finalized, based on consultations with institutional partners and non-governmental organizations.

980. With regard to recommendation 12, Romania is fully committed to combating trafficking in persons. It highlighted that it already has in place a system of witness protection for cases of trafficking. According to the Witness Protection Law, a witness to a serious crime, such as trafficking in persons, can be included in the witness protection programme, based on the decision of a prosecutor or a court of law. The law for the prevention and combating trafficking in persons criminalizes all forms of trafficking in persons and provides for special measures to protect and assist victims and their families (out of the 1,779 victims identified in 2007, 1,405 participated in the criminal process as injured parties and 270 were heard as witnesses). The Romanian Police works on developing the capacity of front-line police officers to identify

victims, inter alia, by organizing specialized courses for them. As part of basic training, the curricula of police schools include proper forms of conduct in relation to victims of trafficking and sexual abuse.

981. Romania provided additional information on other relevant recommendations (A/HRC/8/49/Add.1). To conclude its opening statement, Romania stressed that throughout this process, it has tried to cover all questions and concerns raised during the session of the Working Group, within time and page limit constraints. It stood ready to continue this cooperation, in an open spirit and it will, definitely, come back to all these useful inputs under the internal follow-up process to the outcome report.

982. As mentioned during the session of the Working Group, Romanian authorities are preparing to launch a reflection process for the drafting of a comprehensive national plan of action for human rights. The review outcome may, hopefully, create the best premises for the successful launch of such a national plan in the second half of this year.

983. As a staunch supporter of the Council from its very beginning, Romania was pleased that the outcome of its review would be adopted shortly before the end of its mandate as a member of the Council, as well as before the end of the presidency of the second cycle of the Council, exercised tirelessly and with resolute commitment by the Permanent Representative of Romania to the United Nations Office at Geneva.

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

984. China was grateful to the delegation of Romania for its briefing. It noted that Romania had placed importance in preparing the national report and had held the interactive dialogue in a very constructive manner, for which it expressed its appreciation. During the review, the Government had reported on efforts it made in promoting and protecting human rights and its achievements, including improvement of national legislation, formulation of national policies and programmes of action, and the establishment of national institutions. It also noted that the Government had outlined challenges faced by the country in promoting and protecting human rights, and it welcomed the latest information and commitments made by Romania. All had highlighted Romania's readiness to fulfil its commitments and its determination to promote and protect human rights, and China considered that Romania will further implement its commitments and score new progress in the field of human rights.

985. The United Kingdom of Great Britain and Northern Ireland thanked Romania for its detailed presentation and noted that Romania has admitted frankly both the key areas where progress has been made and where further efforts are needed. It highlighted this frank and self-critical approach as a good result both for human rights in Romania and for the strength of the universal periodic review mechanism as a whole. The United Kingdom thanked Romania for the detailed response to all of the recommendations, which in its view shows that the universal periodic review can provide challenging suggestions to countries, which need consideration by a number of different domestic ministries. In conclusion, the United Kingdom was pleased to see that its recommendations had been accepted and stated that it looks forward to further bilateral discussions on these in coming months and years.

986. Algeria expressed its thanks to the delegation of Romania for the very exhaustive and clear presentation. It appreciated the action that Romania had taken on the basis of recommendation 10 made by Algeria. It had one question following the presentation, the delegation of Romania having indicated that at the present time, Romania had reservations regarding recommendations 1 and 18. In this regard, Algeria noted that in the very exhaustive presentation, Romania had not mentioned action taken on recommendation 14, put forward by Algeria, Tunisia and France. It asked Romania whether this recommendation was in addition to the recommendations mentioned where there were some problems, or if it was just an omission in the presentation. It reiterated its thanks for Romania's efforts to uphold human rights, and noted that one of its major contributions in this regard was the presidency of Ambassador Costea heading the Council, which contributes to the enhancement of human rights around the world.

3. General comments made by other relevant stakeholders

987. The European Region of the International Lesbian and Gay Association (ILGA-Europe) and the Canadian HIV/AIDS Legal Network underlined, in a joint statement, that the universal periodic review had given them the opportunity to look at the future and identify better respect, protection and fulfilment of the human rights of all, including lesbian, gay, bisexual and transgender people. In this respect, referring to recommendation 4 made by Argentina and Canada, they encouraged Romania to continue in its efforts: to strengthen the anti-discrimination mechanism, in particular the National Council for Combating Discrimination; to include gender identity and expression in addition to sex among the non-discrimination criteria of Ordinance 137/2000, so that transgender persons are explicitly protected by the law; to raise awareness of discrimination of lesbian, gay, bisexual and transgender professionals in the education and health systems; and, lastly, to eliminate discrimination with regard to rights accessed through the institution of marriage, which is currently available only to heterosexual couples. With regard to recommendation 6 made by Finland, it encouraged the Romanian police to finalize the investigation of several cases of violence instigated in connection with the 2006 and 2007 lesbian, gay, bisexual and transgender marches in Bucharest. Lastly, they commended Romania on several important achievements, including repealing article 200 of the Penal Code which criminalized private same-sex relations among consenting adults, the development of an anti-discrimination mechanism which from the beginning included sexual orientation among non-discrimination grounds, and the police protection ensured at lesbian, gay, bisexual and transgender marches in the last four years in Bucharest.

4. Views expressed on the outcome by the State under review and concluding remarks

988. In its concluding remarks, Romania expressed its gratitude to all States and non-governmental organizations that took an interest, either in written form or during the session, in the development and challenges encountered by Romania in ensuring the full respect for human rights. Romania has tried to address all queries raised during this interactive dialogue either by providing additional information or stating its position with regard to recommendations received.

989. Romania stressed that it is of the view that the universal periodic review mechanism has proven to be a useful tool for States in terms of reassessing and reasserting their national and international commitments in the field of human rights. Romania was grateful for all comments

and recommendations made, aimed at strengthening the human rights protection in the country. In response to a question raised by one of the delegations, Romania stated that it has accepted recommendation 14; additional information on the recommendation is available in document A/HRC/8/49/Add.1.

990. Romania finally thanked the representatives of the civil society which have contributed to the elaboration of its national report and to those participating in the present debate. It noted that their inputs have been duly taken into account and that it is open to continue this fruitful cooperation with the civil society during the follow-up process to the outcome report. It also thanked the members of the troika Angola, Bosnia and Herzegovina and Canada.

Mali

991. The review of Mali was held on 15 May 2008 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents: the national report submitted by Mali in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/2/MLI/1); the compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/2/MLI/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/2/MLI/3).

992. At its 22nd meeting, on 13 June 2008, the Council considered and adopted the outcome of the review on Mali (see section C below).

993. The outcome of the review on Mali is constituted of the report of the Working Group on the Universal Periodic Review (A/HRC/8/50), together with the views of Mali 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/8/50/Add.1).

1. Views of the State under review concerning recommendations and/or conclusions, as well as its voluntary commitments

994. In its introduction, the delegation of Mali deplored the late issuance of its report and thanked Mauritius, Brazil and Japan, the members of the troika, and all member States for participating in the dialogue when Mali's national report had been considered. At the conclusion of the review, Mali had pledged to respond to some of the recommendations that had been made.

995. In response to the recommendation that Mali should issue a standing invitation to special procedures mandate holders, the delegation said that the country was prepared to cooperate fully with all special procedures of the Human Rights Council. Mali pledged to give thorough consideration to all requests for visits addressed by the special procedures.

996. A group of countries had recommended that Mali should: enact legislation prohibiting all forms of female genital mutilation, in keeping with recommendations made by the Human Rights Committee, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child; adopt legislative and other measures, including awareness-raising campaigns, with a view to eradicating harmful traditional practices that

impeded women's full enjoyment of their fundamental rights; and, in particular, adopt legislation penalizing female genital mutilation, domestic violence and all forms of violence against women.

997. In response to those recommendations, the representative of Mali said that excision was deeply rooted in Malian cultural practice. While the Government recognized the need to adopt a law prohibiting female genital mutilation, it had given priority to public education and awareness-raising campaigns rather than to the adoption of repressive measures whose practical application could not be guaranteed without the support of all segments of society. It was against that background that the Government had in 2002 established the National Programme to Combat the Practice of Excision. The educational approach taken by the Government had already succeeded in reducing excision rates from 94 per cent to 85 per cent between 1996 and 2006. Furthermore, a nationwide survey on excision was currently being carried out. The survey findings would determine what steps should be taken in the medium term with regard to the adoption of a law prohibiting and punishing that practice.

998. With regard to violence against women and girls, the Malian delegation said that the country's Criminal Code criminalized all forms of violence, including domestic violence. In addition, the National Plan to Combat Violence against Women and Girls for the period 2006-2011, which was currently being implemented, contained measures that targeted excision as well as other forms of violence against women and girls; those measures ranged from the creation of intervention mechanisms, the provision of assistance to victims and information, education and communication (IEC) activities to the revision of existing legislation and the adoption of new texts.

999. Luxembourg had recommended that Mali should, inter alia, establish legal equality between men and women with a view to abolishing any discrimination and all violence. In response to that recommendation, Mali had stated that the revision of the Marriage and Guardianship Code, which had begun some years before, had led to the preparation of a draft Personal and Family Code that provided for the elimination of all discriminatory provisions relating to women. National consultations on the draft had already been concluded, and the resulting report had been officially transmitted to the President on 22 May 2008. It was slated for adoption by the Government in the near future and would then be submitted to Parliament.

1000. The United States of America had recommended that Mali should increase awareness of efforts to combat forced labour, paying special attention to groups such as the Bellah, or black Tamacheks. In reply, Mali had noted that the country's Constitution and legislation prohibited forced labour, which was also prohibited by law. However, certain cultural practices did persist in some parts of the country, although they tended to disappear as the school enrolment rate rose in the community concerned.

1001. Canada had recommended that Mali should revise the "insult law", respect the freedom of opinion and expression and refrain from imposing penal sanctions on journalists. Mali had responded that the country's Constitution recognized the right to freedom of opinion and expression as well as freedom of the press. According to those constitutional provisions, those rights and freedoms were exercised within the framework of the law. That was why the Act on

the press and offences against legislation governing the press and the Criminal Code provided for sanctions in that area. However, the issue was under discussion in Mali, and the trend was towards the decriminalization of press-related offences.

1002. The Malian delegation recalled the voluntary pledges and commitments undertaken by the country pursuant to General Assembly resolution 60/251, on the Human Rights Council. Mali fully endorsed respect for human rights and fundamental freedoms, as enshrined in its Constitution and the international legal instruments to which it was a party. In accordance with its international commitments, it had submitted its initial and periodic reports to the monitoring mechanisms created for that purpose, such as the Human Rights Committee, the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women. Mali had been the first State party to submit its initial report to the Committee on Migrant Workers.

1003. In the wake of the democratization that had taken place in 1991, Mali had strengthened its institutional mechanisms for the promotion and protection of human rights and fundamental freedoms, in particular through the National Advisory Commission on Human Rights, the Ombudsman, the Private-Sector Facilitator, the Higher Council on Communication and the National Committee on Equal Access to State Media. It had also reaffirmed the principle of the separation of powers and laid down clear definitions of each authority's sphere of competencies.

1004. In addition, Mali had in 1994 created a unique mechanism for the promotion and protection of human rights: the Forum for Democratic Challenges (*Espace d'interpellation démocratique*). Every year on 10 December the Government of Mali organized a forum to pay a special tribute to the 1948 Universal Declaration of Human Rights on the anniversary of its adoption; the Forum was presided over by a jury that gave citizens an opportunity to air their grievances to government officials and hear their responses. After the discussion, the jury made recommendations whose implementation was monitored and evaluated before the next Forum was held.

1005. The Constitution reaffirmed the lay nature of the Malian State. It guaranteed freedom of opinion, religion, association, assembly and protest as well as the right to vote. The Constitution also guaranteed freedom of the press; Mali had more than 30 private newspapers and more than 150 independent local radio stations.

1006. Article 1 of the Malian Constitution provided that "the human person is sacred and inviolable. All individuals have the right to life, liberty, security and integrity of person". In that spirit, the Government of Mali had in 2002 adopted a draft law declaring a moratorium on the death penalty for a period of two years. It should be noted that the death penalty had not been imposed in Mali since 1984. The National Assembly of Mali was currently considering a bill abolishing capital punishment.

1007. Mali had also adopted a number of measures to strengthen the rule of law and the Government's obligation to enforce the principle of equality of all citizens in their relations with the civil service. Those measures were set out in Act No. 98/12 of 19 January 1998, on relations between the civil service and public service users.

1008. Mali was a member of a number of intergovernmental mechanisms for the promotion and protection of human rights, including the Community of Democracies, which it had chaired during the period 2005-2007. Given its tradition of unwavering commitment to the promotion and protection of human rights, the Government of Mali had decided to submit its candidacy for the Human Rights Council. Mali had pledged that, if elected, it would, inter alia:

- (a) Stress cooperation and constructive dialogue between members and non-members of the Human Rights Council with a view to enhancing the effective execution of the Council's mandate;
- (b) Continue to discharge its obligations to submit, under the international legal instruments to which it was a party, initial and periodic reports to the respective treaty-monitoring bodies and to implement the recommendations of those bodies;
- (c) Support the active participation of non-governmental organizations and other civil society representatives in the work of the Council;
- (d) Encourage States that had not yet done so to become parties to the major human rights instruments and, accordingly, to comply with their obligations thereunder;
- (e) Strengthen democracy, good governance, the rule of law and human rights through bilateral and multilateral cooperation, particularly through the United Nations;
- (f) Cooperate fully with the procedures and mechanisms of the Human Rights Council;
- (g) Promote the development of human rights norms; and
- (h) Promote human rights education.

1009. At the domestic level, Mali was taking or intended to take appropriate action in the following areas:

- (a) Strengthening institutional support for the National Human Rights Commission and applying for its accreditation by the International Coordinating Committee of National Human Rights Institutions;
- (b) Stepping up action to eliminate discrimination against women, violence against women and the practice of female genital mutilation;
- (c) Provision of support for the implementation of the Ten-Year Justice Development Programme (PRODEJ) and other programmes for the promotion and protection of human rights;
- (d) Adoption of the draft Personal and Family Code and the bill on abolition of the death penalty;
- (e) Continuation and strengthening of measures aimed at promoting equality between men and women;

(f) Establishment of juvenile courts and specialized detention, re-education and rehabilitation centres for women and children in the country's eight regions;

(g) Establishment of compulsory health insurance and a medical care fund;

(h) Initiation, in 2007, of a review process in Mali within the framework of the New Partnership for Africa's Development (NEPAD) African Peer Review Mechanism.

1010. As to what was expected of Mali following the conclusion of the review process, the delegation said that Mali upheld the principles of the universality, interdependence, indivisibility and interrelatedness of all human rights. It was in that context that it had endorsed the adoption of a Poverty Reduction Strategy Framework in 2002 and a Growth and Poverty Reduction Strategy Framework in 2007. The Economic and Social Development Programme on the basis of which President Amadou Toumani Touré had been re-elected in 2007 attached priority to the promotion of all human rights. Mali remained convinced that, with the assistance of the international community, implementation of that Programme would do much to promote the development of a society that could offer a better life to the entire population. The delegation recalled that, as noted in Mali's national report, that assistance was being requested in order to:

(a) Harmonize national legislation more fully with the provisions of international human rights instruments;

(b) Strengthen the capacity of State and non-State actors for the promotion and protection of human rights;

(c) Build institutional and operational capacity for the administration of justice, especially by increasing the number of courts and tribunals, providing training for judges and court officials and improving living conditions for inmates of prisons and correctional education institutions;

(d) Enhance technical capacity for the preparation and submission of Mali's human rights reports;

(e) Incorporate content relating to human rights, the culture of peace, democracy and citizenship in formal and informal educational programmes;

(f) Ensure the translation of the main national, regional and international human rights instruments into the principal national languages;

(g) Improve the civil registry system;

(h) Organize various activities to commemorate the sixtieth anniversary of the Universal Declaration of Human Rights.

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

1011. Tunisia commended Mali on its commitment to the universal periodic review and its efforts in the promotion and protection of human rights, noting in particular the progress made in

the establishment of democratic institutions and consolidation of the rule of law. In this context, Tunisia noted that Mali should serve as an example. Tunisia also noted the establishment of a programme between the United Nations and Mali, to be implemented between 2008 and 2012 with the aim of promoting human rights and gender issues. This programme will certainly strengthen the progress already made and the achievements in the areas of equal opportunity and equality. Tunisia further highlighted Mali's determination to promote a culture of human rights, as reflected in the national programme of education and citizenship.

1012. The Philippines indicated that the delegation of the Government of Mali has exhibited a clear and strong commitment to upholding human rights standards by constructively and openly engaging in the universal periodic review process. The Philippines commended Mali on this commitment, acknowledging that the Government has made substantial progress in promoting human rights, in spite of the constraints of limited resources. The Philippines encouraged the international community to support Mali's initiatives to improve the socio-economic situation of its people. The Philippines appreciated that Mali has accepted a number of recommendations and supported the Government's efforts to strengthen its democracy and the rule of law. The Philippines noted that Mali is seeking to strengthen national human rights policies and programmes, in adherence with international human rights treaties to which it is a party. The Philippines expressed its hope that Mali will continue on this progressive path and continue its efforts, especially in the fields of health and education.

1013. Senegal expressed satisfaction that Mali had accepted the majority of the recommendations formulated during the debates of the Working Group. This position is a new manifestation of the constant commitment of the Malian authorities in favour of the defence of human rights and of Mali's sincere will to advance in this regard. In particular, Senegal referred to progress already made in the areas of education, health care and the promotion of the rights of children and women. For that reason, Senegal was optimistic that the implementation of the recommendations accepted by Mali will improve the human rights situation in the country. However, Senegal underlined that in order to implement some of those recommendations, Mali will need assistance from the international community.

1014. Algeria thanked the delegation of Mali for the responses and comments made to all recommendations formulated within the framework of the examination of the national report by the Working Group. Algeria acknowledged the participative democracy in Mali and the success of the country in complying with its international human rights obligations. Algeria welcomed Mali's acceptance of 21 recommendations and noted that Mali expressed reservations to only 1 recommendation and declared its intention to continue discussing 5 others. Algeria congratulated the Government of Mali for this sustained engagement, taking into consideration its limited resources and the challenges resulting from its commitment to pursuing its priorities in the areas of economic development and the fight against poverty. To better protect human rights, notably through the implementation of its economic and social development programme and its work against poverty, Mali requested the support of the international community. Algeria invited the international community, in particular OHCHR, to respond positively to this request and to provide Mali with the appropriate assistance, including assistance to enable it to submit its reports to the treaty bodies in a timely manner.

3. General comments made by other relevant stakeholders

1015. No comments were made by other stakeholders.

4. Views expressed on the outcome by the State under review and concluding remarks

1016. In its concluding remarks, the delegation of Mali thanked all States that had taken the floor to give advice and renew their support and assistance in the universal periodic review process. It also wished to thank the President of the Council, the Secretariat, the interpreters and “all those technicians who work behind the scenes and are not often seen in this brightly lit hall” for their efforts. Lastly, it reiterated Mali’s commitment to implementing all of the recommendations that the country had accepted.

B. General debate on agenda item 6

1017. At the 22nd meeting, on 13 June 2008, the Council held a general debate on item 6, during which the following made statements:

(a) Representatives of States members of the Council: Brazil, Canada, China, Cuba, Egypt (on behalf of the Group of African States), Malaysia, Russian Federation, Slovenia (on behalf of the European Union, Albania, Armenia, Bosnia and Herzegovina, Croatia, Moldova, Montenegro, Serbia, the former Yugoslav Republic of Macedonia, Turkey and Ukraine), Switzerland;

(b) Observers for the following States: Algeria, Morocco, New Zealand (also on behalf of Norway), Turkey;

(c) Observer for an intergovernmental organization: International Organization of la Francophonie;

(d) Observers for non-governmental organizations: Amnesty International, Asian Forum for Human Rights and Development (Forum-Asia) (also on behalf of the Asian Legal Resource Centre, the Asia Pacific Forum on Women, Law and Development, the International Movement against All Forms of Discrimination and Racism and the International NGO Forum on Indonesian Development), Cairo Institute for Human Rights Studies, Canadian HIV/AIDS Legal Network, Indian Council of South America, International Federation of Human Rights Leagues, International Service for Human Rights (also on behalf of the Asian Forum for Human Rights and Development (Forum-Asia), the Baha’i International Community, Human Rights Watch and Pax Romana), Latin American Committee for the Defence of Women’s Rights (also on behalf of Action Canada for Population and Development and the International Women’s Rights Action Watch - Asia Pacific).

C. Consideration and action on draft proposals

Bahrain

1018. At the 13th meeting, on 9 June 2008, the Council adopted draft decision 8/101 without a vote (for the text adopted, see part one, chap. I).

Ecuador

1019. At the 13th meeting, on 9 June 2008, the Council adopted draft decision 8/102 without a vote (for the text adopted, see part one, chap. I).

Tunisia

1020. At the 14th meeting, on 9 June 2008, the Council adopted draft decision 8/103 without a vote (for the text adopted, see part one, chap. I).

Morocco

1021. At the 14th meeting, on 9 June 2008, the Council adopted draft decision 8/104 without a vote (for the text adopted, see part one, chap. I).

Finland

1022. At the 14th meeting, on 9 June 2008, the Council adopted draft decision 8/105 without a vote (for the text adopted, see part one, chap. I).

Indonesia

1023. At the 15th meeting, on 10 June 2008, the Council adopted draft decision 8/106 without a vote (for the text adopted, see part one, chap. I).

United Kingdom of Great Britain and Northern Ireland

1024. At the 15th meeting, on 10 June 2008, the Council adopted draft decision 8/107 without a vote (for the text adopted, see part one, chap. I).

India

1025. At the 15th meeting, on 10 June 2008, the Council adopted draft decision 8/108 without a vote (for the text adopted, see part one, chap. I).

Brazil

1026. At the 15th meeting, on 10 June 2008, the Council adopted draft decision 8/109 without a vote (for the text adopted, see part one, chap. I).

Philippines

1027. At the 16th meeting, on 10 June 2008, the Council adopted draft decision 8/110 without a vote (for the text adopted, see part one, chap. I).

Algeria

1028. At the 16th meeting, on 10 June 2008, the Council adopted draft decision 8/111 without a vote (for the text adopted, see part one, chap. I).

Poland

1029. At the 16th meeting, on 10 June 2008, the Council adopted draft decision 8/112 without a vote (for the text adopted, see part one, chap. I).

Netherlands

1030. At the 17th meeting, on 11 June 2008, the Council adopted draft decision 8/113 without a vote (for the text adopted, see part one, chap. I).

South Africa

1031. At the 17th meeting, on 11 June 2008, the Council adopted draft decision 8/114 without a vote (for the text adopted, see part one, chap. I).

Czech Republic

1032. At the 17th meeting, on 11 June 2008, the Council adopted draft decision 8/115 without a vote (for the text adopted, see part one, chap. I).

Argentina

1033. At the 18th meeting, on 11 June 2008, the Council adopted draft decision 8/116 without a vote (for the text adopted, see part one, chap. I).

Gabon

1034. At the 18th meeting, on 11 June 2008, the Council adopted draft decision 8/117 without a vote (for the text adopted, see part one, chap. I).

Ghana

1035. At the 18th meeting, on 11 June 2008, the Council adopted draft decision 8/118 without a vote (for the text adopted, see part one, chap. I).

Guatemala

1036. At the 18th meeting, on 11 June 2008, the Council adopted draft decision 8/119 without a vote (for the text adopted, see part one, chap. I).

Peru

1037. At the 19th meeting, on 12 June 2008, the Council adopted draft decision 8/120 without a vote (for the text adopted, see part one, chap. I).

Benin

1038. At the 19th meeting, on 12 June 2008, the Council adopted draft decision 8/121 without a vote (for the text adopted, see part one, chap. I).

Switzerland

1039. At the 19th meeting, on 12 June 2008, the Council adopted draft decision 8/122 without a vote (for the text adopted, see part one, chap. I).

Republic of Korea

1040. At the 19th meeting, on 12 June 2008, the Council adopted draft decision 8/123 without a vote (for the text adopted, see part one, chap. I).

Pakistan

1041. At the 20th meeting, on 12 June 2008, the Council adopted draft decision 8/124 without a vote (for the text adopted, see part one, chap. I).

Zambia

1042. At the 20th meeting, on 12 June 2008, the Council adopted draft decision 8/125 without a vote (for the text adopted, see part one, chap. I).

Japan

1043. At the 20th meeting, on 12 June 2008, the Council adopted draft decision 8/126 without a vote (for the text adopted, see part one, chap. I).

Ukraine

1044. At the 20th meeting, on 12 June 2008, the Council adopted draft decision 8/127 without a vote (for the text adopted, see part one, chap. I).

Sri Lanka

1045. At the 21st meeting, on 13 June 2008, the Council adopted draft decision 8/128 without a vote (for the text adopted, see part one, chap. I).

France

1046. At the 21st meeting, on 13 June 2008, the Council adopted draft decision 8/129 without a vote (for the text adopted, see part one, chap. I).

Tonga

1047. At the 21st meeting, on 13 June 2008, the Council adopted draft decision 8/130 without a vote (for the text adopted, see part one, chap. I).

Romania

1048. At the 22nd meeting, on 13 June 2008, the Council adopted draft decision 8/131 without a vote (for the text adopted, see part one, chap. I).

Mali

1049. At the 22nd meeting, on 13 June 2008, the Council adopted draft decision 8/132 without a vote (for the text adopted, see part one, chap. I).

VII. HUMAN RIGHTS SITUATION IN PALESTINE AND OTHER OCCUPIED ARAB TERRITORIES

A. Interactive dialogue with special procedures

Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967

1050. At the 23rd meeting, on 16 June 2008, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Richard Falk, presented the report of the previous mandate holder (A/HRC/7/17).

1051. The representatives of Israel and Palestine made statements, as the concerned countries.

1052. During the ensuing interactive dialogue, at the same meeting, the following made statements:

(a) Representatives of States members of the Council: Brazil, China, Cuba, Egypt, Jordan, Pakistan (on behalf of the Organization of the Islamic Conference), Slovenia (on behalf of the European Union), South Africa, Sri Lanka, Switzerland;

(b) Observers for non-governmental organizations: B'nai B'rith International (also on behalf of the Coordinating Board of Jewish Organizations), International Commission of Jurists, United Nations Watch, Union of Arab Jurists (also on behalf of the Arab Lawyers Union, the General Arab Federation, the International Association of Democratic Lawyers, International Educational Development, Inc. and the International Organization for the Elimination of All Forms of Racial Discrimination).

1053. At the same meeting, the Special Rapporteur answered questions and made his concluding remarks.

B. Reports presented under agenda item 7 and general debate on that item

1054. At the 23rd meeting, on 16 June 2008, the High Commissioner for Human Rights reported on the progress made with regard to the implementation of Council resolutions 7/1 (A/HRC/8/17) and 6/19 (A/HRC/8/18). The High Commissioner gave an update relating to the high-level fact-finding mission to Beit Hanoun, in accordance with Council resolution S-3/1 (see chap. II, para. 70).

1055. The representatives for Israel, Palestine and the Syrian Arab Republic made statements, as concerned countries.

1056. During the ensuing general debate, at the 23rd and 24th meetings, on the same day, the following made statements:

(a) Representatives of States members of the Council: Cuba (on behalf of the Non-Aligned Movement), Egypt (also on behalf of the Group of African States), Indonesia, Japan, Jordan, Malaysia, Pakistan (on behalf of the Organization of the Islamic Conference), Qatar (on behalf of the Group of Arab States), Russian Federation, Saudi Arabia, Senegal, Slovenia (on behalf of the European Union), Sri Lanka;

(b) Observers for the following States: Algeria, Bahrain, Iran (Islamic Republic of), Iraq, Kuwait, Libyan Arab Jamahiriya, Morocco, New Zealand, Thailand, Tunisia, United Arab Emirates, Yemen;

(c) Observers for the following non-governmental organizations: Association for World Education (also on behalf of the World Union for Progressive Judaism), International Association of Jewish Lawyers and Jurists, Indian Movement Tupaj Amaru (also on behalf of the World Peace Council), Nord-Sud XXI, United Nations Watch.

1057. At the 24th meeting, a statement in exercise of the right of reply was made by the representative of Israel.

VIII. FOLLOW-UP TO AND IMPLEMENTATION OF THE VIENNA DECLARATION AND PROGRAMME OF ACTION

A. Discussion on the human rights of women

1058. At the 8th and 9th meetings, on 5 June 2008, pursuant to its resolution 6/30, the Council held a discussion on the human rights of women, divided into two panels.

1059. At the opening of the discussion, at the 8th meeting, the High Commissioner for Human Rights made an introductory statement.

Panel I: Violence against women: setting of priorities

1060. At the 8th meeting, on 5 June 2008, the Council heard presentations by the following panellists: Pauline Verdosó, former Minister of the General Secretariat of the Presidency and former Deputy Head of the National Women's Agency of Chile; Kathleen Cravero, Assistant Administrator and Director of the Bureau for Crisis Prevention and Recovery, United Nations Development Programme; Isabel Martínez Lázaro, Secretary-General for Equality Policies of Spain; and Alejandra Sarda, member of Network Latin American and Caribbean Committee for the Defence of Women's Rights.

1061. The discussion was moderated by the permanent representative of Latvia to the Council of Europe and thematic coordinator on gender equality of the Committee of the Council of Europe, Peteris Larlis Elferts.

1062. During the ensuing debate, at the same meeting, the following made statements:

(a) Representatives of States members of the Council: Brazil, China, Egypt, France, India, Italy, Malaysia, Mexico, Netherlands, New Zealand² (also on behalf of Canada), Pakistan, Qatar (on behalf of the Group of Arab States), Republic of Korea, Romania, Russian Federation, Slovenia (on behalf of the European Union), South Africa, Sri Lanka, Sweden² (also on behalf of Indonesia), Switzerland;

(b) Observers for the following States: Algeria, Argentina, Australia, Chile, Colombia, Finland, Maldives, Morocco, Norway, Tunisia, Turkey;

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

(d) Observer for an intergovernmental organization: International Organization of la Francophonie;

(e) Observers for non-governmental organizations: Action internationale pour la paix et le développement dans la région des Grands Lacs, Canadian HIV/AIDS Legal Network (also on behalf of Action Canada for Population and Development and the International Alliance of Women), Coalition Against Trafficking in Women (also on behalf of Mouvement pour l'abolition de la prostitution et de la pornographie et de toutes formes de violences sexuelles et de discriminations sexistes), Comité international pour le respect et l'application de la Charte Africaine des Droits de l'Homme et des Peuples, Human Rights Watch (also on behalf of

Amnesty International), International Federation of University Women (also on behalf of the International Federation of Business and Professional Women, the International Network for the Prevention of Elder Abuse, the Institute for Planetary Synthesis, the Pan Pacific and South-East Asia Women's Association, Solar Cookers International, the Women's Federation for World Peace International, the World Movement of Mothers and the Worldwide Organization for Women and Zonta International), Inter-African Committee on Traditional Practices Affecting the Health of Women and Children, International Indian Treaty Council, International Network for the Prevention of Elder Abuse, International Women's League for Peace and Freedom, International Women's Rights Action Watch - Asia Pacific, Union de l'action feminine, World Organization against Torture.

Panel II: Maternal mortality and the human rights of women

1063. At the 9th meeting, on 5 June 2008, the Council heard presentations by the following panellists: Paul Hunt, Special Rapporteur on the right to health; Vincent Fauveau, Senior Maternal Mortality Adviser, United Nations Population Fund; Monir Islam, Director of Making Pregnancy Safer, World Health Organization; and Jashodhara Dasgupta, Coordinator of SAHAYOG.

1064. The discussion was moderated by Francis Songane, Secretariat for the Partnership for Maternal, Newborn and Child Health and former Minister for Health of Mozambique.

1065. During the ensuing debate, at the same meeting, the following made statements:

(a) Representatives of States members of the Council: Canada, Cuba, Pakistan, Slovenia (on behalf of the European Union), Switzerland;

(b) Observers for the following States: Australia, Chile, Ireland, Luxembourg, New Zealand, Singapore;

(c) Observer for: Holy See;

(d) Observers for non-governmental organizations: Amnesty International, Human Rights Watch, Latin American Committee for the Defence of Women's Rights (also on behalf of Action Canada for Population and Development and the International Women's Rights Action Watch - Asia Pacific), Society for the Protection of Unborn Children.

1066. At the same meeting, the panellists answered questions.

1067. Also at the same meeting, the moderator made concluding remarks.

B. General debate on agenda item 8

1068. At the 24th meeting, on 16 June 2008, the Council held a general debate on item 8, during which the following made statements:

(a) Representatives of States members of the Council: Bolivia, Canada, Chile² (on behalf of the Group of Latin American and Caribbean States), Cuba, Netherlands, Pakistan (on behalf of the Organization of the Islamic Conference), Peru, Russian Federation, Slovenia (on behalf of the European Union, Albania, Armenia, Bosnia and Herzegovina, Croatia, Iceland, Montenegro, Moldova, Serbia, the former Yugoslav Republic of Macedonia, Turkey and Ukraine);

(b) Observers for the following States: Morocco, Thailand;

(c) Observers for non-governmental organizations: Action Canada for Population and Development (also on behalf of the Latin American Committee for the Defence of Women's Rights), Association for World Education (also on behalf of the International Humanist and Ethical Union), European Region of the International Lesbian and Gay Association (ILGA-Europe) (also on behalf of the Danish National Organization for Gay Men and Lesbians, the Lesbian and Gay Federation in Germany and the Swedish Federation of Lesbian, Gay, Bisexual and Transgender Rights), Indian Council of South America, Mouvement contre le racisme et pour l'amitié entre les peuples (also on behalf of the Europe-Third World Centre, France Libertés: Fondation Danielle Mitterrand and the Women's International League for Peace and Freedom), International Humanist and Ethical Union, Women's World Summit Foundation (also on behalf of the International Association for University Women, the Pan-Pacific and South-East Asia Women's Association, Solar Cookers International, the World Movement of Mothers and the Worldwide Organization for Women).

IX. RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED FORMS OF INTOLERANCE, FOLLOW-UP TO AND IMPLEMENTATION OF THE DURBAN DECLARATION AND PROGRAMME OF ACTION

Reports presented under agenda item 9 and general debate on that item

Durban Review Conference

1069. At the 25th meeting, on 17 June 2008, the Vice-President of the Bureau for the Durban Preparatory Committee, Glaudine Mtshali, presented an oral report on the first substantive session of the Preparatory Committee of the Durban Review Conference, held from 21 April to 2 May 2008.

General debate

1070. At the 25th meeting, on 17 June 2008, the Council held a general debate on the above-mentioned report and on item 9, during which the following made statements:

(a) Representatives of States members of the Council: Argentina² (also on behalf of Bolivia, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, Uruguay and Venezuela (Bolivarian Republic of)), Azerbaijan, Brazil, China, Cuba, Egypt (on behalf of the Group of African States), Pakistan (on behalf of the Organization of the Islamic Conference), Russian Federation, Senegal, Slovenia (on behalf of the European Union, Albania, Armenia, Bosnia and Herzegovina, Croatia, Moldova, Montenegro, Serbia, the former Yugoslav Republic of Macedonia and Ukraine), Switzerland;

(b) Observers for the following States: Algeria, Iran (Islamic Republic of), Libyan Arab Jamahiriya, Turkey;

(c) Observer for: International Federation of Red Cross and Red Crescent Societies;

(d) Observers for non-governmental organizations: Al-Hakim Foundation (also on behalf of Interfaith International and the Mbororo Social and Cultural Development Association), Indian Council of South America, International Humanist and Ethical Union, Indian Movement Tupaj Amaru, International Movement against All Forms of Discrimination and Racism (also on behalf of the Asian Forum for Human Rights and Development (Forum-Asia) and the Asian Legal Resource Centre), International Islamic Federation of Student Organizations, Liberation, Mbororo Social and Cultural Development Association, Mouvement contre le racisme et pour l'amitié entre les peuples, Nord-Sud XXI, United Nations Watch, World Federation of Trade Unions, World Union for Progressive Judaism.

1071. At the 26th meeting, on 17 June 2008, a statement in exercise of the right of reply was made by the representative of the Islamic Republic of Iran.

X. TECHNICAL ASSISTANCE AND CAPACITY-BUILDING

A. Interactive dialogue with special procedures

Haiti

1072. At the 26th meeting, on 17 June 2008, the independent expert appointed by the Secretary-General on the situation of human rights in Haiti, Louis Joinet, presented an oral report (A/HRC/8/2).

1073. At the same meeting, the representative of Haiti made a statement, as the concerned country.

1074. During the ensuing interactive dialogue, the following made statements and asked the independent expert questions:

(a) Representatives of States members of the Council: Canada, France, Slovenia (on behalf of the European Union), Uruguay;

(b) Observer for the State: Luxembourg.

1075. At the same meeting, the independent expert answered questions and made his concluding remarks.

B. General debate on agenda item 10

1076. At the 26th meeting, on 17 June 2008, the Council held a general debate on item 10, during which the following made statements:

(a) Representatives of States members of the Council: Slovenia (on behalf of the European Union, Albania, Armenia, Bosnia and Herzegovina, Croatia, Moldova, Montenegro, the former Yugoslav Republic of Macedonia and Ukraine), Sri Lanka;

(b) Observer for a non-governmental organization: United Nations Watch.

ANNEX I

Agenda

- Item 1. Organizational and procedural matters
- Item 2. Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General
- Item 3. Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development
- Item 4. Human rights situations that require the Council's attention
- Item 5. Human rights bodies and mechanisms
- Item 6. Universal periodic review
- Item 7. Human rights situation in Palestine and other occupied Arab territories
- Item 8. Follow-up and implementation of the Vienna Declaration and Programme of Action
- Item 9. Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up and implementation of the Durban Declaration and Programme of Action
- Item 10. Technical assistance and capacity-building

ANNEX II

Administrative and programme budget implications of Council resolutions adopted at the eighth session

8/3. Mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions

1. Under the terms of paragraphs 7 (a), 12, and 14 of draft resolution A/HRC/8/L.4, the Council will:

(a) Request the Special Rapporteur to continue to examine situations of extrajudicial, summary or arbitrary executions and to submit on an annual basis his findings, together with conclusions and recommendations, to the Council and the General Assembly;

(b) Request the Secretary-General to provide the Special Rapporteur with adequate human, financial and material resources in order to enable her or him to carry out the mandate effectively, including through country visits;

(c) Decide to extend the mandate of the Special Rapporteur for three years.

2. Pursuant to the resolution adopted by the Council, a total amount of \$147,000 per biennium will be required to implement the activities arising from the terms of the resolution, as follows:

(a) Travel of the Special Rapporteur for consultations/to attend the annual meeting of special procedures, to present his/her report to the Council and the General Assembly and for two field missions (\$113,000 per biennium);

(b) Travel of staff to accompany the Special Rapporteur during field missions (\$19,600 per biennium);

(c) Local transportation, security, communication and other miscellaneous expenses during field missions (\$14,400 per biennium).

3. The requirements to implement the activities for the mandate of the Special Rapporteur have been included under section 23, Human rights, of the programme budget for the biennium 2008-2009. Since the period for renewal of the mandate extends into the biennium 2010-2011, the requirements for that period will be considered in the context of the preparation of the proposed programme budget for the biennium 2010-2011. No additional appropriations will be required as a result of the adoption of the draft resolution.

4. With regard to paragraph 12, attention is drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990, and subsequent resolutions, the most recent of which is resolution 62/236 of 22 December 2007, in which the Assembly reaffirmed that the Fifth Committee is the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters and reaffirmed the role of the Advisory Committee on Administrative and Budgetary Questions.

8/4. The right to education

5. Under the terms of paragraphs 9, 9 (g) and 12 of draft resolution A/HRC/8/L.5, the Council will:

- (a) Extend the mandate of the Special Rapporteur on the right to education for a period of three years;
- (b) Request the Special Rapporteur to report to the Council on a yearly basis, in accordance with the Council's programme of work, and to report yearly to the General Assembly on an interim basis;
- (c) Request the Secretary-General to provide the Special Rapporteur with all the assistance necessary for the execution of his mandate.

6. Pursuant to the resolution adopted by the Council, a total amount of \$132,200 per biennium will be required to implement the activities arising from the terms of the resolution, as follows:

- (a) Travel of the Special Rapporteur for consultations/to attend the annual meeting of special procedures, to present his/her report to the Council and the General Assembly and for two field missions per year (\$98,200 per biennium);
- (b) Travel of staff to accompany the Special Rapporteur during field missions (\$19,600 per biennium);
- (c) Local transportation, security, communication and other miscellaneous expenses during field missions (\$14,400 per biennium).

7. The requirements to implement the activities for the mandate of the Special Rapporteur have been included under section 23, Human rights, of the programme budget for the biennium 2008-2009. Since the period for renewal of the mandate extends into the biennium 2010-2011, the requirements for that period will be considered in the context of the preparation of the proposed programme budget for the biennium 2010-2011. No additional appropriations will be required as a result of the adoption of the draft resolution.

8. With regard to paragraph 12, attention is drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990, and subsequent resolutions, the most recent of which is resolution 62/236 of 22 December 2007, in which the Assembly reaffirmed that the Fifth Committee is the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters and reaffirmed the role of the Advisory Committee on Administrative and Budgetary Questions.

8/6. Mandate of the Special Rapporteur on the independence of judges and lawyers

9. Under the terms of paragraphs 2, 2 (g) and 5 of draft resolution A/HRC/8/L.7, the Council will:

(a) Extend the mandate of the Special Rapporteur for a period of three years;

(b) Request the Special Rapporteur to report regularly to the Council with its programme of work and annually to the General Assembly;

(c) Request the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the assistance to the Special Rapporteur necessary for the effective fulfilment of his/her mandate.

10. Pursuant to the resolution adopted by the Council, a total amount of \$136,000 per biennium will be required to implement the activities arising from the terms of the resolution, as follows:

(a) Travel of the Special Rapporteur for consultations/to attend the annual meeting of special procedures, to present his/her report to the Council and the General Assembly and for two field missions per year (\$102,000 per biennium);

(b) Travel of staff to accompany the Special Rapporteur during field missions (\$19,600 per biennium);

(c) Local transportation, security, communication and other miscellaneous expenses during field missions (\$14,400 per biennium).

11. The requirements to implement the activities for the mandate of the Special Rapporteur have been included under section 23, Human rights, of the programme budget for the biennium 2008-2009. Since the period for renewal of the mandate extends into the biennium 2010-2011, the requirements for that period will be considered in the context of the preparation of the proposed programme budget for the biennium 2010-2011. No additional appropriations will be required as a result of the adoption of the draft resolution.

12. With regard to paragraph 5, attention is drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990, and subsequent resolutions, the most recent of which is resolution 62/236 of 22 December 2007, in which the Assembly reaffirmed that the Fifth Committee is the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters and reaffirmed the role of the Advisory Committee on Administrative and Budgetary Questions.

8/7. Mandate of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises

13. Under the terms of paragraphs 4, 4 (h), 6 and 8 of draft resolution A/HRC/8/L.8, the Council will, *inter alia*:

(a) Extend the mandate of the Special Representative of the Secretary-General for a period of three years;

(b) Request the Special Representative to report annually to the Council and the General Assembly;

(c) Request the Office of the United Nations High Commissioner for Human Rights (OHCHR) to organize, within the framework of the Council, a two-day consultation bringing together the Special Representative of the Secretary-General, States, business representatives and all relevant stakeholders, including non-governmental organizations and representatives of victims of corporate abuse, in order to discuss ways and means to operationalize the framework, and to present a report on the meeting to the Council at its subsequent session, in accordance with its programme of work;

(d) Request the Secretary-General and the High Commissioner for Human Rights to provide all the necessary assistance to the Special Representative for the effective fulfilment of his mandate.

14. Pursuant to the resolution adopted by the Council, a total amount of \$71,200 per biennium will be required under section 23, Human rights, to implement the activities, called for in paragraphs 4 and 4 (h), to provide for travel of the Special Representative for consultations/to attend the annual meeting of special procedures, and to present his report to the Council and the General Assembly.

15. The requirements to implement the activities for the mandate of the Special Representative have been included under section 23, Human rights, of the programme budget for the biennium 2008-2009. Since the period for the renewal of the mandate extends into the biennium 2010-2011, the requirements for that period will be considered in the context of the preparation of the proposed programme budget for the biennium 2010-2011. No additional appropriations will be required as a result of the adoption of the draft resolution.

16. Furthermore, if the draft resolution is adopted by the Council, a total amount of \$208,400 will be required in 2009 to implement the activities called for in paragraph 6, for:

(a) Travel and daily subsistence allowance for 10 experts (the number of experts is increased by 5 from the usual 5 who attend the annual sectoral consultation, as this is a specific meeting from five regions) (\$64,400);

(b) Travel and daily subsistence allowance for the Special Representative (\$9,000);

(c) Conference services, to be provided for the two-day consultation in 2009 (\$135,000), as reflected in the table below:

| | US dollars |
|---|------------------|
| Section 2, General Assembly and Economic and Social Council affairs and conference management | \$133,400 |
| Section 23, Human rights | \$73,400 |
| Section 28 E, Administration, Geneva | <u>\$1,600</u> |
| Total | <u>\$208,400</u> |

17. Since the meeting called for in paragraph 6 of the draft resolution would in effect replace the annual sectoral consultation meeting foreseen for 2009, the estimated amount of \$177,200, already included in the programme budget for the biennium 2008-2009, will be utilized to offset the requirements of \$208,400, as shown above.

18. The amount of \$177,200 already included in the programme budget relates to \$42,200 under section 23 for the attendance of the Special Representative and experts at an annual meeting of special procedures mandate holders referred to in paragraphs 2 and 3 above; \$133,400, under section 2 for conference servicing requirements; and \$1,600, under section 28 E for administrative support. Although on this basis it is anticipated that an additional amount of \$31,200 will be required for the biennium 2008-2009 under section 23, no additional resources will be requested at this time in the light of the continuing review by the Council of its subsidiary machinery in response to General Assembly resolution 60/251.

19. Hence, a consolidated statement of requirements arising from the continuing review by the Council and potential absorptive capacity from reduced requirements arising from the amended programme of work under the proposed programme budget for the biennium 2008-2009 will be reported to the General Assembly.

20. With regard to paragraph 8, attention is drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990, and subsequent resolutions, the most recent of which is resolution 62/236 of 22 December 2007, in which the Assembly reaffirmed that the Fifth Committee is the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters and reaffirmed the role of the Advisory Committee on Administrative and Budgetary Questions.

8/8. Torture and other cruel, inhuman or degrading treatment or punishment

21. Under the terms of paragraphs 3, 3 (g), and 10 of draft resolution A/HRC/8/L.9, the Council will:

(a) Extend the mandate of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment for a further period of three years;

(b) Request the Special Rapporteur to report on his or her activities, observations, conclusions and recommendations to the Council in accordance with its programme of work and annually on the overall trends and developments with regard to his or her mandate to the General Assembly;

(c) Request the Secretary-General to ensure, within the overall budgetary framework of the United Nations, the provision of an adequate and stable level of staffing, as well as the necessary technical facilities, for the bodies and mechanisms involved in combating torture and assisting victims of torture, in order to ensure their effective performance commensurate with the strong support expressed by Member States for combating torture and assisting victims of torture.

22. Pursuant to the resolution adopted by the Council, a total amount of \$109,400 per biennium will be required to implement the activities arising from the terms of the resolution, as follows:

(a) Travel of the Special Rapporteur for consultations/to attend the annual meeting of special procedures, to present his/her report to the Council and the General Assembly and for two field missions per year (\$75,400 per biennium);

(b) Travel of staff to accompany the Special Rapporteur during field missions (\$19,600 per biennium);

(c) Local transportation, security, communication and other miscellaneous expenses during field missions (\$14,400 per biennium).

23. The requirements to implement the activities for the mandate of the Special Rapporteur have been included under section 23, Human rights, of the programme budget for the biennium 2008-2009. Since the period for renewal of the mandate extends into the biennium 2010-2011, the requirements for that period will be considered in the context of the preparation of the proposed programme budget for the biennium 2010-2011. No additional appropriations will be required as a result of the adoption of the draft resolution.

24. With regard to paragraph 10, attention is drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990, and subsequent resolutions, the most recent of which is resolution 62/236 of 22 December 2007, in which the Assembly reaffirmed that the Fifth Committee is the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters and reaffirmed the role of the Advisory Committee on Administrative and Budgetary Questions.

8/9. Promotion of the rights of people to peace

25. Under the terms of paragraphs 10 and 11 (iii) of draft resolution A/HRC/8/L.13, the Council will, inter alia, request the High Commissioner for Human Rights:

(a) To convene, before April 2009, and taking into account previous practices, a three-day workshop on the right of peoples to peace, with the participation of two experts from countries of each of the five regional groups;

(b) To report on the outcome of the workshop to the Council at its eleventh regular session, to be held in June 2009.

26. Pursuant to the resolution adopted by the Council, a total amount of \$243,900 for the biennium 2008-2009 will be required to implement the activities arising from the terms of the resolution, to provide for (a) general temporary assistance at P-3 level for two months (\$25,000); (b) travel and daily subsistence allowance for 10 experts from five regions (\$69,600); and (c) conference services to be provided to organize a three-day workshop in 2009 (\$149,300), as follows:

| | US dollars |
|---|------------------|
| Section 2, General Assembly and Economic and Social Council affairs and conference management | \$147,100 |
| Section 23, Human rights | \$94,600 |
| Section 28 E, Administration, Geneva | <u>\$2,200</u> |
| Total | <u>\$243,900</u> |

27. The requirements to implement the activities called for in the draft resolution have not been included under sections 2, 23 and 28 E of the programme budget for the biennium 2008-2009. Although it is anticipated that a total additional amount of \$243,900 will be required for the biennium 2008-2009, no additional resources are requested at this time, as the Secretariat will seek to identify areas from which resources can be redeployed to meet the requirements within the appropriations approved for sections 2, 23 and 28 E for the biennium 2008-2009.

28. While the General Assembly reviews the question of the revised estimates resulting from decisions taken by the Council at its eighth session, it is anticipated that the Secretariat will be able to inform the Assembly on how the additional requirements can be met.

8/10. Human rights of migrants: mandate of the Special Rapporteur on the human rights of migrants

29. Under the terms of paragraphs 1, 1 (h) and 9 of draft resolution A/HRC/8/L.14, the Council will:

(a) Extend for a period of three years the mandate of the Special Rapporteur;

(b) Request the Special Rapporteur to report regularly to the Council, according to its annual programme of work, and to the General Assembly, at the request of the Council or the Assembly;

(c) Request the Secretary-General to give the Special Rapporteur all the necessary human and financial assistance for the fulfilment of his/her mandate.

30. Pursuant to the resolution adopted by the Council, a total amount of \$125,800 per biennium will be required to implement the activities arising from the terms of the resolution, as follows:

(a) Travel of the Special Rapporteur for consultations/to attend the annual meeting of special procedures, to present his/her report to the Council and the General Assembly and for two field missions per year (\$91,800 per biennium);

(b) Travel of staff to accompany the Special Rapporteur during field missions (\$19,600 per biennium);

(c) Local transportation, security, communication and other miscellaneous expenses during field missions (\$14,400 per biennium).

31. The requirements to implement the activities for the mandate of the Special Rapporteur have been included under section 23, Human rights, of the programme budget for the biennium 2008-2009. Since the period for renewal of the mandate extends into the biennium 2010-2011, the requirements for that period will be considered in the context of the preparation of the proposed programme budget for the biennium 2010-2011. No additional appropriations will be required as a result of the adoption of the draft resolution.

32. With regard to paragraph 9, attention is drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990, and subsequent resolutions, the most recent of which is resolution 62/236 of 22 December 2007, in which the Assembly reaffirmed that the Fifth Committee is the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters and reaffirmed the role of the Advisory Committee on Administrative and Budgetary Questions.

8/11. Human rights and extreme poverty

33. Under the terms of paragraphs 2, 3, and 4 of draft resolution A/HRC/8/L.16, the Council will:

(a) Extend the mandate of the independent expert on extreme poverty for a period of three years;

(b) Request OHCHR to give high priority to the question of the relationship between extreme poverty and human rights and invite it to pursue further work in this area, integrating and cooperating fully with the independent expert in the various activities, notably the Social Forum and the consultation on the draft guiding principles on extreme poverty, and to provide all necessary human and financial resources for the effective fulfilment of the mandate of the independent expert;

(c) Request the independent expert to submit an annual report on the implementation of the present resolution to the General Assembly and the Council, in accordance with their programmes of work.

34. Pursuant to the resolution adopted by the Council, a total amount of \$132,800 per biennium will be required to implement the activities arising from the terms of the resolution, as follows:

(a) Travel of the independent expert for consultations/to attend the annual meeting of special procedures, to present his/her report to the Council and the General Assembly and for two field missions per year (\$98,800 per biennium);

(b) Travel of staff to accompany the independent expert during field missions (\$19,600 per biennium);

(c) Local transportation, security, communication and other miscellaneous expenses during field missions (\$14,400 per biennium).

35. The requirements to implement the activities for the mandate of the independent expert have been included under section 23, Human rights, of the programme budget for the biennium 2008-2009. Since the period for renewal of the mandate extends into the biennium 2010-2011, the requirements for that period will be considered in the context of the preparation of the proposed programme budget for the biennium 2010-2011. No additional appropriations will be required as a result of the adoption of the draft resolution.

36. With regard to paragraph 3, attention is drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990, and subsequent resolutions, the most recent of which is resolution 62/236 of 22 December 2007, in which the Assembly reaffirmed that the Fifth Committee is the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters and reaffirmed the role of the Advisory Committee on Administrative and Budgetary Questions.

8/12. Special Rapporteur on trafficking in persons, especially women and children

37. Under the terms of paragraphs 4, 4 (h) and 5 of draft resolution A/HRC/8/L.17, the Council will:

(a) Extend the mandate of the Special Rapporteur for a period of three years;

(b) Request the Special Rapporteur to report annually, starting from 2009, on the implementation of the resolution to the Council and the General Assembly, according to their respective programmes of work;

(c) Request the High Commissioner for Human Rights to ensure that the Special Rapporteur receives the necessary resources to enable him/her to discharge the mandate fully.

38. Pursuant to the resolution adopted by the Council, a total amount of \$122,600 per biennium will be required to implement the activities arising from the terms of the resolution, as follows:

(a) Travel of the Special Rapporteur for consultations/to attend the annual meeting of special procedures, to present his/her report to the Council and the General Assembly and for two field missions per year (\$88,600 per biennium);

(b) Travel of staff to accompany the Special Rapporteur during field missions (\$19,600 per biennium);

(c) Local transportation, security, communication and other miscellaneous expenses during field missions (\$14,400 per biennium).

39. The requirements to implement the activities for the mandate of the Special Rapporteur have been included under section 23, Human rights, of the programme budget for the biennium 2008-2009. Since the period for renewal of the mandate extends into the biennium 2010-2011, the requirements for that period will be considered in the context of the preparation of the proposed programme budget for the biennium 2010-2011. No additional appropriations will be required as a result of the adoption of the resolution.

40. With regard to paragraph 5, attention is drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990, and subsequent resolutions, the most recent of which is resolution 62/236 of 22 December 2007, in which the Assembly reaffirmed that the Fifth Committee is the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters and reaffirmed the role of the Advisory Committee on Administrative and Budgetary Questions.

ANNEX III

Attendance

States members of the Council

Angola; Azerbaijan; Bangladesh; Bolivia; Bosnia and Herzegovina; Brazil; Cameroon; Canada; China; Cuba; Djibouti; Egypt; France; Gabon; Germany; Ghana; Guatemala; India; Indonesia; Italy; Japan; Jordan; Madagascar; Malaysia; Mali; Mauritius; Mexico; Netherlands; Nicaragua; Nigeria; Pakistan; Peru; Philippines; Qatar; Republic of Korea; Romania; Russian Federation; Saudi Arabia; Senegal; Slovenia; South Africa; Sri Lanka; Switzerland; Ukraine; United Kingdom of Great Britain and Northern Ireland; Uruguay; Zambia.

States members of the United Nations represented by observers

Afghanistan; Albania; Algeria; Andorra; Argentina; Armenia; Australia; Austria; Bahrain; Barbados; Belarus; Belgium; Benin; Brunei Darussalam; Bulgaria; Burkina Faso; Cambodia; Colombia; Congo; Costa Rica; Côte d'Ivoire; Croatia; Cyprus; Czech Republic; Democratic People's Republic of Korea; Denmark; Dominican Republic; Ecuador; El Salvador; Estonia; Finland; Greece; Honduras; Hungary; Iceland; Iran (Islamic Republic of); Iraq; Ireland; Jamaica; Kazakhstan; Kenya; Kuwait; Lao People's Democratic Republic; Latvia; Lebanon; Libyan Arab Jamahiriya; Liechtenstein; Lithuania; Luxembourg; Maldives; Moldova; Monaco; Mongolia; Montenegro; Morocco; Mozambique; Myanmar; Nepal; New Zealand; Oman; Panama; Poland; Portugal; Singapore; Slovakia; Spain; Sudan; Sweden; Syrian Arab Republic; Thailand; Tonga; Tunisia; Turkey; United Arab Emirates; United Republic of Tanzania; United States of America; Uzbekistan; Viet Nam; Yemen.

Non-member States of the United Nations represented by observers

Holy See

Other observers

Palestine

United Nations entities

United Nations Children's Fund

Intergovernmental organizations

European Commission; Organisation Internationale de la Francophonie; Organization of the Islamic Conference; League of Arab States.

National human rights institutions, international coordinating committees and regional groups of national institutions

Commission on Human Rights of the Philippines; Conseil consultatif des droits de l'homme du Maroc; Commission nationale consultative des droits de l'homme, France; Indonesian National Human Rights Commission; National Human Rights Institution India; National Human Rights Commission of the Republic of Korea; South Africa Human Rights Commission.

Non-governmental organizations

ActionAid International; Action Canada for Population and Development (ACPD); Action internationale pour la paix et le développement dans la région des Grands Lacs (AIPD); African American Society for Humanitarian Aid and Development (ASHAD); Agir ensemble pour les droits de l'homme; AIDS Information Switzerland; Aim for Human Rights; Alhakim Foundation; American Association of Jurists; Amnesty International; Anglican Consultative Council; Arab Commission for Human Rights; Asia Pacific Forum on Women, Law and Development (APWLD); Asian Forum for Human Rights and Development (FORUM-ASIA); Asian Indigenous and Tribal Peoples Network; Asian Legal Resource Centre (ALRC); Assembly of First Nations - National Indian Brotherhood (AFN); Association of World Citizens; Association Points Coeur; Association for the Prevention of Torture (APT); Association tunisienne de la communication et des sciences spatiales (ATUCOM); Association tunisienne des droits de l'enfant (ATUDE); Association tunisienne des mères (ATM); Association tunisienne pour l'auto-développement et la solidarité (ATLAS); Baha'i International Community; Bahrain Women Association for Human Development; B'nai B'rith International (BBI); Bureau international catholique de l'enfance (BICE); Cairo Institute for Human Rights Studies (CIHRS); Canadian HIV/AIDS Legal Network; Caritas Internationalis; Catholic Organization for Relief and Development (CORDAID); Center for Reproductive Rights; Centre Europe - Tiers Monde (CETIM); Centre on Housing Rights and Evictions (COHRE); Centrist Democrat International (CDI); Centro de Documentación, Investigación e Información de los Pueblos Indígenas (DOCIP); Coalition against Trafficking in Women; Colombian Commission of Jurists (CCJ); Comisión Jurídica para el Autodesarrollo de los Pueblos Originarios Andinos (CAPAJ); Commission africaine des promoteurs de la santé et des droits de l'homme (CAPSDH); Commission of the Churches on International Affairs of the World Council of Churches (CCIA/WCC); Comité international pour le respect et l'application de la Charte Africaine des droits de l'homme et des peuples (CIRAC); Conectas Direitos Humanos; Conference of Non-governmental Organizations in Consultative Relationship with the United Nations (CONGO); Congregation of Our Lady of Charity of the Good Shepherd; Conscience and Peace Tax International; Consejo Indio de Sud América (CISA); Coopération internationale pour le développement et la solidarité (CIDSE); Coordinating Board of Jewish Organizations; Covenant House; Defence for Children International (DCI); Development Alternatives with Women for a New Era (DAWN); Disabled Peoples' International (DPI); Dominicans for Justice and Peace; Espace Afrique International; Europe-Third World Centre; European Region of the International Lesbian and Gay Association (ILGA-EUROPE); Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos-España; Federation for Women and Family Planning; Fédération internationale de l'action des chrétiens pour l'abolition de la torture (FIACAT); Fédération internationale des ligues des droits de l'homme (FIDH); FIAN International; Foundation for Aboriginal and Islander Resource Action (FAIRA); France Libertés: Fondation Danielle Mitterrand; Franciscans International; Friedrich Ebert Stiftung; Friends World Committee for Consultation (Quakers); Front Line; Hadassah - the Women's Zionist Organization of America; HAWA Society for Women; Helsinki Foundation for Human Rights; Human Rights First; Human Rights Watch; Humanitarian Law Project; Incomindios, Indian Council of South America (CISA); Indian Movement Tupaj Amaru (MITA); Interfaith International; Internal Displacement Monitoring Centre (IDMC);

International Association of Democratic Lawyers (IADL); International Association of Jewish Lawyers and Jurists (IAJLJ); International Bridges to Justice; International Buddhist Foundation (IBF); International Centre for Human Rights and Democratic Development (ICHRDD); International Commission of Jurists; International Committee for the Respect and Application of the African Charter on Human and Peoples' Rights (ICRAC); International Cooperation for Development and Solidarity (CIDSE); International Educational Development (IED); International Environmental Law Research Centre; International Federation of Action by Christians for the Abolition of Torture; International Federation of Business and Professional Women (IFBPW); International Federation of Human Rights Leagues; International Federation of Social Workers (IFSW); International Federation Terre des Hommes; International Federation of University Women (IFUW); International Fellowship of Reconciliation (IFOR); International Human Rights Association of American Minorities (IHRAAM); International Humanist and Ethical Union (IHEU); International Indian Treaty Council; International Institute of Humanitarian Law; International Investment Center; International Islamic Federation of Student Organizations (IIFSO); International Lesbian and Gay Association (ILGA-Europe); International Movement against All Forms of Discrimination and Racism (IMADR); International Movement ATD Fourth World; International NGO Forum on Indonesian Development (INFID); International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD); International Organization for the Right to Education and Freedom of Education (OIDEL); International Organization of Indigenous Resource Development (IOIRD); International PEN; International Publishers Association (IPA); International Save the Children Alliance; International Service for Human Rights; International Women's Rights Action Watch Asia Pacific; Islamic Human Rights Commission (IHRC); Japan Federation of Bar Associations (JFBA); Lawyers Rights Watch Canada (LRWC); Liberation; Lutheran World Federation; Mandat International; Marangopoulos Foundation for Human Rights (MFHR); Mbororo Social and Cultural Development Association (MBOSCUDA); MINBYUN - Lawyers for a Democratic Society; MISEREOR; Mouvement contre le racisme et pour l'amitié entre les peuples (MRAP); Mouvement pour l'abolition de la prostitution et de la pornographie (MAPP); The Nippon Foundation; Nord-Sud XXI; Organisation internationale pour la réduction des catastrophes; Organisation de la mère maghrébine (OMMA); Organisation mondiale contre la torture; Organisation tunisienne pour l'éducation et la famille; Organisation tunisienne des jeunes médecins sans frontières; Pan-Pacific and South East Asia Women's Association (PPSEAWA); Pax Christi International; Pax Romana; Penal Reform International (PRI); Permanent Assembly for Human Rights; Prison Fellowship International (PFI); Reporters sans Frontières (RSF); SERVAS INTERNATIONAL; Society for Threatened Peoples International; Solar Cookers International (SCI); SOS Kinderdorf International; Stichting Japanse Ereschulden; Swedish Federation of Lesbian, Gay, Bisexual and Transgender Rights (RFSL); Transnational Radical Party; Union de l'action féminine; Union nationale de la femme tunisienne; Union of Arab Jurists; United Nations Association of the USA; United Nations Watch; VIDES International; Women's International League for Peace and Freedom (WILPF); Women's World Summit Foundation (WWSF); World Council of Churches; World Federation of Trade Unions; World Federation of United Nations Associations; World International Clearing Centre (WICC); World Movement of Mothers (WMM); World Muslim Congress; World Organization against Torture; World Russian People's Council; World Union for Progressive Judaism; World Vision; World Young Women's Christian Association; Worldwide Organization for Women (WOW).

ANNEX IV

List of documents issued for the eighth session of the Council

Documents issued in the general series

| <i>Symbol</i> | | <i>Agenda item</i> |
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| A/HRC/8/1 | 1 | Annotations to the agenda for the seventh session of the Human Rights Council: note by the Secretary-General |
| A/HRC/8/2 | 10 | Report of the independent expert on the situation of human rights in Haiti, Louis Joinet |
| A/HRC/8/3 | 3 | Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston |
| A/HRC/8/3/Corr.1 | 3 | Corrigendum |
| A/HRC/8/3/Add.1 | 3 | Communications to and from Governments |
| A/HRC/8/3/Add.2 | 3 | Mission to Philippines |
| A/HRC/8/3/Add.3 | 3 | Follow-up to country recommendations |
| A/HRC/8/3/Add.4 | 3 | Mission to Brazil |
| A/HRC/8/3/Add.5 | 3 | Preliminary note by the Special Rapporteur on extrajudicial, summary or arbitrary executions on the mission to the Central African Republic |
| A/HRC/8/3/Add.6 | 3 | Preliminary note on the mission to Afghanistan |
| A/HRC/8/4 | 3 | Informe del Relator Especial sobre la independencia de los magistrados y abogados, Leandro Despouy |
| A/HRC/8/4/Add.1 | 3 | Situations in specific countries or territories |
| A/HRC/8/4/Add.2 | 3 | Mission to the Democratic Republic of the Congo |
| A/HRC/8/5 | 3 | Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, John Ruggie |
| A/HRC/8/5/Add.1 | 3 | Summary of five multi-stakeholder consultations |

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| A/HRC/8/5/Add.2 | 3 | Corporations and human rights: a survey of the scope and patterns of alleged corporate-related human rights abuse |
| A/HRC/8/6 | 3 | Report submitted by the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin |
| A/HRC/8/6/Add.1 | 3 | Mission to the Central African Republic |
| A/HRC/8/6/Add.2 | 3 | Mission to Azerbaijan |
| A/HRC/8/6/Add.3 | 3 | Mission to the Democratic Republic of the Congo |
| A/HRC/8/6/Add.4 | 3 | Mission to Sri Lanka |
| A/HRC/8/7 | 3 | Report of the Open-ended Working Group on an optional protocol to the International Covenant on Economic, Social and Cultural Rights on its fifth session |
| A/HRC/8/7/Corr.1 | 3 | Corrigendum |
| A/HRC/8/7/Corr.2 | 3 | Corrigendum |
| A/HRC/8/8 | 3 | Report of the Working Group on the Right to Development: note by the Secretariat |
| A/HRC/8/9 | 3 | Report of the Secretary-General on the right to development |
| A/HRC/8/10 | 3 | Report of the Special Rapporteur on the right to education, Vernor Muñoz |
| A/HRC/8/10/Add.1 | 3 | Communications sent to and replies received by Governments |
| A/HRC/8/10/Add.2 | 3 | Mission to Morocco |
| A/HRC/8/10/Add.3 | 3 | Mission to Malaysia |
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| A/HRC/8/11 | 3 | Question of death penalty: Report of the Secretary-General |

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| A/HRC/8/12 | 3 | Report of the Special Rapporteur on the situation of human rights in Myanmar, Tomás Ojea Quintana, on the implementation of Council resolutions S-5/1 and 6/33 |
| A/HRC/8/13 | 3 | Report of the High Commissioner for Human Rights on the protection of human rights and fundamental freedoms while countering terrorism |
| A/HRC/8/14 | 3 | Fundamental standards of humanity: Report of the Secretary-General |
| A/HRC/8/15 | 3 | Efforts made by the Office of the United Nations High Commissioner for Human Rights for universal ratification of the International Convention on the Elimination of All Forms of Racial Discrimination: note by the Secretariat |
| A/HRC/8/16 | 3 | Clarifying the concept of “sphere of influence” and “complicity”: report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, John Ruggie |
| A/HRC/8/17 | 7 | Human rights violations emanating from Israeli military attacks and incursions in the Occupied Palestinian Territories, particularly the recent ones in the occupied Gaza Strip: report of High Commissioner for Human Rights on the implementation of Human Rights Council resolution 7/1 |
| A/HRC/8/18 | 7 | Religious and cultural rights in the Occupied Palestinian Territory, including East Jerusalem: report of the High Commissioner for Human Rights on the implementation of Human Rights Council resolution 6/19 |
| A/HRC/8/19 | 6 | Report of the Working Group on the Universal Periodic Review on Bahrain |
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| A/HRC/8/21 | 6 | Report of the Working Group on the Universal Periodic Review on Tunisia |
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| A/HRC/8/22 | 6 | Report of the Working Group on the Universal Periodic Review on Morocco |
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| A/HRC/8/23 | 6 | Report of the Working Group on the Universal Periodic Review on Indonesia |
| A/HRC/8/24 | 6 | Report of the Working Group on the Universal Periodic Review on Finland |
| A/HRC/8/24/Add.1 | 6 | Responses of Finland to the recommendations/conclusions |
| A/HRC/8/25 | 6 | Report of the Working Group on the Universal Periodic Review on the United Kingdom of Great Britain and Northern Ireland |
| A/HRC/8/26 | 6 | Report of the Working Group on the Universal Periodic Review on India |
| A/HRC/8/26/Add.1 | 6 | Response of the Government of India to the recommendations made by delegations during the Universal Periodic Review of India |
| A/HRC/8/27 | 6 | Report of the Working Group on the Universal Periodic Review on Brazil |
| A/HRC/8/28 | 6 | Report of the Working Group on the Universal Periodic Review on the Philippines |
| A/HRC/8/28/Corr.1 | 6 | Corrigendum |
| A/HRC/8/28/Add.1 | 6 | Response of the Government of the Philippines to the recommendations made by various country delegations during the interactive dialogue of the Working Group held on 11 April 2008 |
| A/HRC/8/29 | 6 | Report of the Working Group on the Universal Periodic Review on Algeria |

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| A/HRC/8/30/Add.1 | 6 | Responses of Poland to recommendations |
| A/HRC/8/31 | 6 | Report of the Working Group on the Universal Periodic Review on the Netherlands |
| A/HRC/8/31/Add.1 | 6 | Response of the Kingdom of the Netherlands to the recommendations it received during the Universal Periodic Review on 15 April 2008 |
| A/HRC/8/32 | 6 | Report of the Working Group on the Universal Periodic Review on South Africa |
| A/HRC/8/33 | 6 | Report of the Working Group on the Universal Periodic Review on the Czech Republic |
| A/HRC/8/33/Add.1 | 6 | Response of the Czech Republic to the recommendations included to the report of the Working Group on the Universal Periodic Review |
| A/HRC/8/34 | 6 | Report of the Working Group on the Universal Periodic Review on Argentina |
| A/HRC/8/34/Corr.1 | 6 | Corrigendum |
| A/HRC/8/35 | 6 | Report of the Working Group on the Universal Periodic Review on Gabon |
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| A/HRC/8/39 | 6 | Report of the Working Group on the Universal Periodic Review on Benin |
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| A/HRC/8/40/Add.1 | 6 | Response of the Republic of Korea on the universal periodic review recommendations |
| A/HRC/8/41 | 6 | Report of the Working Group on the Universal Periodic Review on Switzerland |
| A/HRC/8/41/Add.1 | 6 | Réponses aux recommandations dans le cadre de l'Examen périodique universel |
| A/HRC/8/42 | 6 | Report of the Working Group on the Universal Periodic Review on Pakistan |
| A/HRC/8/42/Add.1 | 6 | Statement by Ambassador Masood Khan, Permanent Representative of Pakistan, on the outcome report of the Universal Periodic Review of Pakistan, at the Human Rights Council |
| A/HRC/8/43 | 6 | Report of the Working Group on the Universal Periodic Review on Zambia |
| A/HRC/8/43/Add.1 | 6 | Responses of the Republic of Zambia to the recommendations it received during the Universal Periodic Review on 9 May 2008 |
| A/HRC/8/44 | 6 | Report of the Working Group on the Universal Periodic Review on Japan |
| A/HRC/8/44/Add.1 | 6 | Conclusions and/or recommendations |
| A/HRC/8/45 | 6 | Report of the Working Group on the Universal Periodic Review on Ukraine |
| A/HRC/8/45/Corr.1 | 6 | Corrigendum |
| A/HRC/8/46 | 6 | Report of the Working Group on the Universal Periodic Review on Sri Lanka |
| A/HRC/8/46/Add.1 | 6 | Response of the Government of Sri Lanka to the recommendations noted in paragraphs 28, 33, 36, 39, 48, 57, 72 and 75 of the report of the Working Group on the Universal Periodic Review |
| A/HRC/8/47 | 6 | Report of the Working Group on the Universal Periodic Review on France |

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| A/HRC/8/47/Add.1 | 6 | Réponse de la France aux recommandations formulées dans le cadre de l'Examen périodique universel le 14 mai 2008 |
| A/HRC/8/48 | 6 | Report of the Working Group on the Universal Periodic Review on Tonga |
| A/HRC/8/49 | 6 | Report of the Working Group on the Universal Periodic Review on Romania |
| A/HRC/8/49/Add.1 | 6 | Supplementary information provided by Romania to questions raised during the Universal Periodic Review Working Group |
| A/HRC/8/50 | 6 | Report of the Working Group on the Universal Periodic Review on Mali |
| A/HRC/8/50/Add.1 | 6 | Eléments de réponse aux cinq recommandations du Groupe de travail auxquelles le Mali doit donner suite |
| A/HRC/8/51 | 2 | Note by the Secretariat |

Documents issued in the limited series

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| A/HRC/8/L.1/FUTURE | 3 | President's statement on modalities and practices for the universal periodic review process |
| A/HRC/L.2 | 3 | Optional Protocol to the International Covenant on Economic, Social and Cultural Rights |
| A/HRC/8/L.2/Rev.1 | 3 | Optional Protocol to the International Covenant on Economic, Social and Cultural Rights |
| A/HRC/8/L.3 | | Conferences facilities and financial support for the Human Rights Council |
| A/HRC/8/L.4 | 3 | Mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions |
| A/HRC/8/L.4/Rev.1 | 3 | Mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions |
| A/HRC/8/L.5 | 3 | The right to education |

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| A/HRC/8/L.6 | 3 | Promotion of a democratic and equitable international order |
| A/HRC/8/L.7 | 3 | Mandate of the Special Rapporteur on the independence of judges and lawyers |
| A/HRC/8/L.8 | | Mandate of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises |
| A/HRC/8/L.9 | 3 | Torture and other cruel, inhuman or degrading treatment or punishment |
| A/HRC/8/L.10 | 1 | Draft report of the Human Rights Council on its eighth session |
| A/HRC/8/L.11 | 1 | Draft report of the Council |
| A/HRC/8/L.12 | 4 | Situation of human rights in Myanmar |
| A/HRC/8/L.13 | 3 | Promotion of the right of peoples to peace |
| A/HRC/8/L.14 | 3 | Human rights of migrants: mandate of the Special Rapporteur on the human rights of migrants |
| A/HRC/8/L.15 | 1 | Appointment of special procedures mandate holders |
| A/HRC/8/L.15/Add.1 | 1 | Appointment of special procedures mandate holders |
| A/HRC/8/L.16 | 3 | Human rights and extreme poverty |
| A/HRC/8/L.17 | 3 | Special Rapporteur on trafficking in persons, especially women and children |
| A/HRC/8/L.18 | 3 | Elimination of discrimination against persons affected by leprosy and their family members |

Documents issued in the Government series

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|---------------|--------------------|---|
| A/HRC/8/G/1 | 6 | Letter dated 10 April 2008 from the Permanent Representative of Argentina to the President of the Human Rights Council |
| A/HRC/8/G/2 | 1 | Letter dated 24 April 2008 from the Ambassador and Permanent Representative of Pakistan addressed to the President of the Human Rights Council |
| A/HRC/8/G/3 | 6 | Letter dated 16 April 2008 from the Ambassador and Permanent Representative of Mauritius addressed to the President of the Human Rights Council |
| A/HRC/8/G/4 | 7 | Note verbale dated 13 May 2008 from the Permanent Mission of the Syrian Arab Republic to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights and the President of the Human Rights Council |
| A/HRC/8/G/5 | 2 | Letter dated 16 May 2008 from the Permanent Representative of Cyprus to the United Nations Office at Geneva addressed to the President of the Human Rights Council |
| A/HRC/8/G/6 | 3 | Note verbale dated 30 May 2008 from the Permanent Representative of the Philippines addressed to the President of the Human Rights Council |
| A/HRC/8/G/7 | 5 | Note verbale dated 29 May 2008 from the Permanent Mission of Switzerland addressed to the Secretariat of the Human Rights Council |
| A/HRC/8/G/8 | 7 | Letter dated 5 June from the Permanent Representative of Israel to the United Nations Office at Geneva addressed to the President of the Human Rights Council |
| A/HRC/8/G/9 | 3, 4 | Note verbale dated 10 June 2008 from the Permanent Mission of Sri Lanka to the United Nations Office at Geneva addressed to the Secretariat of the Human Rights Council |

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| A/HRC/8/G/10 | 7 | Note verbale dated 11 June 2008 from the Permanent Mission of the Syrian Arab Republic to the United Nations Office at Geneva addressed to the United Nations High Commissioner for Human Rights and the President of the Human Rights Council |
| A/HRC/8/G/11 | 4 | Note verbale dated 13 June 2008 from the Permanent Mission of the Sudan to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights |

Documents issued in the non-governmental organizations series

| <i>Symbol</i> | | <i>Agenda item</i> |
|---------------|---|---|
| A/HRC/8/NGO/1 | 3 | Written statement submitted by the International Indian Treaty Council (IITC), a non-governmental organization in special consultative status |
| A/HRC/8/NGO/2 | 3 | Joint written statement submitted by Assembly of First Nations-National Indian Brotherhood (AFN), the International Indian Treaty Council (IITC), the International Organization of Indigenous Resource Development (IOIRD) and the Native Women's Association of Canada, non-governmental organizations in special consultative status |
| A/HRC/8/NGO/3 | 3 | Joint written statement submitted by the Assembly of First Nations-National Indian Brotherhood (AFN), the International Indian Treaty Council (IITC), the International Organization of Indigenous Resource Development (IOIRD), the Indigenous World Association (IWA) and the Native Women's Association of Canada, non-governmental organizations in special consultative status |
| A/HRC/8/NGO/4 | 3 | Written statement submitted by the Nippon Foundation, a non-governmental organization on the Roster |

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| A/HRC/8/NGO/5 | 3 | Joint written statement submitted by Stichting Oxfam International (OI), a non-governmental organization in general consultative status, ActionAid International, Amnesty International (AI), EarthRights International, International Commission of Jurists (ICJ), International Federation of Human Rights Leagues (FIDH), Human Rights Watch (HRW), Tides Center, non-governmental organizations in special consultative status, Friends of the Earth International (FOEI) and Women's Environment and Development Organization (WEDO), non-governmental organizations on the Roster |
| A/HRC/8/NGO/6 | 5 | Joint written statement submitted by International Save the Children Alliance and World Vision International (WVI), non-governmental organizations in general consultative status, and Kindernothilfe-Help for Children in Need, SOS Kinderdorf International (SOS-KDI) and World Organisation against Torture, non-governmental organizations in special consultative status, and Plan International, Inc, a non-governmental organization on the Roster |
| A/HRC/8/NGO/7 | 4 | Joint written statement submitted by France Libertés: Fondation Danielle Mitterrand, a non-governmental organization in special consultative status, and Mouvement contre le racisme et pour l'amitié entre les peuples (MRAP), a non-governmental organization on the Roster |
| A/HRC/8/NGO/8 | 3 | Joint written statement submitted by Amnesty International (AI), a non-governmental organization in special consultative status |

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| A/HRC/8/NGO/9 | 3 | Joint written statement submitted by Friends World Committee for Consultation (Quakers) (FWCC), International Movement ATD Fourth World, World Vision International (WVI), non-governmental organizations in general consultative status, ECPAT International, Foster Care Organization International, International Federation of Social Workers (IFSW), International Social Service (ISS), SOS Kinderdorf International (SOS-KDI), World Organisation against Torture, non-governmental organizations in special consultative status, International Federation of Educative Communities, and Plan International, Inc., non-governmental organizations on the Roster |
| A/HRC/8/NGO/10 | 3 | Written statement submitted by Amnesty International (AI), a non-governmental organization in special consultative status |
| A/HRC/8/NGO/11 | 4 | Written statement by International Educational Development, Inc. (IED), a non-governmental organization on the Roster |
| A/HRC/8/NGO/12 | 3 | Written statement submitted by Amnesty International (AI), a non-governmental organization in special consultative status |
| A/HRC/8/NGO/13 | 3 | Written statement submitted by the Japanese Workers' Committee for Human Rights (JWCHR), a non-governmental organization in special consultative status |
| A/HRC/8/NGO/14 | 6 | Written statement submitted by Bahrain Women Association (BWA), a non-governmental organization in special consultative status |
| A/HRC/8/NGO/15 | 6 | Written statement submitted by the World Organisation against Torture, a non-governmental organization in special consultative status |
| A/HRC/8/NGO/16 | 4 | Written statement submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status |

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| A/HRC/8/NGO/17 | 6 | Written statement submitted by the Japanese Federation of Bar Associations (JFBA), a non-governmental organization in special consultative status |
| A/HRC/8/NGO/18 | 3 | Joint written statement submitted by Amnesty International (AI), Association for the Prevention of Torture (APT), International Commission of Jurists (ICJ), International Federation of ACAT (Action by Christians for the Abolition of Torture - FIACAT), International Rehabilitation Council for Torture Victims (IRCT), and World Organisation against Torture, non-governmental organizations in special consultative status |
| A/HRC/8/NGO/19 | 3 | Written statement submitted by International Cooperation for Development and Solidarity (CIDSE), a non-governmental organization in general consultative status |
| A/HRC/8/NGO/20 | 3 | Joint written statement submitted by the Global Alliance against Traffic in Women (GAATW), and Anti-Slavery International, non-governmental organizations in special consultative status |
| A/HRC/8/NGO/21 | 4 | Written statement submitted by Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs and International Movement of Catholic Students), a non-governmental organization in special consultative status |
| A/HRC/8/NGO/22 | | Joint written statement submitted by the European Roma Rights Centre (ERRC), a non-governmental organization in special consultative status, and Mouvement contre le racisme et pour l'amitié entre les peuples (MRAP), a non-governmental organization on the Roster |
| A/HRC/8/NGO/23 | 6 | Exposé écrit présenté par la Fédération Internationale de l'ACAT (Action des Chrétiens pour l'Abolition de la torture - FIACAT), organisation non gouvernementale dotée du statut consultatif spécial |

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| A/HRC/8/NGO/24 | 3 | Written statement submitted by December 18 vzm, a non-governmental organization in special consultative status |
| A/HRC/8/NGO/25 | 3 | Written statement submitted by the Asian Legal Resource Centre (ALRC), a non-governmental organization in general consultative status |
| A/HRC/8/NGO/26 | 3 | Written statement submitted by the Asian Legal Resource Centre (ALRC), a non-governmental organization in general consultative status |
| A/HRC/8/NGO/27 | 3 | Written statement submitted by the Asian Legal Resource Centre (ALRC), a non-governmental organization in general consultative status |
| A/HRC/8/NGO/28 | 3 | Exposé écrit conjoint présenté par le Mouvement Internationale de la Jeunesse et des Etudiants pour les Nations Unies, organisation non gouvernementale dotée du statut consultatif général, Ligue internationale des femmes pour la paix et la liberté (LIFPL), organisation non gouvernementale dotée du statut consultatif spécial, et le Mouvement contre le racisme et pour l'amitié entre les peuples (MRAP), organisation non gouvernementale inscrite sur la Liste |
| A/HRC/8/NGO/29 | 3 | Written statement submitted by the Norwegian Refugee Council (NRC), a non-governmental organization in special consultative status |
| A/HRC/8/NGO/30 | 3 | Written statement submitted by the FoodFirst Information and Action Network (FIAN), a non-governmental organization on the Roster |
| A/HRC/8/NGO/31 | 3 | Exposición escrita presentada por la Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos, organización no gubernamental reconocida como entidad consultiva especial |
| A/HRC/8/NGO/32 | 3 | Exposición escrita presentada por la Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos, organización no gubernamental reconocida como entidad consultiva especial |

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| A/HRC/8/NGO/33 | 3 Joint written statement submitted by International Alliance of Women (IAW), Commission of the Churches on International Affairs of the World Council of Churches (CCIA/WCC), Women's Federation for World Peace International (WFWPI), Brahma Kumaris World Spiritual University (BKWSU), International Association of Soldiers for Peace, Zonta International, International Federation of Settlements and Neighbourhood Centres (IFS), International Council Of Women (ICW-CIF), World Association of Girl Guides and Girl Scouts (WAGGGS), World Young Women's Christian Association (World YWCA), World Federation of United Nations Associations, International Federation of Business and Professional Women (IFBPW), non-governmental organizations in general consultative status, Conscience and Peace Tax International (CPTI), Dominicans for Justice and Peace (Order of Preachers), Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos, Interfaith International, Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs and International Movement of Catholic Students), Temple of Understanding (TOU), Women's International League for Peace and Freedom (WILPF), Women's World Summit Foundation (WWSF), World Organisation against Torture, International Federation of University Women (IFUW), Femmes Africa Solidarité (FAS), Lutheran World Federation (LWF), Worldwide Organization for Women (WOW), Anglican Consultative Council (ACC), Union of Arab Jurists, Asian Forum for Human Rights and Development (FORUM-ASIA), Rencontre Africaine pour la Defense des Droits de l'Homme (RADDHO), Foundation for the Refugee Education Trust (RET), International Bridges to Justice Inc. (IBJ), Inter-African Committee on Traditional Practices Affecting the Health of Women and Children (IAC), International Association for the Defence of Religious Liberty, American Association of Jurists (AAJ), Lassalle-Institut, UNESCO Centre of Catalonia, Anti-Racism Information Service (ARIS), Peter Hesse Stiftung Foundation, Colombian Commission of Jurists (CCJ), Pan Pacific and South East Asia |

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Women's Association (PPSEAWA), Ius Primi Viri International Association (IPV), Permanent Assembly for Human Rights (APDH), International Movement for Fraternal Union Among Races and Peoples (UFER), Women's International Zionist Organization (WIZO), International Federation of Women Lawyers (FIDA), International Federation of Women in Legal Careers (FIFCJ), Canadian Federation of University Women (CFUW), International Association for Women's Mental Health (IAWMH), European Union of Women (EUW), European Women's Lobby, International Women's Year Liaison Group (IWYLG), African Services Committee, Inc., International Federation of Family Associations of Missing Persons from Armed Conflict (IFFAMPAC), Institute of International Social Development, African Action on AIDS, International Society for Traumatic Stress Studies (ISTSS), Lama Gangchen World Peace Foundation (LGWPF), Pax Christi International-International Catholic Peace Movement, MADRE (International Women Human Rights Organization), the Syriac Universal Alliance (SUA), Tandem Project, Al-Hakim Foundation, Canadian Voice of Women for Peace (VOW), International Association of Schools of Social Work (IASSW), Organization for Defending Victims of Violence (ODVV), Solar Cookers International (SCI), Women's Welfare Centre (WWC), Medical Women's International Association (MWIA), World Federation for Mental Health (WFMH), The Salvation Army, United States Federation for Middle East Peace, Susila Dharma International Association Inc. (SDIA), Network Women in Development Europe, Congregation of Our Lady of Charity of the Good Shepherd, International Council of Jewish Women (ICJW), Joan B. Kroc Institute for Peace and Justice (IPJ), Grail, Nord-Sud XXI, Andean Commission of Jurists (ACJ), Korean Institute for Women and Politics (KIWP), non-governmental organizations in special consultative status, Institute for Planetary Synthesis (IPS), International Peace Bureau (IPB), International Women's Tribune Centre (IWTC), International Society for Human Rights (ISHR), UNESCO Centre Basque Country (UNESCO ETXEA), 3HO Foundation Inc. (Healthy, Happy, Holy

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| | | Organization, Inc.), Dzeno Association, Country Women Association of Nigeria (COWAN), and SERVAS International, non-governmental organizations on the Roster |
| A/HRC/8/NGO/34 | 4 | Written statement submitted by Interfaith International, a non-governmental organization in special consultative status |
| A/HRC/8/NGO/35 | 3 | Written statement submitted by Peace Worldwide, a non-governmental organization in special consultative status |
| A/HRC/8/NGO/36 | 4 | Written statement submitted by Asian Forum for Human Rights and Development (FORUM-ASIA), a non-governmental organization in special consultative status |
| A/HRC/8/NGO/37 | 3 | Written statement submitted by Pax Christi International - International Catholic Peace Movement, a non-governmental organization in special consultative status |
| A/HRC/8/NGO/38 | 4 | Written statement submitted by the International Federation of Human Rights Leagues (FIDH), a non-governmental organization in special consultative status |
| A/HRC/8/NGO/39 | 3 | Joint written statement submitted by Amnesty International (AI), Centre on Housing Rights and Evictions (COHRE), FoodFirst Information and Action Network (FIAN), ActionAid International, International Federation of Human Right Leagues (FIDH), and Baha'i International Community, non-governmental organizations in special consultative status |
| A/HRC/8/NGO/40 | 3 | Written statement submitted by International Educational Development, Inc. (IED), a non-governmental organization on the Roster |
| A/HRC/8/NGO/41 | 3 | Written statement submitted by Cairo Institute for Human Rights Studies (CIHRS), a non-governmental organization in special consultative status |

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| A/HRC/8/NGO/42 | 6 | Written statement submitted by Cairo Institute for Human Rights Studies (CIHRS), a non-governmental organization in special consultative status |
| A/HRC/8/NGO/42/Corr.1 | 6 | Corrigendum |
| A/HRC/8/NGO/43 | 3 | Written statement submitted by the Cairo Institute for Human Rights Studies (CIHRS), a non-governmental organization in special consultative status |
| A/HRC/8/NGO/44 | 6 | Written statement submitted by Cairo Institute for Human Rights Studies (CIHRS), a non-governmental organization in special consultative status |
| A/HRC/8/NGO/45 | 3 | Written statement submitted by the Center for Human Rights and Environment, a non-governmental organization in special consultative status |
| A/HRC/8/NGO/46 | 3 | Written statement submitted by the International Fellowship of Reconciliation (IFOR), a non-governmental organization in special consultative status |
| A/HRC/8/NGO/47 | 4 | Written statement submitted by Amnesty International (AI), a non-governmental organization in special consultative status |

Documents issued in the national institutions series

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| A/HRC/8/NI/1 | 3 | Information presented by the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan: note by the Secretariat |
| A/HRC/8/NI/2 | 3 | Information presented by the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan: note by the Secretariat |
| A/HRC/8/NI/3 | 3 | Information presented by the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan: note by the Secretariat |

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A/HRC/8/NI/4

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Information presented by the German Institute for Human Rights, the National Consultative Commission on Human Rights of France, the National Commission for Human Rights of Togo and the Uganda Human Rights Commission: note by the Secretariat

ANNEX V

**List of special procedures mandate holders
appointed at the eighth session**

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Frank William La Rue Lewy (Guatemala)

Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

Anand Grover (India)

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

Githu Muigai (Kenya)

Special Rapporteur on trafficking in persons, especially in women and children

Joy Ngozi Ezeilo Emekekwe (Nigeria)

Working Group on people of African descent

Maya Sahli (Algeria)

Working Group on Arbitrary Detention

Shaheen Sardar Ali (Pakistan)

Independent expert appointed by the Secretary-General on the situation of human rights in Haiti

Michel Forst (France)

ANNEX VI

List of members appointed to the expert mechanism on the rights of indigenous peoples and the forum on minority issues

1. Indigenous peoples

Catherine Odimba Kombe (Congo)

José Mencio Molintas (Philippines)

Jannie Lasimbang (Malaysia)

José Carlos Morales Morales (Costa Rica)

John Bernard Henrikson (Norway)

2. Minority issues

Viktoria Mohasci (Hungary)
